pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Point and Non-Point Source Management

Standard Operating Procedure (SOP)[1] for Clean Water Program
Review of Sewage Facilities Planning Module Component 2
SOP No. BPNPSM-PLNG-004
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This SOP describes the procedures by which the Clean Water Program will review and process Sewage Facilities Planning Module Component 2 (C-2) authorizations for Individual and Community Onlot Disposal of Sewage otherwise known as an official plan revision. 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"). C-2 authorizations **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 §71.54(b), states that DEP will determine whether a submission for a residential subdivision plan is complete in accordance with §71.53(d) within 10 working days of its receipt by DEP. DEP's regulation, 25 Pa. Code §71.54(d), states that within 120 days after DEP has determined that a proposed plan revision and documentation is complete, DEP will approve or disapprove the proposed plan revision, except that DEP will approve or disapprove revisions for residential subdivision plans within 60 days from the date DEP determines a submission is complete. 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.

When DEP has delegated the authority to a local agency, multi-municipal local agency or county or joint county department of health the power and duty to review and approve C-2 authorizations (called supplements), DEP's regulation, 25 Pa. Code §71.59(c), states that the delegated agency shall determine if the submission is complete within 10 working days of its receipt, and that they shall render a decision on the supplement within 60 days of the date of a complete submission. It is recommended that the delegated agencies develop or modify their own SOP for the review and processing of C-2 authorizations. The delegated agencies' SOP should be in alignment with DEP's PDG Policy.

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, planning modules may be mailed directly to the District Offices by the municipality. 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. Preliminary Data Management and Fee Processing (Administrative Staff and/or Sewage Planning Specialist (SPS))

The timeline for DEP to review a C-2 is:

- Completeness review – Both residential and non-residential projects – 10 working days from its receipt. Steps I – III should be completed within these 10 working days.

- Technical review – Residential projects – Within 60 calendar days from the end of the completeness review. Steps IV – VI should be completed prior to the 60 calendar days so that the municipality receives DEP's final decision by or on that 60th day. It is recommended that the letter is mailed to the municipality 5 working days prior to the 60th day.

- Technical review – Non-residential projects – 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 IV – VI 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 I.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 C-2 is received, administrative staff will promptly:

1. Record the month, day, and year received (authorization received date) on each C-2 module and any loose attachments. Recording the time is optional.

   NOTE: Administrative staff should handle the application fee according to their office policy but should not process it until such time that a determination is made by the application manager that the fee is correct.

2. Attach a route sheet (form letter **Plng-1**), which will stay with the project file, and a copy of the check (application fee) to the C-2. If no application fee is received, indicate this on the route sheet.

3. At this time, 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 module packet for historical reference and review.

4. Record the "DEP Code Number" from DEP's checklist letter onto the route sheet and all modules.

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

1. The C-2 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. Any numbers or codes that eFACTS generates specific to the entry of the project will be recorded on the C-2 itself. For instance, the creation of a planning module 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 C-2 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 SPS is entering the eFACTS information, then they are the lead reviewer). In some offices, the SPS 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. If a consultant is identified in Section D of the C-2, then the consultant's information should be input into eFACTS on the Applications 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 administration or SPS)* should fill out the route sheet and route the C-2 application to the Planning Chief. Specific office policy may require that any time the module changes hands, the module should go through the administrative staff for tracking purposes.

   District office staff (SPS) 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.

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

Once Step I is completed by administrative staff and/or application manager, the application will be given 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 C-2 route sheet so that the application manager is aware of needed coordination.

B. Prioritize the planning modules in accordance with the "Permit Review Hierarchy", Section II.B of the PDG Policy. The Planning Chief will note on the C-2 route sheet the hierarchy number as contained in the policy.

C. Assign an application manager to the C-2 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 60 calendar days for residential subdivisions and 120 calendar days for non-residential projects, then the Planning Chief will record this date on the C-2 route sheet. This processing time shall NOT include the completeness review time of 10 working days.

E. Route the C-2 to the application manager.

III. Completeness Review (Application Manager)

When the application manager receives the C-2 from the Planning Chief, the application manager will:

A. Pull the checklist letter packet that was previously generated when the Application Mailer was received, if not already pulled in Step I.A.3 above. Attach it to the module packet for historical reference and review.

B. If a pre-application meeting had been held, pull the meeting notes and attach them to the module packet for historical reference and review. If appropriate, include any additional DEP staff from the pre-application meeting in the review coordination.

