pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Clean Water

Standard Operating Procedure (SOP)[1] for Clean Water Program
New, Reissuance, and Amendment PAG-10 NOIs (Hydrostatic Test Water Discharges)
SOP No. BCW-PMT-016
Final, November 9, 2012
Revised, August 29, 2022
Version 1.4

This SOP describes the procedures by which the Clean Water Program and Bureau of Clean Water (BCW) will process Notices of Intent (NOIs) for new, reissuance (renewal), and amendment General PAG-10 NPDES permits. The authorization type covered by this SOP is "HTG10" (PAG-10 Discharge Resulting from Hydrostatic Testing of Tanks & Pipelines).

This SOP is intended to comply with DEP's Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee (021-2100-001) ("PDG Policy"). Only certain types of applications are subject to the Permit Decision Guarantee (PDG) described in the PDG Policy. New PAG-10 NOIs **ARE** part of the PDG, with a guaranteed permit decision within 43 **business days**. Renewal PAG-10 NOIs **ARE NOT** part of the PDG.

BCW will review PAG-10 NOIs for projects spanning multiple counties and will follow this SOP.

The Clean Water Program will refer to existing guidance and the Bureau of Point and Non-Point Source Management's Program Clarification Memo on Permit Coordination (March 5, 2013) when evaluating the need to coordinate issuance of PAG-10 permit coverage with other permits.
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I. Preliminary Data Management and Fee Processing (Administrative Staff)

For decision-making with respect to data management activities, the reader is referred to the eFACTS Program-Specific Guidance for 92a NPDES Authorizations, Facilities and Fees for detailed guidance.

When NOIs are received, administrative staff will promptly:

A. Create the authorization record in eFACTS.

1. Select the proper auth type code. For renewals, ensure the auth type code matches the primary facility (PF) fee category.

   If it is determined that eFACTS contains the wrong fee category, or otherwise the fee category has changed, administrative staff will contact the Bureau of Clean Water, NPDES Permitting Division to change the fee category in eFACTS.

   NOTE – For Chapter 92a authorizations, the selected auth type must match the fee category of the linked PF to allow issuance of the authorization.

[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.

NOTE – Only the following clients are exempt from Chapter 92a permit application fees: DEP, EPA, PFBC, DCNR, PennDOT, PA Turnpike Commission, Amtrak, and Port Authorities. Any other applicant requesting a fee exemption must be referred to the Central Office Bureau of Regulatory Counsel for review.

2. Prepare the physical check payment for transmission to the regional business office following Management Directive OAM-1000-01, and enter the fee payment against the authorization in eFACTS, unless the client is fee exempt. A copy of the check will be made and placed in the application file. Where the fee has not been submitted, treat it as an underpayment in accordance with the Management Directive. NOIs for renewed general permit coverage do not require a filing fee with NOI submittal unless they were received late without prior authorization, in which case the fee for new general permit coverage must be submitted.

3. Select the proper application type (this SOP covers NEW, RENEW, and AMEN), using the appropriate regional organization code. Where the client previously was covered by a individual and may now apply for a General Permit , the application type should be NEW.

4. Associate the proper client and site to the project/authorization. If necessary, create the client, site, client/site relationship, at least one subfacility (SF) and the PF. Assign the proper fee category to the PF.

5. Enter the date the application was received ("Recvd") and the date administrative staff creates the authorization ("Admin") into eFACTS' Application Screen.

6. If required by eFACTS to create the authorization, select the lead reviewer as the Permits Chief. If the Permits Chief identifies the application manager at this step, the assigned application manager may be selected for the lead reviewer.

7. Select the Master Auth or set the current authorization to be the Master Auth, as appropriate.

8. Create a subtask of "COMPL" (B/E Completeness Review) under the Completeness Review task in eFACTS, and enter a start date that corresponds to the date the application was received.

B. Enter consultant information.

If a consultant is identified on the NOI, select the appropriate client or otherwise create the consultant as a client on the Application Screen.

C. Enter or otherwise review and update PF Details.

1. Update PF Mailing Address (client address) and Location Address (site address) in accordance with the NOI, as necessary.

2. Update the PF Kind to "Industrial Waste," as necessary.

3. Update the SIC or NAICS code for the PF per the application, as necessary, and identify one SIC and/or NAICS code as the "Primary" code.

