

**Standard Operating Procedure (SOP)¹ for Clean Water Program
Review of Act 537 Plan, Act 537 Update Revision, and Minor Update Revision
SOP No. BPNPSM-PLNG-007
Final, June 11, 2014
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Version 1.1**

This SOP describes the procedures by which the Clean Water Program will review and process Official Sewage Facilities Plans, Official Sewage Facilities Plan Update Revisions, and Official Sewage Facilities Plan Minor Update Revisions, otherwise known as Official Plans or Act 537 Plans (Plan), Official Plan Update Revisions or Act 537 Update Revisions (Plan Update) and Act 537 Minor Update Revisions (Minor Update Revision). A Minor Update Revision can be a Sewage Facilities Planning Module Component 2m for a Sewage Management Program (SMP) (C-2m) or a Component 3m for Municipal or Authority Sponsored Minor Sewage Collection Project (C-3m). The SOP is organized sequentially by activities that will be completed. The functional roles that are responsible for the activity are identified with the name of the activity.

This SOP is intended to comply with the Department of Environmental Protection's (DEP) Policy for Implementing DEP's Permit Review Process and Permit Decision Guarantee (021-2100-001) ("PDG Policy"). Plans, Plan Updates, and Minor Update Revisions **ARE NOT** part of the PDG.

The Pennsylvania Sewage Facilities Act, commonly known as Act 537 (the "Act"), and DEP's regulation, 25 Pa. Code §71.32, are silent on the time frame for DEP to conduct a completeness review on a Plan, Plan Update, or Minor Update Revision except that DEP's regulation, 25 Pa. Code §71.32(b), states in part that DEP will act on a complete official plan or official plan revision within 120 days after DEP has determined that it is complete. DEP's regulation, 25 Pa. Code §71.32(a), states in part that no official plan or official plan revision will be considered complete by the Department unless it contains the information and supporting documentation required by the Department, including those items required by 25 Pa. Code §71.31. The only way DEP will be able to determine if a submission meets this requirement is to conduct a completeness review. Section 5(e)(2) of the Act, states in part that DEP shall determine if a submission is complete within 10 working days of its receipt.

NOTE: The term "application" as used in this SOP only, refers to all Plans, Plan Updates and Minor Update Revisions.

NOTE: The term "Plan" as used in this SOP only, refers to the Act 537 Official Sewage Facilities Plan of the municipality and not a county sewage plan adopted by a municipality.

NOTE: Although this SOP makes reference to Sewage Facilities Planning Supervisors (Planning Supervisors), it is duly noted here that not every Region has a Planning Supervisor. If a Planning Supervisor does not exist, the Sewage Facilities Planning Chief (Planning Chief) will implement the steps in this SOP assigned to the Planning Supervisor.

NOTE: It is noted that where District Offices exist and Plans, Update Revisions and Minor Update Revisions are mailed directly to the District Offices by the municipality, they will continue to be mailed directly to the District Offices. There is no intent to change that procedure.

¹ **DISCLAIMER:** The process and procedures outlined in this SOP are intended to supplement existing requirements. Nothing in the SOP shall affect regulatory requirements. The process, procedures and interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in this SOP that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

I. Decision to Develop a Plan, Plan Update or Minor Update Revision and Pre-Application Procedures (Municipality and DEP)

Municipalities are required to develop and implement comprehensive Official Plans. A municipality may revise their Official Plan in its entirety with a Plan Update Revision or may revise a small, specific area of their Plan with a Minor Update Revision. A Minor Update Revision - Component 2m (C-2m) may be submitted for the development of a sewage management program (SMP) if there are no other needs in the municipality that would require a Plan Update. A Minor Update Revision - Component 3m (C-3m) may be submitted for a small, specific area of the municipality or specific collection, conveyance or treatment facility. The municipality cannot submit a Minor Update Revision if it does not have an Official Plan.

NOTE: Minor Update Revisions have restrictions. A municipality must have an adequate Official Plan in place in order to be able to utilize a Minor Update Revision. An adequate Official Plan does not refer to an outdated 30 year old plan nor does it refer to a county-wide sewer plan adopted by the municipality when the Act came into being. Minor Update Revisions are not to be used to plan for an entire village sewer system which should be planned for under a C-3 (Plan Revision) or a Plan Update (Act 537 Update Revision). Minor Update Revisions are appropriate for projects that:

- **are intended to initially serve only existing development;**
- **the municipality has not made a firm commitment to implement and no significant milestones are established within 5 years of base plan approval;**
- **are deemed to deviate significantly from what was previously approved.**

The onset of this planning process can be triggered by any of the following:

- A. Municipal decision – if a municipality determines their Plan is inadequate to meet the existing or future sewage disposal needs of the municipality or portion thereof.
- B. DEP Requirement or Order – if DEP determines the Plan is inadequate to meet existing or future sewage disposal needs of the municipality or portion thereof, or the existing Plan is no longer implementable due to a change in circumstances, DEP notifies the municipality in writing of the reasons the Plan or Plan Update is necessary, the minimum Plan contents, the time limitations for Plan completion (usually 120 days), and the status of the existing Plan.

NOTE: Corrective Action Plans (CAPs) under Chapter 94 and the fulfillment of the CAP requirements are not in and of themselves a means of sewage facilities planning. A CAP does not necessarily address all Act 537 planning requirements. It is also worth noting that CAPs may have different pre-submission requirements that differ from this SOP.

- C. Private request – a resident of or property owner in a municipality may request DEP to order the municipality to revise or implement its Plan. This can only happen if the individual already submitted a written demand to the municipality to revise or implement its Plan and the municipality refused to act on the demand in writing or failed to respond at all to the individual.

Once the decision has been made to develop a Plan, Plan Update or Minor Update Revision, the municipality should contact DEP to schedule a pre-application meeting. It can be at this time that the Planning Chief may want to assign an application manager to the project as in Step IV.C, unless the work load is divided up by geographic area. This is also the time that the Planning Chief may have to skip to Step IV.A and provide input into what other staff or programs should attend the pre-application meeting.

