

**Standard Operating Procedures for  
Processing Municipal and Residual Waste  
Minor Permit Modification Applications for  
Landfills, Resource Recovery Facilities,  
Transfer Stations, and Processing and  
Composting Facilities**

**Bureau of Waste Management**



Revised 11/9/2012

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## **Standard Operating Procedures (SOPs)<sup>1</sup> for Processing Permit Applications**

### **Municipal and Residual Waste – Minor Permit Modifications for Landfills, Resource Recovery Facilities, Transfer Stations, and Processing and Composting Facilities**

This SOP describes the procedures by which staff in the Waste Management Program will conduct administrative reviews and technical reviews of applications for minor permit modifications for landfills, resource recovery facilities, transfer stations, and processing and composting facilities. The procedures herein describe the Bureau’s process for management of minor permit modification applications in accordance with the Policy for Implementing the Department of Environmental Protection’s (Department) Permit Review Process and Permit Decision Guarantee, 021-2100-001, and Policy for Permit Coordination, 021-2000-301.

All minor permit modification applications listed in Appendix A of the Permit Review and Process Permit Decision Guarantee (PDG) Policy, 021-2100-001, are subject to this SOP and the timeframes specified in the following table:

Table 1

Application Type	Total Processing Time (in business days)
Landfill	143
Resource Recovery	100
Transfer Station	100
Processing and Composting	100

Please note that the Processing Time for an application does not begin until the application is accepted as “Complete”. See Figure 1, attached, for a diagram of the permitting process for minor modifications.

<sup>1</sup> DISCLAIMER: The process and procedures outlined in this Standard Operating Procedure (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. Receipt of Application:** When applications are received staff will:

- A. Stamp the application with the date received.
- B. Create the authorization record in eFACTS.
  - 1. Select the proper authorization type code and verify that the correct fee was submitted.
  - 2. Select the proper application type using the appropriate regional organization code.
  - 3. Associate the proper client address (PF) and site address to the project/authorization.
  - 4. Enter the date the application was received.
  - 5. Enter or review/update Primary Facility (PF) and Sub Facility (SF) details.
  - 6. Assign an Application Manager to the application, and enter the Application Manager as the lead reviewer. If an Application Manager has not been assigned, enter the Permits Chief as the lead reviewer.
  - 7. If a consultant is indicated on the application and the consultant already exists as a “client” in eFACTS, enter the consultant’s information on the “Consultant” tab of the authorization record. If the consultant does not have a client record in eFACTS, create a client record for the consultant. When creating a new client record for a consultant and the “client type” (i.e., corporation, individual, etc.) is not known, select “other” from the menu.
- C. Copy the check (application fee) and attach the copy to the application with the account information redacted. The original check should be processed in accordance with the latest version of Management Directive OAM-1000-01, *Deposit of Fees, Fines, Penalties and Other Revenue*.
- D. Give the application package to the Permits Chief.

**II. Correspondence with the Applicant:** All written and verbal correspondence with the Applicant should be documented and retained in the application file in accordance with the Department's applicable Records Retention and Disposition Schedule and Management Directive 210.5, *The Commonwealth of Pennsylvania State Records Management Program*, including copies of letters and emails to and/or from the Applicant. Telephone correspondence should be documented in a phone log, database or spreadsheet that details the name of the person contacted, the date and time of the conversation, and notes for all communications. Discussions during face-to-face meetings should be documented in meeting notes or minutes. All logs, databases, spreadsheets, notes and minutes should be retained with the Applicant's file and made accessible to other Bureau staff to allow others to check the latest correspondence in cases where the Application Manager, or other assigned staff, is out of the office.

**III. Coordination and Prioritization:** Upon receipt of an application, the Permits Chief or assigned staff will:

- A. Determine whether coordination with other applications is needed in accordance with the Department's Policy for Permit Coordination, 021-2000-301. Note on the application file or permit tracking sheet whether permit coordination is needed so that the Application Manager is aware of needed coordination.
- B. Prioritize the application in accordance with the "Permit Review Hierarchy" contained in Section II.B of the Department's Permit Review Process and Permit Decision Guarantee Policy, 021-2100-001. Note the hierarchy number, as contained in the Policy, on the application file or permit tracking sheet.
- C. Route the application to the assigned Application Manager.