4. Ensure the Client ID and Other ID of the PF are identical to those for the authorization, otherwise update the PF.

D. Validate the Master Auth to WMS (if not done so previously), unless the current auth is the Master.

If the current auth is not the Master Auth, ensure the Master Auth linked to the current auth has been validated to WMS already.

E. If the NOI was submitted via mail, upload the NOI and supporting documents to OnBase.

F. Transmit a complete copy of the NOI to Erie County Health Department (ECHD), Allegheny County Health Department (ACHD), or Delaware River Basin Commission (DRBC) if applicable, unless administrative staff is aware that the applicant mailed a copy directly to those agencies.

II. Prioritization and Assignment (Permits Chief)

Once Step I is completed by administrative staff, the NOI will be given to the Permits Chief. The Permits Chief will:

A. Determine whether coordination with other applications is required. If this is the case, the Permits Chief will note it on the application file or a permit tracking sheet so that the application manager is aware of needed coordination.

B. Prioritize the NOI in accordance with the "Permit Review Hierarchy" contained in the PDG Policy. The Permits Chief will note on the application file or a permit tracking sheet the hierarchy number as contained in the Policy.

C. Assign an application manager (i.e., "lead reviewer") to the NOI unless this has been done previously. The Permits Chief will enter the name of the application manager into eFACTS for the authorization unless administrative staff has already completed this step.

D. Optionally, route a copy of the NOI or a permit tracking sheet to Operations staff for a determination of non-compliance issues that may affect permit issuance.

E. Notify the regional Late Application Coordinator if the NOI is for a renewal of permit coverage and was submitted late.

III. Completeness Review (Application Manager)

Application managers should finish the Completeness Review within 10 business days of DEP's receipt of an NOI.

When the application manager receives the NOI from the Permits Chief, the application manager will:

A. Review the NOI for administrative completeness and overall technical adequacy. A complete and technically adequate PAG-10 NOI includes the following, not including the NOI fee that is addressed in Step I:

1. Three (3) copies of the completed, signed NOI, if received as a hard copy and one copy if submitted electronically. All applicable sections of the NOI must be completed, and all pertinent attachments identified in the NOI instructions and checklist, such as site maps and diagrams, must be submitted in accordance with the application instructions. If a section is not filled out and the application manager finds it is not applicable to the facility, the NOI will be considered acceptable.

2. If the NOI is for tank(s), a topographic map or sketch that identifies the facility and discharge point(s). For pipeline(s), a topographic map identifying the alignment of the pipeline(s) and

potential discharge point(s). If discharge point(s) are not identified because they are not yet known, this is acceptable because of the 15-day notification requirement of the General Permit. However, the 15-day notification may only be used for pipelines that were reported on an NOI.

3. Evidence that the discharger is eligible for coverage under the PAG-10 General Permit. The application manager will make this determination based on the eligibility criteria in the General Permit and 25 Pa. Code § 92a.54(e). Some of these criteria are to be considered on a case-by-case basis. For example, if a discharge is proposed to waters with a designated or existing use of High Quality or Exceptional Value, the discharge is not eligible for coverage under the General Permit.

4. No technical errors that are considered significant, at the discretion of the application manager.

   NOTE – In general, if the applicant submits an older NOI form that is not the most recent, the application manager may deem any information that is missing an insignificant or significant deficiency, at the application manager's discretion. If the NOI is not denied as a result, the application manager will notify the consultant or applicant that a more recent version of the NOI is available for future use.

   NOTE: Any unauthorized late renewal NOI submissions will require a new NOI filing fee. The deadline for submission of a renewal NOI will be specified by DEP at the time the General Permit is reissued.

B. Review the NOI for technical adequacy:

1. Review the identified discharge points for consistency and accuracy with the provided topographic map. . Document all tank and/or pipeline facilities that are to be covered under the general permit in the PAG-10 Checklist.

   NOTE: The 15-day notification Form may only be used to add discharge points from pipelines that were reported on an NOI. An amendment NOI is required to add additional pipelines.

2. Review the PPC plan and confirm that all elements required by DEP's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" (400-2200-001) are present.

3. Review the information provided for cleaning existing facilities prior to testing. Cleaning wastewater Must be transported to an authorized disposal facility.

4. Review known or anticipated sources of water for testing. Require additional pollutant monitoring requirements in the coverage approval letter as necessary. If the source water may cause adverse impacts on the receiving stream notify the permittee a different source must be used or require an individual permit.