The application manager, assigned to the Plan, or either to the geographic area that the Plan covers, sets up the initial meeting and maintains communication with the municipality and the municipality's representative(s) through the entire process. Municipal officials, municipal or sewer authority members, engineers and/or consultants, and other specialists should be in attendance at the pre-application meeting. The goal of the pre-

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application meeting is for all parties to understand what type of application should be submitted to DEP and what should be included in it. The meeting should cover:

- A. What the municipality would like to include in the Plan.
- B. What DEP will require in the Plan using the “Act 537 Plan Content and Environmental Assessment Checklist” (“Assessment Checklist”) (**Document No. 3800-FM-BPNPSM0003**), the C-2m checklist letter (form letter **Plng-2B**) or the C-3m checklist letter (form letter **Plng-2D**).
- C. What specific sewage facility planning costs are eligible for a 50% reimbursement planning grant.
- D. The study areas within the municipality and what level of planning is required for each area.
- E. Explanation and coordination of the Plan with Federally funded sewage facilities planning, the “Uniform Environmental Review (UER)” process, the need to address nutrient trading in the “Task/Activity Report (T/AR)” and Plan itself, if applicable, and a discussion of how the municipality plans to fund the implementation of the Plan.

NOTE: The application manager should refer to the SOP for Clean Water and Drinking Water State Revolving Fund Programs; Review of Projects for PENNVEST Funding for further information on advising the municipality and the municipality’s representative(s) concerning PENNVEST funding opportunities and application requirements. The application manager should encourage the municipality to request a Categorical Exclusion, if applicable, for application simplicity.

- F. Distribution of any sources of information the municipality would find helpful, i.e., “A Guide for Preparing Act 537 Update Revisions” (Blue Book – Document No. 362-0300-003), “Sewage Disposal Needs Identification” (Gold Book – Document No. 3800-BK-DEP1949), SMP development guidance, UER guidelines, etc.
- G. Explanation of the submission and content of the T/AR and an explanation as to its significance in beginning the process of tracking planning costs eligible for reimbursement.

Notes about the Plan and the development process emanating from phone calls, emails and meeting minutes should be kept in a file designated for the Plan, Plan Update or Minor Update Revision.

It may become apparent during the pre-application meeting that additional meetings are warranted either with other staff from DEP for permit coordination and/or representatives from another municipality, if the Plan will be a multi-municipal Plan or somehow impact another municipality. These meetings can be coordinated by the application manager.

In the event of large scale, multi-program projects, controversial or high-priority economic development projects, the meeting should be coordinated by the Assistant Regional Director (ARD). The project’s applicant, applicant’s consultant, DEP’s Regional Director, staff from the applicable programs, other involved municipalities and their representatives, legal staff (if necessary), and municipal or sewer authority members (if applicable) should be invited. A large scale meeting such as this is called the pre-application conference in the PDG Policy. The pre-application conference is a meeting that goes beyond sewage facilities planning, into the permitting requirements for the project. The pre-application conference should explain the various regulatory requirements involved, or may potentially be involved, and how they interrelate. An explanation of the sequence of events that the applicant should perform prior to the plan submission will aid the applicant in submitting a complete, technically adequate application and thereby reduce review times.

II. Task/Activity Report - Assignment of Application Manager, Preliminary Data Management, Review and Decision on T/AR (Administrative Staff, Application Manager, Planning Supervisor and Planning Chief)

NOTE: Although Step II.A below refers to administrative staff performing the data management steps in this SOP, Regional or District Office personnel assignments may be different.

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- A. Prior to preparation of a new Plan, Plan Update or Minor Update Revision, a T/AR or other type of document should be prepared to determine which of the planning elements in 25 Pa. Code §71.21 are necessary to meet the specific needs of the municipality. The T/AR should be submitted to DEP detailing the specific activities and cost/time estimates for the Plan. The submission of the T/AR is necessary for the municipality to apply for an Act 537 planning grant once the plan is approved. In addition, the submission and approval of the T/AR is necessary for the municipality to apply for a Commonwealth Financing Authority (CFA) grant, which is a grant to help fund the development of the Act 537 Plan.

NOTE: If during the planning process the municipality (or municipal or sewer authority) realizes that the original approved T/AR is inadequate in estimated costs or scope of work, the municipality (or municipal or sewer authority) shall submit an updated T/AR for DEP approval. The modified T/AR will go through the same review as the original T/AR.

When the T/AR is submitted to DEP, administrative staff will promptly:

1. Record the month, day, and year received (authorization received date) on the T/AR and any loose attachments. Recording the time is optional.
 2. Route the T/AR to the Planning Supervisor.
- B. The Planning Supervisor as soon as possible will:
1. Assign the T/AR to a Sewage Planning Specialist (SPS) or a Planning Engineer, who will serve as the application manager for the project. Note that the application manager may have already been assigned to the project during Step I of this SOP.
 2. Assign a due date for the review of the T/AR.
- C. The application manager will review the T/AR for completeness and technical accuracy. The application manager will assess the following:
1. Specific activities that will be included in the Plan should be listed in alignment with the Assessment Checklist in Appendix A.
 2. The cost/time estimates should be broken down only to the major planning elements listed in roman numerals and capital letters in the "General Plan" section of the Assessment Checklist.
 3. Additional detailed estimates for other planning elements may be included if high costs or long completion times are anticipated.
 4. Review the narrative of the planning area, assessing the approach/methodology which will be utilized to adequately address the major planning elements.
 5. Review the map of the planning area.
 6. Screen out costly or unnecessary activities or planning elements already completed in a previous Plan.
 7. Assess if the T/AR is in alignment with the pre-planning meeting and/or conference. If anything new is included in the T/AR, assess the need of involving other staff members of DEP or the need for another pre-planning meeting or conference.

NOTE: If at any time during the development of the Plan, costs or tasks change, these changes must be submitted to and approved by DEP as a revised T/AR.

- D. T/AR Decision

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1. If the T/AR is administratively incomplete, the application manager will make a decision as to whether the deficiencies are significant or insignificant:
 - a. If the deficiencies are determined to be insignificant (i.e., an item that in the application manager's judgment can be corrected within a reasonable amount of time), the application manager will contact the municipality, the authority or the consultant by phone to explain the deficiency and offer them the opportunity to submit the necessary materials informally to make the application complete. It is up to the discretion of the application manager as to the amount of time to give them to submit the necessary information. The application manager may or may not (at the application manager's discretion) follow up the phone call with an email to the municipality, the authority or the consultant.

All contacts made to resolve completeness issues should be fully documented on or attached to the route sheet and retained with the application file.