C. 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.

D. Check the route sheet for the authorization hierarchy number and place it in the work load queue appropriately.

E. When the C-2 is at the top of the queue, review the application for administrative completeness and overall technical adequacy. Two complete module packets are recommended to be submitted; however, the specific number of copies that is submitted shall be as previously requested by DEP.

NOTE: The completeness review shall be fully completed before a determination (see Section III.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. The specific DEP "Checklist" letter for this project and everything it requires.

2. Check for municipal approval of the project:

   a. A "Transmittal Letter for Sewage Facilities Planning Module", completed and signed. An original "Resolution for Plan Revision for New Land Development", completed, signed and containing the original, embossed/stamped seal of the governing body. One original is acceptable; the other can be a copy.

b. If there is no "Resolution of Adoption" and if the "Transmittal Letter" states that the municipality did not approve the C-2 as a proposed revision or supplement, discuss plan of action with the Planning Supervisor or Planning Chief.

c. If there is no "Resolution of Adoption" and no "Transmittal Letter" and the applicant claims that the municipality had a complete C-2 for over 60 calendar days but made no decision on it, the applicant may claim it deemed approved by the municipality. To verify this, check the dates on the module's "Completeness Checklist" from the municipality. The date on the "Completeness Checklist" is the date that the municipality accepted the C-2 as complete. If the municipality did indeed have the C-2 for over 60 calendar days without making a decision on it, or there is no "Completeness Checklist" included with the C-2 to check, discuss plan of action with the Planning Supervisor or Planning Chief.

d. If there is no "Resolution of Adoption" and no "Transmittal Letter", and the applicant makes no claims of a deemed approval by the municipality, the absence of the forms may be an oversight. The application manager has the discretion to contact the municipality and request them or deem the module administratively incomplete.

3. A C-4A known as "Component 4A Municipal Planning Agency Review and/or Health Department Review Component", completed and signed, if applicable.

4. A C-4B known as "Component 4B County Planning Agency Review and /or Health Department Review Component", completed and signed, if applicable.

5. A C-4C known as "Component 4C County or Joint Health Department Review", completed and signed, if applicable.

6. A C-2 module with Sections A - H, J, N - P, and R completely filled out or otherwise marked as not applicable. Sections K - M should be marked as included if DEP previously indicated they were required. Section Q should be filled out only if applicable. All signatures should be included or the C-2 should explain why the signature is unnecessary.

7. A project narrative.

8. An alternatives analysis.

9. A letter from the public water supplier stating that they will serve the subdivision (if applicable).

10. A plot plan showing the entire subdivision with all lot lines mapped, all roads mapped and all soil tests mapped.

11. A 7.5" USGS topographic map with the physical location of the subdivision mapped.

12. "Site Investigation and Percolation Test Report(s)" for all suitable and unsuitable soil profile examinations and percolation tests. All reports must be signed by the person conducting the testing. This may or may not be the current local agency sewage enforcement officer (SEO). If a different SEO conducted the testing, a "Verification of Prior Testing" report (Document No. 3800-FM-BPNPSM0290B) should also be attached.

13. If the project proposes more than 10 acres of earth disturbance, a copy of the "Cultural Resource Notice (CRN)", a return receipt for its submission to the Pennsylvania Historic and Museum Commission (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.

14. 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: If the applicant requests that we perform the PNDI search for them, DEP responsibility only lies with conducting the search. All other PNDI resolution issues are the responsibility of the applicant. Jurisdictional agency(ies) responses or lack thereof within DEP's review time may lead to a denial of this project.

    NOTE: The option for DEP to conduct the search should be limited to only those situations where the applicant does not have access to the Internet.

15. Permeability testing report (Section K) of the C-2 if required as indicated by DEP.

16. A preliminary or detailed hydrogeological study (Section L or Section M) of the C-2 if required as indicated by DEP.

17. A holding tank and/or privy ordinance if Section N of the C-2 is checked "yes".

18. A letter of agreement with the proposed disposal site verifying adequate capacity for the disposal needs of the retaining tank if the applicant checked "yes" in Section N of the C-2.

19. Proof of public notice from the newspaper, all comments from the public and municipal responses to those comments if any of the questions in Section O of the C-2 are checked "yes".

20. If the project proposes a DEP permitted non-municipal sewage facility or a community system, check that the application identifies a means of management and oversight of the system. If the option selected is an Operation and Maintenance (O & M) Agreement, check to see if that agreement has been included.