5. Review any alternative BMPs proposed to ensure they are appropriate to prevent stream bank or ground erosion and stream bed scouring. Discharge BMPs used for existing facilities should include oil absorbent pads. Document each approved alternative BMP in the PAG-10 Checklist.

   NOTE: All alternative BMPs must be reported on an NOI.

6. Review the Chemical Results for Hydrostatic Test Water, and any priority pollutants identified in the NOI. If the application manager believes, based on the testing results or source water,

that pollutants may be present in the discharge that are not addressed in Part A of the General Permit, they may identify additional monitoring requirements in the coverage approval letter.

7. If the applicant indicated the intention to use chemical additives, each should be reviewed to ensure that the chemical additive will be completely removed before discharge.

C. Complete the following data management tasks in eFACTS:

1. Create, or otherwise review and edit, all Discharge Point (DP) SFs listed on the NOI if 10 or less. If greater than 10, create one DP SF per receiving stream (create the DP that is furthest downstream) identified in the NOI, and add a comment to the PF on the total number of DPs. For pipeline projects, if no DPs are identified on the NOI (because the applicant does not yet know where discharges may occur), create one DP at the approximate central point of the pipeline. Enter SF latitude and longitude. Snap DPs to the NHD using the NHD Locator Tool in eFACTS.

2. Enter, or otherwise review and edit, the PF latitude and longitude, using the coordinates reported on the NOI or the central point of the site.

3. Select, if necessary, the Type of Discharge ("Hydrostatic Test Water") and enter the Design Flow for each DP.

4. Link all applicable SFs to the authorization record.

5. Validate the authorization to WMS. If the authorization cannot be validated to WMS and if the problem(s) cannot be resolved by the application manager, the application manager will first work with administrative staff to resolve the problem(s) and then contact Central Office if administrative staff cannot resolve them.

D. If none of the criteria in A.1 – 4 and B. 1 – 7 are found to be deficient, the application manager will proceed to Step III I. No "completeness letter" will be issued.

E. If the applicant is determined to be ineligible for PAG-10 General Permit coverage (criterion A.3), the NOI will be returned using the template in WMS found at *Letters – Application Denial Letter*. The letter will provide the basis for the determination that the applicant is ineligible, using regulatory citations wherever possible. The application manager will choose one of the optional paragraphs for the letter as determined by the application type in eFACTS. NOI fees will not be returned.

F. If the NOI is incomplete and the deficiencies are determined to be insignificant (i.e., an item that in the application manager's judgment can be corrected within one business day), the application manager will contact the applicant (or the applicant's authorized representative) <u>by phone</u> to explain the deficiency and offer the opportunity to submit the necessary materials informally by the end of the next business day to make the NOI complete. The application manager may or may not (at the application manager's discretion) follow up the phone call with an email to the applicant and/or consultant.

NOTE – The application manager should attempt to communicate with the applicant directly. Where this fails, the application manager may attempt to communicate with the consultant, if any.

A phone log will be kept by each application manager that details the name of the person contacted, the day and time of the conversation, and notes for all communications regarding the completeness and technical reviews. All phone logs will be retained with the application file during and following permit issuance, or otherwise a database or spreadsheet will be used and made accessible to allow others to check latest correspondence for a case if the application manager is out of the office.

In the event the application manager is unable to contact the applicant or consultant by phone within 5 business days, the application manager will proceed to Step III G (for new NOIs) or Step III H (for renewal NOIs). After the necessary materials have been received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed), and assuming the NOI can then be considered complete, the application manager will then proceed to Step III I. If the submission does not correct the original insignificant deficiencies, the application manager will proceed to Step III G (for new NOIs) or Step III H (for renewal NOIs).

G. For **new** NOIs, if the applicant fails to submit the requested information by the next business day following a phone call (or multiple attempts to contact the applicant or consultant by phone), or if the submission fails to correct the original insignificant deficiencies, or if the deficiencies are determined to be significant, the application manager will prepare a letter that denies the NOI, for the Program Manager's signature. The template in WMS found at *Letters – Application Denial Letter* will be used. The eFACTS authorization record will be closed out by using the disposition code "Denied." A subtask of "DENC" (Application Incomplete – Denied) will be entered into eFACTS against the Completeness Review Task, with start and end dates corresponding to the date of the letter. The NOI fee will not be returned. A new NOI fee will be required as part of a resubmission.