After the necessary materials have been received (receipt by email or fax is acceptable), the application manager will review them.

- i. If the requested items are adequate, and the T/AR can be considered complete, the application manager will proceed to Step II.D.2.
 - ii. If the requested items are not adequate, the application manager will prepare and issue an **administratively incomplete** letter as noted in Step II.D.1.b. below.
 - b. If the deficiencies are determined to be of a more significant or complicated nature, such that a significant amount of response time would be necessary to correct the deficiency(s), the T/AR submission should be considered administratively incomplete. The application manager will prepare for the Planning Chief's signature, an **administratively incomplete** letter (form letter **Plng-4**). It will be addressed to the municipality or authority and will specify where the T/AR application failed to provide the information necessary for DEP to make an adequate decision. The letter will include specific statutory and regulatory citations, as well as citing application instructions and guidance language where necessary. The letter should be reviewed by the Planning Supervisor prior to being signed by the Planning Chief. Copies of the letter will be forwarded to all applicable: the municipality or the municipal or sewer authority, the local agency, the consultant/engineer, the SPS, the Planning Engineer, the Planning Supervisor, the Planning Chief, DEP Central Office and the Regional or District file.
2. If the T/AR is considered administratively complete, the application manager will prepare for Planning Chief signature, a letter to the municipality or authority approving the (original) T/AR or approving the (modified) T/AR (form letter **Plng-7F** or **Plng-7G**). If any of the costs have been adjusted by the application manager for being ineligible, the reasons will be stated in the letter and the adjusted cost figure will be clearly stated. The letter should include a date that DEP expects to receive the Plan based on the anticipated submission date provided in the T/AR. If the Plan is being developed due to a DEP Order, the expected date of receipt of the Plan should be the same date as in DEP's Order. (Usually a 120 day completion time limit or similar is granted to municipalities under order from DEP to complete the Plan.) If the municipality has voluntarily decided to develop the Plan, there is no time limit for completion, although an estimated date is usually agreed upon as a target receipt date. The letter will be reviewed by the Planning Supervisor prior to being signed by the Planning Chief. Copies of the letter should be forwarded to all applicable: the municipality or the municipal or sewer authority, the local agency, the consultant/engineer, the SPS, the Planning Engineer, the Planning Supervisor, the Planning Chief, DEP Central Office (Division of Planning and Permits) and the Regional or District file.

- E. The application manager should keep track of the date that the Plan is due to DEP. Communication with the municipality (and/or the municipality's authorized representative(s)) during the Plan development is strongly suggested to assess if municipal work is on track. This communication serves to emphasize that DEP expects the municipality to finish, adopt and implement their Plan.

III. Preliminary Data Management (Administrative Staff and/or Application Manager)

The timeline for DEP to review a Plan, Plan Update or Minor Update Revision is:

- Completeness review – 10 working days from its receipt. Steps III – V should be completed within these 10 working days.
- Technical review – Within 120 calendar days from the end of the completeness review. These reviews can qualify for a 60 calendar day extension beyond the initial 120 calendar day review time. Steps VI – VIII should be completed prior to the 120 calendar days so that the municipality receives DEP's final decision by or on the 120th calendar day. It is recommended that the letter is mailed to the municipality 5 working days prior to the 120th day. If a final decision cannot be reached within this time period, it is recommended that a review extension letter is mailed to the municipality 5 working days prior to the 120th day.

NOTE: Although Step III.A below refers to administrative staff performing the data management steps in this SOP, Regional or District Office personnel assignments may be different.

A. When a new Plan, Plan Update or Minor Update Revision (the "application") is received, administrative staff will promptly:

1. Record the month, day, and year received (authorization received date) on each application and any loose attachments. Recording the time is optional.
2. Attach a route sheet (form letter **Ping-1**), which will stay with the project file, to the application.
3. For C-2ms and C-3ms: If the SPS is handling the preliminary data management tasks, the SPS shall pull the checklist letter packet that was previously generated when the Application Mailer was received, and attach it to the application packet for historical reference and review.
4. Assign the application a "DEP Code Number", if applicable, or record the previously assigned "DEP Code Number" from DEP's checklist letter onto the route sheet and all copies of the application.

B. At this point, if the Regional or District Office policy is to have the application manager input the project into eFACTS, then administrative staff should route the application to the appropriate application manager for that area. Otherwise, administrative staff should continue with eFACTS entry, Step III.B.1.

1. The application will be properly entered into the eFACTS database according to [eFACTS guidance](#) on PRP/PDG, Sites and Clients. A diligent effort is expected in regards to cross referencing clients and sites so appropriate linking of records can occur and duplicate record entry is avoided. There should only be one APS ID record, the one for the original Official Plan. Additional Plan Updates, C-2m's and C-3m's will be entered under the original APS ID number and will receive a new Auth ID number. Any numbers or codes that eFACTS generates specific to the entry of the application will be recorded on the application itself. For instance, the creation of a C-3m record in eFACTS will generate an APS, Client, Site and Auth Id number that must be recorded on the module and route sheet for future reference.

NOTE: If the application will be linked to an already existing Site, and that existing Site had previously been denied, the status of that Site will be "Proposed But Not Materialized". The addition of a new authorization being linked to the existing Site does not automatically change the status of the Site back to "Active". You must bring up the existing Site and manually change the status back to "Active".

2. On the Applications Screen, Authorization Tab, General Tab. enter the date the application was received ("Recvd"), enter the date the staff creates the authorization ("Admin") and enter the lead reviewer ("Lead Review") as either the Planning Chief or if the Planning Chief already identified the application manager, then enter the assigned application manager (if the application manager is entering the eFACTS

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information, then they are the lead reviewer). In some offices, the application manager already has an assigned geographic area.

NOTE: The lead reviewer can be changed at any time and is, for the purpose of this SOP, also referred to as the “application manager.”

3. The application consultant's information should be input into eFACTS on the Application Screen, Authorization Tab, Consultant Tab. Consultants are tracked as clients in eFACTS. An existing client can be selected as the consultant or a new client can be created as the consultant.
4. On the Authorizations Screen: The Standard Task “Completeness Review (COMPL) Begin Date” should automatically populate with the authorization received date. Input the same date into the completeness review Subtask “B/E Completeness Review (COMPL) Begin Date”.
5. *Regional office staff (either administrative or application manager)* should fill out the route sheet and route the application to the Planning Chief. Specific office policy may require that any time the application changes hands, the application should go through the administrative staff for tracking purposes.

