Permit Review Process
&
Permit Decision Guarantee

Department of Environmental Protection
Nov. 20, 2012

Dial-in number for audio is: 1-877-668-4493
Access code: 645 609 642
Today’s Speakers

Hayley Book
Director, Office of Program Integration

Ali Tarquino-Morris
Chief, Program Development and Support

Laura Henry
Solid Waste Program Specialist, Program Development and Support
1. Review of how PRP/PDG applies to waste permitting; checklists and SOPs; next steps

2. Questions & Comments

Note: WebEx Technical Support is available at 866-229-3239
Executive Order 2012-11

Directed DEP to Standardize:

- Permit review process
- Processing times for certain permits
How does this change affect applicants?

- Demands higher quality, technically adequate applications.
- Eliminates permit review “back-and-forth.”
- Improves clarity and consistency across regions and programs.
- Articulates clear expectations.
Municipal and Residual waste permits including:

- General Permits
- Minor modifications to individual permits
- Major modifications to individual permits
- Waste stream processing/disposal approvals

*for a detailed list please see Appendix A of the Policy
Waste Permits Not Currently in PDG

• Individual permits for new municipal or residual waste facilities
• Major modifications to municipal or residual waste individual permits that include a capacity or footprint change
• Hazardous waste permits and authorizations
• Waste hauler authorizations
PDG Processing Times

• General Permits:
  New or Renewal: 143 days
  Registration or Modification to: 43 days
  DOA or Modification to: 86 days
  Modification to original: 100 days

• Major modifications: 186 days

*NOTE: all processing times are expressed in business days
• Minor Modifications
  Landfill: 143 days
  Resource Recovery, Transfer, Processing or Composting Facility: 100 days

• Processing/Disposal Approvals
  Without RAD material: 11 days
  With RAD material: 33 days
Applicants are strongly encouraged to schedule meetings to:

• Ensure communication between applicant and DEP.
• Promote and improve the applicant’s awareness of permitting procedures.
• Allows DEP, the applicant and consultants to discuss project details/clarify requirements.
Permit Checklists

• Used as a tool during pre-application meetings.
• Attached to existing permitting forms where possible
• Accessible on eLibrary and the DEP website
• Should be signed and submitted with the permit application or the application may be considered incomplete and ineligible for PDG.
## Permit Checklists

### Standard Permit Forms

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SOPs

• For all permits currently included in PDG
• Contain procedures for staff to follow during PRP.
• Intended to create consistency in the review process across Regions.
• Include provisions of PDG, but overall process to be followed for all permit reviews regardless of inclusion in PDG.
• Posted on the DEP website
SOPs

- Receipt of Application
- Correspondence with the Applicant
- Coordination and Prioritization
- Completeness Review
- Technical Review
- Possible Elevated Review
- Permit Decision
- Post Decision
Permit Prioritization

Permits no longer reviewed on a “first-in-first-out basis.” Priority given to:

- Protection of public health, safety or environment from imminent threats.
- Economic development projects that create and/or retain jobs, leverage private investment and/or provide significant economic benefit.
Applications do not qualify for PDG until they are considered complete and accepted.

Completeness review timeframes vary due to regulatory requirements.

PDG timeframe begins after Completeness Review is finished and application is complete.

Incomplete applications are denied and Applicant will be required to resubmit.
• Incomplete applications
• Deficiency letter sent to Applicant.
• Applicant has 90 calendar days from the date of the deficiency letter to respond.
• DEP will review additional information and accept or deny the permit as appropriate.
• Requires a complete application that is “accepted by DEP”.
• One deficiency (strike) removes the application from the guarantee.
• Technical deficiency letter sent to Applicant.
Applicant must respond to the technical deficiency letter within specified timeframes (expressed in calendar days):

- GPs - 15 days (Registrations, DOAs and modifications to each) OR 60 days (New, Renewals, modifications to)
- Processing/disposal approval – 5 days
- Minor modifications – indicated in deficiency letter
- Major modifications – 60 days
“Two Strikes” Policy

• Triggered after a response to a Technical Deficiency Letter still fails to meet the applicable requirements.

• Once triggered, requires consultation between DEP Program Manager/Regional Director to determine appropriate action.
Elevated Review

• May involve Regional Director.
• Must be completed in 15 business days of initiation of the process.
• May require meeting with the Applicant.
• Course of action for permit decision is determined during process.
• If no resolution, may be elevated to Bureau Director.
Permit Decision

• If included in PDG, should be made within timeframes outlined in Appendix A.
• SOPs outline actions for all permit reviews regardless of inclusion in PDG.
• If denied, application is returned; application fee non-refundable.
• Applicant may re-apply, but application will be treated as new.
Permit Decision

- If DEP surpasses PDG timeframe, application is prioritized as next actionable item.
- Program Manager and Regional Director will review.
- Decision must be made within 5 business days.
- If no decision in 5 business days, meet with Secretary.
Post Decision

- eFACTS entry
- Publish notice of action in Pa Bulletin, if necessary.
- Post permit to DEP website, if necessary.
- Distribute comment-response document, if necessary.
- File
Possible Processing Delays

• Resolution of outstanding violations or compliance actions.
• Required approvals/coordination with other state, federal or municipal agencies.
• Complex modeling, risk assessments or harms-benefits analysis.
• Need for additional public input/comment.
• Applications affected by a judicial action.
Next Steps

• “Went live” Wednesday, November 14th
• Reviewing permits under new policy
• Evaluate effectiveness of Checklists and SOPs
• Begin drafting checklists and SOPs for permits not currently included in PDG
• Eliminate the Queue
Eliminating the Queue

• “The Queue” contains pending permit applications received before July 24th.
• “On the clock” under MBG
• “Off the clock” under MBG
• No more than 2 deficiency letters will be sent.
• Central Office is tracking progress
• Goal to “eliminate the queue” by July 31, 2013
For more information, visit [www.dep.state.pa.us](http://www.dep.state.pa.us)

Click on the Permit Decision Guarantee button.
Questions?
Ali Tarquino-Morris
BWM Program Development & Support
(717)783-2388
altarquino@pa.gov