21. Check Section R of the C-2 to determine the appropriate review fee for the project and verify that the applicant submitted the correct amount on the copy of the check attached to the module.

    a. If it is determined that the fee submitted is the correct amount, the application manager will communicate back to the administrative staff that they can proceed with the processing of the check to the regional business office according to the latest version of Management Directive OAM-1000-01 ("Deposit of Fees, Fines, Penalties and Other Revenue"). Administrative staff will also enter the fee payment against the authorization in eFACTS. Proceed with Step III.E.22.

    b. If it is determined that the fee submitted is the incorrect amount, the application manager will follow the latest version of Management Directive OAM-1000-01 ("Deposit of Fees, Fines, Penalties and Other Revenue") to resolve the fee discrepancy. In summary, the applicant (or the applicant's authorized representative) will be contacted, made aware of the situation and given 5 business days to correct it. The application will remain in an incomplete status until such time the situation is corrected or the 5 business days have elapsed without response. Upon notice from the applicant, the application manager will

communicate back to the administrative staff on how to proceed with the fee. If 5 business days have elapsed without a response from the client, the application manager will proceed accordingly:

i. Overpayment – the application manager will communicate back to the administrative staff to deposit the check and initiate a refund of the fee overage amount. Proceed with Step III.E.22.

ii. Underpayment – the application manager will deem the C-2 to be administratively incomplete. A comprehensive letter with all administrative incomplete items will be prepared, therefore the completeness review must be finished prior to the letter being written. Proceed with Step III.E.22.

c. If it is determined that a fee should have been submitted but was not, it shall be considered to be an underpayment and administrative staff will follow the latest version of Management Directive OAM-1000-01 ("Deposit of Fees, Fines, Penalties and Other Revenue") to resolve the situation. Return to Step III.E.21.b.ii.

d. The application manager will document the date of notification of the incorrect fee to the applicant and how the situation was resolved. This notification will be recorded on the route sheet.

22. The C-2 planning module 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-2 application is likely the correct module. However, if for any reason the project proposed within the C-2 does not qualify for the use of a C-2, then the C-2 should be **denied** according to Step III.G.3. The appropriate module forms and checklist letter should be sent along with a copy of the denial letter to the applicant (or the applicant's authorized representative).

F. If none of the criteria in Steps III.E.1-22 are found to be deficient, the application manager will proceed to Step III.H.1. No "completeness letter" will be issued.

G. If the C-2 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), the SEO or the municipality 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 allow 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 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), the SEO or the municipality.

   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 C-2 can be considered complete, the application manager will proceed to Step III.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 III.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 III.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 C-2 submission should be considered administratively incomplete. The application manager will prepare and issue a **denial** letter as noted in Step III.G.3 below.

3. The application manager will prepare for the Program Manager's signature, a **denial** letter (form letter **Plng-8A** or **Plng-8C**) ***due to*** the application being ***administratively incomplete*** or ***not qualifying*** for the use of a C-2. It will be addressed to the municipality and will specify where the C-2 application failed to provide the information necessary for DEP to make an adequate decision or failed to qualify for the use of the C-2 module. 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 it being signed by the Program Manager. Copies of the letter will be forwarded to all applicable: the developer, the consultant, the SEO, the local and county planning agencies, the SPS, 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 III.H.2.

NOTE: If the applicant chooses to amend their application and resubmit the C-2, DEP will treat the resubmitted C-2 as a new application but will not charge another review fee. According to 25 Pa. Code §71.83(b), a second fee may not be charged for a resubmitted C-2 application which was denied during the completeness review unless there are substantial changes with the resubmittal. A substantial change, such as adding more lots to the subdivision, would require a new C-2 submittal and an additional review fee.

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 Authorization 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.

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 module 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 VI.D.

IV. Technical Review (Application Manager)

Once a C-2 is accepted as complete, the application manager will perform a detailed technical review and should make a decision on the C-2 within 120 calendar days from the date DEP determined the application complete, except when the C-2 is for a residential subdivision in which case a decision should be made within 60 calendar days from the date DEP determined the application complete. If DEP cannot make a decision on the C-2 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 IV.J for a detailed procedure to accomplish this review time extension.)

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

The technical review will determine if the C-2 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 C-2 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 IV.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. This may or may not have already occurred during Step III.A. 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. This coordination and discussion should occur as early as possible in the process.

D. When starting the technical review, the application manager should be able to understand what the project is about by reading the C-2 narrative. The narrative should do a thorough job in explaining the project.

E. The application manager should, at this point, have a good idea whom the module will have to be routed to for additional review, if anyone. Other staff, such as hydrogeologists, soil scientists, and planning engineers 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 and verify anything of concern to the reviewer(s).