District office staff (application manager) should brief the Planning Chief weekly on the applications received so that the Planning Chief could assess coordination needs and prioritize the projects. In general, a weekly email to the Planning Chief that identifies applications received is acceptable.

IV. Coordination, Prioritization and Assignment of Application Manager (Planning Chief)

Once Step III is completed by administrative staff and/or application manager, the application will be routed to the Planning Chief. The Planning Chief as soon as possible will:

- A. Determine whether coordination with other applications or programs is required. If this is the case, the Planning Chief will note this on the application route sheet so that the application manager is aware of needed coordination.
- B. Prioritize the applications in accordance with the “Permit Review Hierarchy”, Section II.B of the PDG Policy. The Planning Chief will note on the application route sheet the hierarchy number as contained in the policy.

NOTE: If the Planning Supervisor is completing this step for a T/AR submittal, then return back to Step II.B of this SOP.

- C. Assign an application manager to the application unless this has been done previously. If the Planning Chief assigns the application manager or changes the application manager, then the Planning Chief will enter this information into eFACTS on the Application Screen, Authorizations tab, “Lead Review” section.
- D. If the Planning Chief determines that the processing time for technical review completion is different than the standard regulatory time frame of 120 calendar days, then the Planning Chief will record this date on the application route sheet. This processing time shall NOT include the completeness review time of 10 working days.
- E. Route the application to the application manager.

V. Completeness Review (Application Manager)

When the application manager receives the application from the Planning Chief, the application manager will:

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- A. For C-2m's and C-3m's: Pull the checklist letter packet that was previously generated when the Application Mailer was received, if not already pulled in Step III.A.3 above. Attach it to the application packet for historical reference and review.
- B. Check the route sheet to determine if there is a need to coordinate the review with another application or program. If the Planning Chief indicated, or the application manager determines that there is a need for coordination, the application manager will set up the coordination. This coordination could take the form of emails, phone conversations, meetings, etc.
- C. Check any pre-application meeting/conference notes to verify that the DEP staff that had been included in the pre-application meeting/conference in Step I are also included in the review coordination, if appropriate.
- D. Check the route sheet for the authorization hierarchy number and place it in the work load queue appropriately.
- E. When the application is at the top of the queue, review the application for administrative completeness and overall technical adequacy. The specific number of copies of the application that are to be submitted shall be as previously requested by DEP.

NOTE: The completeness review shall be fully completed before a determination (see Section V.G) is made on how to proceed with any administrative incomplete issues that exist.

A complete and technically adequate application shall include or satisfy the following:

- 1. For a Plan or Plan Update: The Assessment Checklist with pages 1-14 complete. Specifically, page 3 of that document has the details needed to conduct a Completeness Review. Items 1–8 on page 3 must be included.

NOTE: The “Act 537 Plan Content and Environmental Assessment Checklist” is a very comprehensive and detailed document. It breaks out what is required for a completeness review and a technical review. This SOP will refer to major items contained in the document for emphasis. The application manager should use both the “Act 537 Plan Content and Environmental Assessment Checklist” and this SOP when conducting the completeness and technical review of the application.

For a C-2m or C-3m: Everything should be included that is on the specific DEP checklist letter sent in response to the Application Mailer requesting a planning packet. A C-2m should have all Sections A - U completed; a C-3m should have all Sections A – F and H – R completed with signatures in place. Section G of the C-3m must be completed if PennVest money will be sought for the project.

- 2. An original “Resolution of Adoption”, completed, signed and containing the original, embosses/stamped seal of the governing body.
 - a. For a Plan or Plan Update: One original “Resolution of Adoption” is acceptable; any others can be copies.
 - b. For a C-2m: One original “Resolution of Adoption” is acceptable, any others can be copies. A model “Resolution of Adoption” is included as page 13 of the C-2m instructions.
 - c. For a C-3m: One original “Resolution of Adoption” is acceptable, any other can be copies. A model “Resolution of Adoption” is included as page 10 of the C-3m instructions.
- 3. For a Plan or Plan Update:
 - a. A table of contents.
 - b. A plan summary.

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- c. Planning agency(ies) review and municipal response:
 - i. Evidence that the application was submitted for comment to all that apply: municipal planning agency, area-wide or county planning agency, county health department.
 - ii. All comments (submitted usually in letter format on planning agency letterhead) from the above agencies or evidence that the agencies had the application for 60 days without comment.
 - iii. All municipal responses to planning agency comments.
4. Evaluation of the project's consistency with the protection of rare, endangered or threatened plant and animal species as identified by the Pennsylvania Natural Diversity Inventory (PNDI). The PNDI search and resolution should follow the guidelines in the latest version of DEP's "Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation" (Document No. 021-0200-001). Municipal wide Plans or Update Revisions will most likely be considered a "Large Project" for the PNDI Environmental Review (ER) Tool on the Department of Conservation and Natural Resources (DCNR) website. These Large Projects should be submitted directly to all four jurisdictional agencies identified in the PNDI Coordination Policy for review and according to the Policy's guidelines. Applicable jurisdictional clearance letters for any identified potential impacts must be included or a **concurrent review** as discussed in the PNDI Policy should be identified. The PNDI Receipts must not be older than two years from the date of the screening or if clearance letters are attached, the clearance letters from all jurisdictional agencies must not be older than two years from the date of issuance of the clearance letter.
5. For C-3ms: Planning agency(ies) review and municipal response.
 - a. A C-4A known as "Component 4A Municipal Planning Agency Review and/or Health Department Review Component", completed and signed, if applicable. Include all comments received and municipal responses to each comment.
 - b. A C-4B known as "Component 4B County Planning Agency Review and /or Health Department Review Component", completed and signed, if applicable. Include all comments received and municipal responses to each comment.
 - c. A C-4C known as "Component 4C County or Joint Health Department Review", completed and signed, if applicable. Include all comments received and municipal responses to each comment.
 - d. The Pennsylvania Natural Diversity Inventory (PNDI) search and resolution should follow the guidelines in the latest version of DEP's "Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation" (Document No. 021-0200-001). The PNDI Review Receipt must be included. Applicable jurisdictional clearance letters for any identified potential impacts must be included or a **concurrent review** as discussed in the PNDI Policy should be identified. The PNDI Receipts must not be older than two years from the date of the screening or if clearance letters are attached, the clearance letters from all jurisdictional agencies must not be older than two years from the date of issuance of the clearance letter.