H. For **renewal** NOIs, if the applicant fails to submit the requested information by the next business day following a phone call (or multiple attempts to contact the applicant or consultant by phone), or if the submission fails to correct the original insignificant deficiencies, or if the deficiencies are determined to be significant, the application manager will transmit a letter identifying the deficiencies. The template in WMS found at *Letters – Renewal Application Incomplete Letter* will be used. The application manager will enter a subtask of "SDN" (Send Deficiency Notice/Receive Response) into eFACTS with a start date corresponding to the date of the letter.

   If the renewal NOI is satisfactorily corrected prior to the specified submission deadline, the permittee's coverage will be automatically administratively extended under the General Permit . If the renewal NOI is not corrected prior to the specified submission deadline, the application manager will notify the regional Operations Section for possible enforcement.

I. Enter an end date for the "COMPL" subtask, when the NOI is deemed complete.

IV. Finalization of General Permit (Application Manager)

NOTE – In general, technical deficiency letters will not be issued for NOIs. If the NOI is complete and technically adequate, the application manager will proceed to develop the permit documents.

Applications/NOIs will be reviewed in order of priority; in the event of a conflict, the matter will be resolved by the Permits Chief.

Once Step III is completed by the application manager, the application manager will:

A. Enter a "DR" (Decision Review) subtask in eFACTS under the Technical Review task, with a start date corresponding to the date following the determination that the NOI is complete.

B. For renewals, verify that an inspection has occurred in the past five years.

   The application manager will review the Inspections file and/or run the *Inspections SSRS Report* to verify that an inspection has been done at the facility within the past five years. If not, the application manager will request that regional Operations staff schedule an inspection. The application manager will not, however, wait for the inspection to occur before issuing the permit.

Application managers will generally not visit PAG-10 facilities.

C. For new and existing facilities, application managers will run the *Open Violations by Client SSRS Report* to determine whether there are any unresolved violations associated with the client that will affect issuance of the permit (per CSL Section 609). Additionally, application managers will (1) verify compliance history with compliance staff and (2) review recent inspection reports.

NOTE – If the option in Step II D is exercised, this step may be omitted.

The application manager will document findings that the facility or client is in non-compliance on the permit review checklist.

D. Complete the following data management tasks:

1. If the facility is an eDMR user, limits and monitoring requirements will be coded in WMS by copying from the appropriate template. Application managers may use the *eDMR User SSRS Report* to determine whether a facility uses eDMR.

2. The PAG-10 permit document, DMR, and coverage approval letter will be generated, edited as needed, and saved to WMS. The templates that will be used are in the *PAG-10* folder and are named *PAG-10 Permit, PAG-10 DMRs* (select the appropriate DMR for new or existing facilities), *PAG-10 Annual Report, PAG-10 15-Day Notification Form* and *PAG-10 Coverage Approval Letter* (select the appropriate appeal language). The coverage approval letter should contain either the EHB appeal language or the Federal Appeal Language for FERC-regulated NGA facilities. To determine whether a facility is FERC-regulated, view the approved pipeline projects at https://www.ferc.gov/industries-data/natural-gas/overview/natural-gas-pipelines or contact the applicant or their consultant.

   In lieu of a fact sheet, the application manager will generate the WMS template at *PAG-10 – PAG-10 Checklist*, check boxes to confirm that the necessary elements of the completeness review are satisfactory, and add comments. These comments should include the specific facilities identified in the NOI, as well as approved alternative BMPs and justification for any proposed chemical additives. Sign the checklist for the final permit package. If the permit will be issued electronically, the application manager will type their name in the signature line and save the checklist.

3. The documents identified in V.D.2, above, will be set to a status of Final and a disposition of Pending. There will be only one version of each of these documents. The permit document, in Word, will have the effective and expiration dates of coverage identified. The effective date will be the date the authorization is issued, but will not be before the effective date of the General Permit. The expiration date will be the date identified in the General Permit.

4. Notify the Permit's Chief the final permit package is ready for review.

V. Final Review (Permits Chief)

The Permits Chief will complete the following tasks upon receipt of the final permit package:

A. Review the final permit documents and sign the checklist, if applicable, if the Permits Chief is in agreement, or otherwise return the final permit package to the application manager for edits. If the permit will be issued electronically, the permit chief will type their name in the signature line and save the checklist.