G. Any notes or soil profile descriptions from a pre-planning site visit by any DEP staff (including the SPS, the soil scientist, the hydrogeologist, the water pollution biologist and/or the planning engineer) should be reviewed and considered during the technical review.

H. The application manager during the technical review should assess the following:

1. The municipality must have adopted a complete planning module. Therefore, the date that the C-2 was adopted by the municipality, and stated on the "Resolution of Adoption", must be later than any other dates within the module or supporting documentation. In addition, if public notice was necessary, the date of adoption must be after the 30 day public comment period came to a close.

2. There should not be any recommendations for denial from the planning agency(ies) or any major deficiencies with the planning agency(ies) reviews (C-4A, C-4B, and C-4C). If there is, the C-2 should satisfactorily address the issues within the narrative or component itself.

3. The proposal shall be consistent with the municipality's Official Sewage Facilities Plan and any municipal sewage related ordinances, except where this C-2 specifically proposes to revise the Official Plan. If there are any other discrepancies, the C-2 should explain the situation.

4. If the new land development within the C-2 will be served by a public water supply, written documentation from the water company must be attached stating that they will serve the project.

5. The narrative, in addition to Step IV.D, should address any inconsistencies with other regulatory programs and how the inconsistencies will be or have been resolved.

6. The application manage should review the plot plan checking and evaluating all that apply: the location of lot lines, all soils tests, soil types and boundaries, slope over the proposed absorption area(s), lot sizes, all proposed and existing drinking water supplies for the project and adjacent lands, existing buildings, isolation distances, rights-of-way, scale of map, orientation to North, roads and access drives, easements, wetlands, surface waters, floodplains and floodways, open space areas, existing utilities, prime agricultural land, residual lands and residual tract waiver language (if applicable), etc., to determine the feasibility of the project. The plot plan must be prepared or previously prepared by a registered surveyor.

7. The long-term sewage disposal needs of the residual tract, if one exists, should be reviewed. Determine if the municipality acknowledges the need to request a residual tract waiver, if applicable, and that they are aware of their responsibilities in this request.

8. The need to coordinate with the PHMC and if so, the adequacy of the coordination.

9. The project type and outline should be accurate on the "PNDI Project Environmental Review Receipt" included with the C-2. The search should be done on the entire project, including the residual tract, if any. All supporting documentation from jurisdictional agencies (when necessary) must be included or submitted to DEP before the end of the technical review due date (if applicant working on clearances concurrently with DEP review).

10. The overall need for a hydrogeological study and if so, should it be a preliminary study or a detailed study. A brief review of the study should be done by the application manager to determine if the correct type of study was submitted, if the project's physical location is the same in the study as in the C-2, and if the proposed lot sizes adhere to the minimum required

lot sizes in the study. The study must be completed, signed and sealed by a registered professional geologist.

11. The chosen sewage disposal method for the project based on a thorough alternatives analysis.

12. Whether the need for permeability testing was anticipated, and if so, was it conducted or should permeability testing be performed based on this technical review. If the permeability testing was submitted, the location of the testing should be in the same physical location as the proposed absorption areas on the plot plan. The permeability testing should be technically adequate and of sufficient quantity to determine the feasibility of the project. The application manager may choose to route the C-2 to the soil scientist for further review.

13. Review the soils evaluation and determine if the soils evaluation is technically adequate and if enough soils tests were conducted to determine general site suitability for onlot systems for both the proposed development and the residual tract, unless a residual tract waiver has been obtained.

14. If the soils evaluations were not observed or conducted by the current local agency SEO, a "Verification of Prior Testing" form must be completed and signed by the current SEO accepting the prior soils evaluation. Assess if the current SEO properly accepted the prior test results or should he have conducted additional soil testing.

15. If marginal soil conditions are present, determine if the SEO and municipality acknowledged the marginal conditions of the soils and if the municipality adequately addressed the long-term sewage disposal needs and type of disposal for this project.

16. If the project proposes the use of an individual residential spray irrigation system (IRSIS), check that the C-2 narrative acknowledges the need for management and oversight of the system for the life of the system. One or more of the management provisions listed in 25 Pa. Code §72.25(h) must be chosen during the permitting process. If the C-2 discusses the potential management provision(s) that are being considered, the application manager should be comfortable that the potential method of O & M is sufficient for the project.