NOTE: A C-3m may be a Large Project according to the PNDI ER Tool.
 - e. The C-3m application covers only certain types of projects. Due to the fact that DEP had already reviewed an Application Mailer, issued a checklist letter, and sent a module packet out for this project, a C-3m application is likely the correct submission. However, if for any reason the project proposed within the C-3m does not qualify for the use of a C-3m, then the C-3m should be **denied** according to Step IV.G.3.
6. For Plans, Plan Updates and C-3ms:
 - a. An alternatives analysis with associated projected costs, if applicable.

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- b. Consistency documentation, evaluation and resolution for 25 Pa. Code §71.21(a)(5)(i)(K), relating to the Pennsylvania Historical and Museum Commission (PHMC) to include a copy of the “Cultural Resource Notice (CRN)”, a return receipt for its submission to the PHMC and either the PHMC review letter or a PHMC stamp on the applicant’s cover letter to PHMC stating that the project will have NO EFFECT on historic properties.
 - c. Consistency evaluation included, and inconsistencies addressed for the remainder of the objectives and policies required under 25 Pa. Code §71.21(a)(5)(i-iii).
7. For Plans, Plan Updates, C-2ms and C-3ms:
 - a. Municipal commitments and schedule of implementation.
 - b. Proof of public notice from the newspaper, all comments from the public and municipal responses to those comments.
8. Although the following items are not in the completeness section of the Assessment Checklist referred to in Step V.E.1 above, it may be beneficial to check at this time if the following are necessary for the review of the project and therefore included. Whether or not the following are evaluated at this point in the review process is a discretionary decision on the part of the application manager. The absence of any of the following need not necessarily lead to a denial due to the application being administratively incomplete, but it can give the application manager an opportunity to inform the municipality these items are needed to conduct a thorough technical review:
 - a. The following maps should be included with the application, if applicable: topographic maps, soils maps, geology maps, drinking water well maps, needs area maps, sewer service area maps, etc. At this point in the review, it is at the discretion of the application manager to decide what maps may be necessary.
 - b. Check that everything on the checklist in Step V.E.1 that is marked as being included in the application, is included.
 - c. A T/AR.
 - d. A UER if the application manager knows at this point federal funding will be sought for the project.
 - e. A sanitary survey.
 - f. All municipal ordinances applicable to the project.
 - g. Discussion of the municipal SMP, unless the application is a C-2m which creates a municipal SMP.
- F. If none of the criteria in Steps V.E.1-7 (Steps V.E.8.a-g is optional at this point) are found to be deficient, the application manager will proceed to Step V.H.1. No “completeness letter” will be issued.
- G. If the Plan, Plan Update or Minor Update Revision is administratively incomplete, the application manager will make a decision as to whether the deficiencies are significant or insignificant:
 1. If the deficiencies are determined to be insignificant (i.e., an item that in the application manager’s judgment can be corrected within 1 or 2 business days), the application manager will contact the applicant (or the applicant’s authorized representative) by phone to explain the deficiency and offer them the opportunity to submit the necessary materials informally to make the application complete. It is up to the discretion of the application manager as to the amount of time to give them to submit the necessary information; i.e., end of the next business day, last day of the completeness review or somewhere in between. **Please note that we cannot “stop the clock” on our review time.** The application manager

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may or may not (at the application manager's discretion) follow up the phone call with an email to the applicant (or the applicant's authorized representative).

All contacts made to resolve completeness and technical issues should be fully documented on or attached to the route sheet and retained with the application file.

After the necessary materials have been received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed), the application manager will review them.

- a. If the requested items are adequate, and the Plan, Plan Update or Minor Update Revision can be considered complete, the application manager will proceed to Step V.H.1.
- b. If the requested items are not adequate and they do not correct the original insignificant deficiencies, the application manager will prepare and issue a **denial** letter as noted in Step V.G.3 below.

In the event the application manager is unable to contact the applicant (or the applicant's authorized representative) by phone within the completeness review timeframe, the application manager will prepare and issue a **denial** letter as noted in Step V.G.3 below.

2. If the deficiencies are determined to be of a more significant nature, such that the corrected deficiencies would need to go through the municipality prior to being submitted to DEP, or that the deficiency could not possibly be corrected in time, the Plan, Plan Update or Minor Update Revision submission should be considered administratively incomplete. The application manager will prepare and issue a **denial** letter as noted in Step V.G.3 below.
3. The application manager will prepare for the Program Manager's signature, a **denial** letter (form letter **PIng-8A** or **PIng-8C**) **due to** the application being **administratively incomplete** or **not qualifying** (in the case of a C-3m) for the use of that particular application. It will be addressed to the municipality (or the municipal or sewer authority) and will specify where the Plan, Plan Update or Minor Update Revision application failed to provide the information necessary for DEP to make an adequate decision or failed to qualify (in the case of a C-3m) for the use of that particular application. The letter will include specific statutory and regulatory citations, as well as citing application instructions and guidance language where necessary. It should clearly state that any resubmission will be treated as a completely new submission and that the technical review will not begin until DEP is satisfied that the submission is complete. The letter should be reviewed by the Planning Supervisor and the Planning Chief prior to being signed by the Program Manager. Copies of this letter will be forwarded to all applicable: the municipality or the municipal or sewer authority, the local agency, the consultant/engineer, the local and county planning agencies, the SPS, the Planning Engineer, the Planning Supervisor, the Planning Chief, the Program Manager and the Regional or District file. In certain circumstances, copies may need to be sent to another agency or bureau. Proceed to Step V.H.2.

H. Complete the following data management tasks in eFACTS:

1. For a submission that is administratively complete:

On the Authorizations Screen: Delete any subtasks not being used and enter the date the completeness review Subtask is finished in "B/E Completeness Review (COMPL) End Date".

NOTE: On the Authorizations Screen: The completeness review Standard Task "Completeness Review (COMPL) End Date" will automatically populate with the end date you input in the completeness review Subtask above.