B. Verify that the minimum required documents from Step V are in WMS as Final – Pending documents.

C. Verify that any applicable permit coordination has been completed.

Where other DEP permits are required and coordinated permit issuance is determined to be necessary, the Permits Chief will notify the Program Manager and Assistant Regional Director that the NPDES permit is ready for issuance, and the application manager will enter a "CRR" subtask (B/E Coordinated Application Required) into eFACTS, with a start date corresponding to the day after the end of the PA Bulletin comment period and an end date on the date of final permit issuance when authorization is given to issue the permit.

D. If there are unresolved violations associated with the facility, the Permits Chief will discuss the matter with regional counsel and the Program Manager to decide whether the General Permit coverage will be issued, will be denied, or whether issuance should be held for the development of an enforcement document. If issuance of coverage will be delayed for this reason, a "NC" (Non-Compliance Prohibits Final Decision) subtask will be entered under the Technical Review task.

E. Submit the final permit package to the Program Manager.

VI. Final Decision (Program Manager)

The Program Manager will complete the following tasks upon receipt of the final permit package:

A. Review the final permit documents.

B. Sign the final permit cover letter and the first page of the permit document by typing their name into the signature block or adding a signature graphic if the Program Manager is in agreement with the content. This may be completed by the Permits Chief, Application Manager, or Administrative Staff with the permission of the Program Manager. If the Program Manager is not in agreement with the content, they will return the package to the Permits Chief for edits.

If the applicant is unwilling or unable to accept an electronic copy of the permit, wet signatures will be applied to the physical permit document, and an "/s/" indicator will be placed on the signature line on the electronic copy.

C. Submit the final, signed permit package to administrative staff or the application manager (at regions' discretion).

VII. Final Processing (Administrative Staff or Application Manager)

Administrative staff or the application manager will complete the following tasks upon receipt of the final, signed permit package:

A. Review the permit document in WMS and ensure that the correct effective and expiration dates are on Page 1.

B. Change the Disposition of the final permit cover letter, final permit, Annual Report and all other documents that will be part of the final permit package issued to the applicant from "Pending" to "Issued (Mailed)." Change the Disposition of documents that are not part of the final permit package from "Pending" to "Complete." Ensure there are no documents in the list with a Disposition of "Pending".

C. Enter an end date for the “DR” subtask in eFACTS corresponding to the issuance date.

D. Enter the permit effective date and expiration date in eFACTS.

E. Issue the authorization in eFACTS.

NOTE – Documents will be changed to a Disposition of “Issued (Mailed)” on the same day as the authorization is issued in eFACTS.

E. If the applicant agreed to accept the documents electronically, convert the Word documents to PDF and send via email. The email should notify the permittee that they must acknowledge receipt of the final permit documents. The application manager will retain a copy of the permittee’s written acknowledgment.

If the applicant is unwilling or unable to accept the documents electronically, print the documents, assemble them in the order below and mail them to the applicant.

All documents will be assembled in the following order: 1) final permit cover letter, 2) final permit, 3) DMRs, 4) PAG-10 Annual Report, 5) PAG-10 15-Day Notification, and 6) Other attachments added to the package at the discretion of the application manager.

Transmit copies of the permit package to the BCW (RA-EPNPDES_Permits@pa.gov), ECHD, ACHD, DRBC, and other appropriate staff, as applicable.

Version History

Date	Version	Revision Reason
8/29/2022	1.4	Updated references to NMS, SSRS Reports, DEP documents throughout. Updated NOI and fee requirements, signature requirements, electronic transmittal of documents. Added technical adequacy to Section III.
7/16/2013	1.3	Updated Section II to indicate that the Permits Chief will notify the regional Late Application Coordinator if a permit renewal application has been submitted late. Updated Section III to indicate that incompleteness letters will be sent to permittees if a renewal application is significantly deficient.
3/7/2013	1.2	Added a reference to the Program Clarification Memo on Permit Coordination in the introduction, and removed the requirement for Permits Chiefs to verify coordination requirements in Section II before the completeness review. Added requirement to code limits into NMS if eDMR is used.
12/31/2012	1.1	Clarified in Section I. A.2 that if a fee is missing, it should be treated as an underpayment in accordance with the Management Directive.
11/9/2012	1.0	Original