17. If the project proposes a DEP permitted non-municipal sewage facility or a community system, determine if the municipal means of addressing the O & M is adequate. One or more of the management provisions listed in 25 Pa. Code §71.72(a) must be considered and the application manager should be comfortable that the chosen method of O & M is sufficient for the project.

18. If the use of retaining tanks or privies is proposed, evaluate if an adequate municipal holding tank and/or privy ordinance, regulation or restriction is in place to govern the O & M of these tanks. The soils evaluation for the long term sewage disposal needs of the lot(s) proposing privy(ies) must be technically adequate and the number of tests done must be of sufficient quantity. An appropriate tank cleaner must be named and the disposal site for the sewage must be adequate. It should be clear that the municipality understands that they are the ultimate responsible party should issues arise in the future. If the retaining tank is a temporary means of sewage disposal until adequate sewerage facilities are in place, the official sewage facilities plan of the municipality must address this situation or the plan must be revised to address this situation to include financial assurances and an implementation schedule for replacement of the retaining tanks.

19. 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.

I. The C-2 may have already been routed to other staff for review as suggested in Step IV.E, however, once the application manager has finished their technical review, it may become apparent that the C-2 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 C-2 in a holding area until the original C-2 is returned with the other reviewers' comments.

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 **Plng-6**) to the municipality. 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 days.** 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 will be forwarded to all applicable: the developer, the consultant, the SEO, 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 IV.H.1-19 are found to be deficient by the application manager or other staff, the application manager will proceed to Step VI.A.

L. If, after the technical review is complete, it is determined that the C-2 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), the SEO or the municipality with minimal processing delay. The application manager (or other staff member) may place a call to the applicant (or the applicant's authorized representative), the SEO or the municipality to determine if the information can be received at the DEP office within the next 3 business days.

a. If the applicant (or the applicant's authorized representative), the SEO or the municipality 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 IV.L.3 below.

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 IV.L.3 below.

c. If the requested information is adequate upon receipt, and the C-2 can now be approved, the application manager will proceed to Step VI.A.

2. In the event of a significant deficiency, the application manager will immediately prepare a **technical deficiency** letter according to Step IV.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 specifying the specific statutory and regulatory obligations, including appropriate citations that the C-2 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 the letter will be forwarded to all applicable: the developer, the consultant, the SEO, 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 and if the C-2 can now be approved. If so, proceed to Step VI.A.

2. If the C-2 is not made technically adequate within the established time frame, the C-2 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 IV.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.

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 C-2 to the Planning Supervisor and/or Planning Chief and brief them on the project and circumstances leading to the elevated review.

V. Elevated Review Process (Planning Supervisor to Bureau Director)

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 C-2 application 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 C-2 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 C-2 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.

VI. C-2 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 C-2, 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 be 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:** C-2 applications 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 **Plng-7D**) to the municipality. 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 the letter will be forwarded to all applicable: the developer, the consultant, the SEO, 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.

NOTE: The approval letter may contain additional or clarifying information or items that will need addressed prior to the issuance of an onlot sewage disposal permit by the local agency, such as a signed O & M agreement for the system.
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 VI.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 VI.D.

B. **Denial:** C-2 applications for projects 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 **Plng-8B**) to the municipality. Project specific comments will be added at the discretion of the application manager. The letter will include specific statutory and regulatory citations. The letter should be reviewed by the Planning Supervisor and the Planning Chief prior to being signed by the Program Manager. Copies of the letter will be forwarded to all applicable: the developer, the consultant, the SEO, 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. Applications that are denied will forfeit all fees. Resubmitted applications will require new fees.

   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 Authorizations Screen: The technical review Standard Task "Technical Review (TECH) End Date" will automatically populate with the end date you input in Step VI.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 VI.D.

C. **Deemed Approved:** C-2 applications 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 approved. Proceed to Step VI.A above and follow the steps for the approval process using approval letter (form letter **Plng-7E**).

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 C-2 module packet.

E. The application manager will complete the route sheet and place it with the module packet.

F. The application manager will code the C-2 for filing and forward to the regional Records Management Section. Any other copies of the C-2 module may be discarded at this time.

Version History

Date	Version	Revision Reason
August 11, 2015	1.1	Revised to add revision date to title; deleted "…for new land development" after "…authorizations for Individual and Community Onlot Disposal of Sewage" in first paragraph on page 1; revised paragraph on page 1 to state that "… modules may be mailed directly to the District Offices by the municipality" instead of stating "by the applicant"; Step III.C was modified to attach pre-application meeting notes to the module as opposed to setting up a pre-application meeting and this step moved to Step III.B.
June 11, 2014	1.0	Original version