2. For a submission that is administratively incomplete:

- a. On the Authorizations Screen: Populate the completeness review Subtask "Application Incomplete – Denied (DENC) Begin Date" and "End Date" with the date on the denial letter.

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NOTE: On the Authorizations Screen: Do not populate the completeness review Subtask “B/E Completeness Review (COMPL) End Date” or the system will automatically begin the technical review and will not let you deny the application at this point.

- b. On the Applications Screen: Authorizations Tab, General Tab, populate the disposition status (“Disp Status”) as DENIED and date disposed “Disposed” as the date on the denial letter. Proceed to Step VIII.D.

VI. Technical Review (Application Manager)

Once a Plan, Plan Update or Minor Update Revision is accepted as complete, the application manager will perform a detailed technical review and should make a decision on the application within 120 calendar days from the date DEP determined the application complete. If DEP cannot make a decision on the application within the 120 calendar days, the application manager shall inform the municipality by letter, prior to the due date, that additional time is necessary to complete the review. The time extension will not exceed 60 calendar days. (See Step VI.J for a detailed procedure to accomplish this review time extension.)

NOTE: The technical review shall be fully completed before a determination (see Section VI.L) is made on how to proceed with any technical deficiency(ies) that exist.

The technical review will determine if the application contains all of the scientific and engineering information necessary to address specific regulatory requirements and protect public health and the Commonwealth’s environment. The absence of any of the following does not necessarily mean the application should be denied. Applications will be reviewed in order of due date unless noted otherwise by the Planning Chief.

- A. On the eFACTS Authorization Screen, the application manager will populate the Standard Task “Technical Review (TECH) Begin Date” as the same day as or the next business day after the “End Date” of the “Completeness Review (COMPL) Standard Task”.
- B. On the Authorization Screen: Populate the technical review Subtask “Decision Review (DR) Begin Date” as the same date in Step VI.A above.
- C. The application manager should coordinate with others who may be involved with the review of the application, as appropriate, particularly those identified by the Planning Chief on the route sheet. It is recommended that the application manager forward copies of the application to other involved staff members early in the technical review process in order to assure adequate review times. This may or may not have already occurred during Step V.B or it may be that the application manager at this time determines there is a need for additional coordination. This coordination may take the form of emails, phone conversations, meetings, etc.
- D. When starting the technical review, the application manager should be able to understand what the project is about by reviewing the pre-application meeting notes and the application summary.
- E. The application manager should, at this point, have a good idea whom the application will have to be routed to for additional review, if anyone. Other staff, such as hydrogeologists, soil scientists, water pollution biologists, planning engineers and planning supervisors/planning chiefs need sufficient time to conduct their reviews and it is important to assess time management and make adjustments at this point in order to meet the due date for the final decision.
- F. A site visit may be conducted by the application manager or any other staff member reviewing the application. Site visits are appropriate to clarify or verify anything of concern to the reviewer(s).
- G. The application manager during the technical review should assess all of the following that apply:

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1. For Plans and Plan Updates: Using the Assessment Checklist in Appendix A, the application manager should review the application based on each item on pages 4–12.

For C-2m and C-3m: Using the DEP checklist letter, the application manager should review in detail all items noted on the letter.

NOTE: The following points of consideration have been added to stress the importance of the item or to add more detail to consider, as applicable.

2. If the Assessment Checklist was marked that a piece of information is not needed, the application manager should make a determination if that is an accurate assessment. Further, the Plan or Plan Update must contain an explanation as to why the particular Assessment Checklist item is not applicable or was not evaluated.
3. The municipality must have adopted a complete planning proposal. Therefore, the date that the Plan, Plan Update or Minor Update Revision was adopted by the municipality, and stated on the “Resolution of Adoption”, must be later than any other dates within the Plan, Plan Update, C-2m, C-3m or supporting documentation. In addition, the date of adoption must be after the 30 day public comment period came to a close.
4. There should not be any recommendations for denial from the planning agency(ies) or any major deficiencies with the planning agency(ies) reviews (written comments, C-4A, C-4B, and C-4C). If there is, the application should satisfactorily address the issues.
5. The proposal should be consistent with any municipal sewage related ordinances.
6. If there are any high quality or exceptional value (HQ/EV) streams within the municipality or in the specific area that the Minor Update Revision covers, the application must address this situation according to 25 Pa. Code §71.31(c) and the latest DEP “Anti-Degradation Policy”.
7. The chosen sewage disposal method for the project should be based on a thorough alternatives analysis with projected costs, anticipated funding methods, and user fees.
8. If PENNVEST is identified as a potential funding source, coordination with the DEP project manager responsible for the PENNVEST application review should occur. Simultaneous review and decision of both the PENNVEST application and the planning proposal can occur at the discretion of all DEP reviewers involved.

NOTE: Further information on reviewing projects for PENNVEST funding can be found in the SOP for Clean Water and Drinking Water State Revolving Fund Programs; Review of Projects for PENNVEST Funding.

9. A discussion of the municipal wasteload management consistency (Chapter 94).
10. Review recent inspections of the existing treatment facilities by DEP field operations staff and any general issues they may have with the operation and maintenance (O & M) of the facilities.
11. A thorough discussion of the existing SMP and any changes to it or the development of a SMP.
12. A sanitary needs survey and any needs areas delineated and addressed.
13. The selected alternative to solve for any needs for sewage facilities should be assessed by the application manager as being technically, environmentally and administratively acceptable.
14. A map with the well testing plotted, if applicable. A statement on how the municipality will deal with development in areas of high nitrate water supplies and/or carbonate geology, if applicable.

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15. An implementation schedule with major milestones.
 16. The need to publish the proposed project in a newspaper. If publishing is required, determine if what was published is adequate, is the newspaper one of general circulation in the municipality, is there a notarized proof of publication from the newspaper and was there a 30 day review and comment period. If written public comments were received in response to the publication, assess the validity of the comments received and the acceptability of the municipal responses to them.
- H. The Plan, Plan Update, or Minor Update Revision may have already been routed to other staff for review as suggested in Step VI.C; however, once the application manager has finished their technical review, it may become apparent that the application must be reviewed by additional staff not originally identified at the start of the technical review. The application manager should note all staff on the route sheet and route the plan to the next person on the route sheet. The application manager should put the extra application in a holding area until the original application is returned with the other reviewers' comments.
- I. At the point that the Plan, Plan Update or Minor Update Revision has been reviewed by all staff, a meeting between all reviewers, Planning Supervisor and Planning Chief should occur to discuss the project. All issues and deficiencies should be brought up. A decision by the group should decide the next step.
- J. At some point it may become evident there is not enough time left within the 120 calendar day regulatory review period to conduct a proper review. If this is the case, the application manager will inform the municipality that DEP will be extending the review period:
1. The application manager will prepare a review extension letter (form letter **PIng-6**) to the municipality (or the municipal or sewer authority). The time extension will be for no more than 60 calendar days. **The notice will be sent so that the municipality receives it prior to the end of the initial 120 calendar day review period.** The notice will explain the specific reason(s) for the time extension and cite the specific statutory and regulatory citations authorizing the time extension. The letter should be reviewed by the Planning Supervisor, Planning Chief and the Program Manager prior to being signed by the application manager. Copies of the letter should be forwarded to all applicable: the municipality or the municipal or sewer authority, the local agency, the consultant/engineer, the local and county planning agencies, the SPS, the Planning Engineer, the Planning Supervisor, the Planning Chief, the Program Manager and the Regional or District file. In certain circumstances, other copies may need to be sent to another agency or bureau.
 2. The application manager will enter the eFACTS Authorization Screen and populate the technical review Subtask "Send Review Extension Letter (SREL) Begin Date" and "End Date" with the date on the letter.
 3. The application manager will adjust all Subtask and Standard Task Due Dates with the additional 60 calendar days, if allowed. Otherwise, contact the staff person that has permission to change these dates within eFACTS.
 4. Proceed with the technical review.
- K. If none of the criteria in Steps VI.G.1-16 are found to be deficient by the application manager or other staff, the application manager will proceed to Step VIII.A.
- L. If, after the technical review is complete, it is determined that the application has a technical deficiency(ies), the application manager (or whoever found the technical deficiency such as the hydrogeologist, soils scientist, or planning engineer) will make a determination on whether the deficiency(ies) is/are significant or non-significant.
1. In general, non-significant deficiencies are those that can be corrected quickly by the applicant (or the applicant's authorized representative) with minimal processing delay. The application manager (or other staff member) may place a call to the applicant (or the applicant's authorized representative) to determine if the information can be received at the DEP office within the next 3 business days.

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- a. If the applicant (or the applicant's authorized representative) indicates that the response time is not feasible, or if the requested information does not arrive by the close of business 3 business days later, the application manager will prepare a **technical deficiency** letter according to Step VI.L.3.
 - b. If the requested information is not adequate upon receipt and it does not correct the original insignificant technical deficiencies, the application manager will prepare a **technical deficiency** letter according to Step VI.L.3.
 - c. If the requested information is adequate upon receipt, and the application can now be approved, the application manager will proceed to Step VIII.A.
2. In the event of a significant deficiency, the application manager will immediately prepare a **technical deficiency** letter according to Step VI.L.3 below.
 3. The application manager will prepare a **technical deficiency** letter (form letter **Plng-5**) for the Planning Chief's signature to the municipality (or the municipal or sewer authority) specifying the specific statutory and regulatory obligations, including appropriate citations that the Plan, Plan Update or Minor Update Revision failed to meet. The letter may offer an opportunity to meet and discuss the deficiencies. The letter will request a response within 15 business days, or a longer period of time at the application manager's discretion. Project specific comments will be added at the discretion of the application manager. The letter should be reviewed by the Planning Supervisor prior to being signed by the Planning Chief. Copies of this letter will be forwarded to all applicable: the municipality or the municipal or sewer authority, the local agency, the consultant/engineer, the local and county planning agencies, the SPS, the Planning Engineer, the Planning Supervisor, the Planning Chief and the Regional or District file. In certain circumstances, other copies may need to be sent to another agency or bureau.

NOTE: One and only one technical deficiency letter will be sent (unless it qualifies for the exception below). Therefore, the technical review of the module should be completed prior to sending the technical deficiency letter and all deficiencies should be addressed in the letter.

NOTE: Exception - More technically complex projects and applications may receive additional deficiency letters as appropriate. This exception should only be granted by the Planning Chief and/or Program Manager.

4. The application manager should enter the eFACTS Authorizations Screen and populate the technical review Subtask "Send Deficiency Notice/Receive Response (SDN) Begin Date" as the date on the letter, the "Due Date" as the date stated in the letter.
- M. When the requested information is received, the application manager will enter the eFACTS Authorizations Screen and populate the technical review Subtask "Send Deficiency Notice/Receive Response (SDN) End Date" with the date that the supplemental information was received.
1. The Application manager will determine if the information received is adequate. If so, revisit Steps VI.H & I, if applicable. If the application is acceptable to all staff, and the application can now be approved, proceed to Step VIII.A.
 2. If the application is not made technically adequate within the established time frame, the application will be subject to the Elevated Review Process per the PDG Policy. If it is determined that this project qualifies for the **exception** to the "only one technical deficiency letter", then the application manager should return to Step VI.L.3.

NOTE: Applicants (or the applicant's authorized representative) may request the project be subject to the Elevated Review Process prior to DEP's final decision as per the November 13, 2012 memo from Mr. Dana Aunkst, Deputy Secretary of Field Operations concerning program clarification of the Elevated Review Process.

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- a. The application manager should enter the eFACTS Authorizations Screen and populate the technical review Subtask "Elevated Review Process (ELEV) Begin Date". Populate the "Due Date" with the date that is 15 business days from the "Begin Date".
- b. Route the application to the Planning Supervisor and/or Planning Chief and brief them on the project and circumstances leading to the elevated review.

VII. Elevated Review Process (Planning Supervisor to Program Manager)

Applications that are technically deficient, and for which the deficiencies have not been resolved satisfactorily within the established time frame, for any reason, will be subjected to the Elevated Review Process. This process will include the following:

- A. The chain of command will be briefed of the elevated review starting with the Planning Supervisor, if applicable. The briefing should go all the way to the Regional Director. The Planning Supervisor or the Planning Chief should arrange a time to discuss the project and its deficiencies with all involved DEP review staff.
- B. Staff will agree on a direction for final review of the Plan, Plan Update or Minor Update Revision which may include contacting the applicant and/or consultant. If this meeting or call results in a resolution, the Regional Director may provide the applicant an additional 10 business days to respond, or have staff proceed with final application approval or denial processing. If a resolution cannot be reached, the deficiencies must be elevated to the Bureau of Point and Non-Point Source Management Director for review. The Bureau Director will provide direction on the application decision.
- C. The Elevated Review Process will receive the highest priority and will be completed by the Bureau Director within 15 business days of first notification by the Program Manager.
- D. The application manager should enter the eFACTS, Authorization Screen and populate the technical review Subtask "Elevated Review Process (ELEV) End Date" with the date that the decision to issue or deny is made.

VIII. Plan, Plan Update or Minor Update Revision Decision (Application Manager to Program Manager)

NOTE: If the applicant had elected to handle PNDI coordination concurrently with DEP's review of the Plan, Plan Update or Minor Update Revision, do not issue the decision letter until all jurisdictional agency(ies) clearances have been received. The application manager should enter the eFACTS Authorization Screen and add the technical review Subtask "Pending other agency comments/approvals (PAC)".

Prior to the final decision on the application, the application manager should brief the Planning Supervisor and/or Planning Chief on the final decision to be granted. The briefing may be accomplished through a phone call or email.

NOTE: Application managers in District Offices have the discretion of sending the final letter to the Regional Office for the Program Manager's signature either by mail, email, or fax. The final letter will be signed and mailed out from the Regional Office. Notice will then be given to the application manager when the letter has been signed so that the application manager can proceed with closing out the application in eFACTS.

- A. **Approval:** Plans, Plan Updates and Minor Update Revisions that are complete and that adequately demonstrate they meet all statutory and regulatory requirements with no remaining deficiencies, will be approved. The application manager will prepare for the Program Manager's signature, the approval letter (form letter **PIng-H**) to the municipality (or the municipal or sewer authority). Project specific comments will be added at the discretion of the application manager. The letter should be reviewed by the Planning

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Supervisor and the Planning Chief prior to being signed by the Program Manager. Copies of this letter will be forwarded to all applicable: the municipality or the municipal or sewer authority, the local agency, the consultant/engineer, the local and county planning agencies, the sewage enforcement officer (SEO), the SPS, the Planning Engineer, the Planning Supervisor, the Planning Chief, the Program Manager, DEP Central Office (Division of Planning and Permits) and the Regional or District file. In certain circumstances, other copies may need to be sent to another agency or bureau.

NOTE: The approval letter may contain additional or clarifying information or items that will need to be addressed prior to the project entering the permitting process.

Once the letter has been signed, the application manager will enter eFACTS and close out the following:

1. On the Authorization Screen: Populate the technical review Subtask "Decision Review (DR) End Date" with the date on the approval letter.

NOTE: On the Authorization Screen: The technical review Standard Task "Technical Review (TECH) End Date" will automatically populate with the end date you input in Step VIII.A.1.

2. On the Applications Screen: Authorizations Tab, General Tab, populate the disposition status ("Disp Status") as ISSUED and disposed ("Disposed") as the date on the approval letter.
3. Proceed to Step VIII.D.

- B. **Denial:** Plans, Plan Updates and Minor Update Revisions that are complete but possess technical deficiencies after the technical deficiency letter(s), and cannot adequately demonstrate that they meet all statutory and regulatory requirements unless those deficiencies are addressed, will be denied. The application manager will prepare for the Program Manager's signature, a denial letter (form letter **PIng-8B**) to the municipality (or the municipal or sewer authority). The letter will include specific statutory and regulatory citations. Project specific comments will be added at the discretion of the application manager. The letter should be reviewed by the Planning Supervisor and the Planning Chief prior to being signed by the Program Manager. Copies of this letter will be forwarded to all applicable: the municipality or the municipal or sewer authority, the local agency, the consultant/engineer, the local and county planning agencies, the SEO, the SPS, the Planning Engineer, the Planning Supervisor, the Planning Chief, the Program Manager, DEP Central Office (Division of Planning and Permits) and the Regional or District file. In certain circumstances, copies may need to be sent to another agency or bureau.

Once the letter has been signed, the application manager will enter eFACTS, and close out the following:

1. On the Authorization Screen: Populate the technical review Subtask "App Technically Deficient-Denied (DENT) Begin Date" and "End Date" with the "Elevated Review Process (ELEV) End Date".
2. On the Authorizations Screen: Populate the technical review Subtask "Decision Review (DR) End Date" with the date on the denial letter.

NOTE: On the Authorization Screen: The technical review Standard Task "Technical Review (TECH) End Date" will automatically populate with the end date you input in Step VIII.B.2.

3. On the Applications Screen: Authorizations Tab, General Tab, populate the disposition status ("Disp Status") as DENIED and disposed ("Disposed") as the date on the denial letter.
4. Proceed to Step VIII.D.

- C. **Deemed Approved:** Plans, Plan Updates and Minor Update Revisions that have not received a DEP decision within 120 calendar days or 180 calendar days (as appropriate when the technical review timeframe has been properly extended by 60 calendar days) from receipt of a complete application will be deemed

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approved. Proceed to Step VIII.A above and follow the steps for the approval process using approval letter (form letter **Plng-7I**).

- D. The application manager will prepare the public notice for the PA Bulletin, if a PA Bulletin notice is required. The written notice will be transmitted to the PA Bulletin per office policies. The application manager will watch the PA Bulletin for the published notice and place a copy of it, with the published date, within the Plan, Plan Update or Minor Update Revision packet.

NOTE: The PA Bulletin Notice required when projects have been reviewed and approved for the use of PENNVEST funding can be combined with the planning decision notice in the PA Bulletin. If this option is applicable, coordination with the DEP project manager responsible for the PENNVEST application review must occur.

- E. The application manager will complete the route sheet and place it with the Plan, Plan Update or Minor Update Revision packet.
- F. The application manager will code the Plan, Plan Update or Minor Update Revision for filing and forward to the regional Records Management Section. A second copy of the application will stay with the SPS for future reference if regional office operating policy requires such. Any other copies can be discarded at this time.

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Version History

Date	Version	Revision Reason
August 11, 2015	1.1	Revised to add revision date to title; revised paragraph on page 1 to state that "...modules are mailed directly to the District Offices by the municipality" instead of stating "by the applicant"; added information on CFA grants to Step II.A.
June 11, 2014	1.0	Original version