**IV. Completeness Review:** Completeness Reviews will be conducted in accordance with Section 271.202 of the Municipal Waste Regulations, 25 Pa Code §271.202, or Section 287.202 of the Residual Waste Regulations, 25 Pa Code §287.202, whichever is applicable.

- A. Review of Application: Upon receipt of an application from the Permits Chief, the Application Manager or other assigned staff will:
  - 1. Review the application based on the prioritization assigned to the application.

2. Review the application for administrative completeness, as determined based on the permit application checklist. A complete application includes the following:
    - a. All forms indicated on the appropriate application checklist were submitted with the package, including the appropriate number of copies. All applicable sections of the application must be completed. If a section is not filled in and the Application Manager believes it is not applicable to the facility, the application may be considered acceptable.
    - b. All necessary attachments to the forms.
    - c. The appropriate application fee.
  3. Review the application for technical adequacy. A technically-adequate application should contain the necessary information, maps, fees, and other documents, and said items should be of sufficient detail for a technical review of the application to be conducted, as described in the Department's Policy for Permit Review Process and Permit Decision Guarantee, 021-2100-001.
- B. Complete Applications: When an application is determined to be complete based on Section IV.A, above, the Application Manager or other assigned staff will:
1. Prepare and send an Acceptance Letter explaining the technical review process and identifying any other required permits. The letter should also contain information regarding the PDG timeframe for the application.
  2. Update the eFACTS record to note that the application was determined to be complete. eFACTS will begin recording the processing time for the application.
  3. Proceed to Section V (Technical Review).
- C. Incomplete Applications: When an application is determined to be incomplete based on Section IV.A above, the Application Manager or other assigned staff will:
1. Within 60 calendar days, prepare a letter notifying the applicant that the application is incomplete, in accordance with 25 Pa Code 271.202(d), or 287.202(d), whichever is applicable. The letter should identify the specific information, maps, fees, and documents that are necessary to make the application administratively complete and technically adequate, and provide a

deadline to respond. The applicant's response is required within 90 calendar days of the date of the deficiency letter.

2. If the applicant fails to provide the information, maps, fees and documents within 90 calendar days of receiving the notice of incompleteness, deny the application in accordance with 25 Pa Code §271.202(e), or §287.202(e), whichever is applicable.
  - a. Prepare a letter for the Program Manager's signature that denies the application as incomplete. The letter must specify where the application is deficient, including specific applicable regulatory and statutory citations.
  - b. Close out the eFACTS authorization.
3. Upon receipt of additional information, the Department will determine if the application is complete based on the criteria in 25 Pa Code §271.202, or 25 Pa Code §287.202, whichever is applicable, and Section IV.A above.
4. If the submittal of additional information is not sufficient to make the application complete, the application will be denied in accordance with paragraph IV.C.2, above.

**V. Technical Review:** Following the completeness review, staff will begin the technical review process based on order of priority. Any conflicts that arise will be resolved by the Permits Chief and Program Manager. If a resolution cannot be produced, the Regional Director, Assistant Regional Director and/or Bureau Director will be consulted, as necessary.

A. The Application Manager will coordinate the following:

1. Review the application to ensure the application contains all necessary scientific and engineering information, as well as project design, to address appropriate specific regulatory and statutory requirements. A technical review of the application may include the following:
  - a. Evaluation of siting criteria and existing conditions, which may include a site visit.
  - b. Review of each application form, attachment and drawing for compliance with applicable regulatory and statutory requirements.

- c. Determination of whether an adjustment to the facility's bond is necessary based on the proposed modification.
    - i. If bonding worksheets have not been submitted, notify the Applicant that all necessary bonding worksheets and supporting calculations must be submitted for review.
    - ii. Review bonding calculation worksheets.
  2. Verify permit coordination needs.
- B. Public Comments: If public comments have been received or significant public interest is expected, the Application Manager will:
1. Review the comments.
  2. Determine whether the application should or may be modified to address the comments.
- C. Technically Complete Applications: When the application is determined to be technically complete, the Application Manager will proceed to Section VI (Permit Decision).
- D. Technically Deficient Applications: When an application is determined to be technically deficient, the Application Manager will:
1. Prepare a technical deficiency letter and send to the Applicant. The letter should:
    - a. Specify where the application is deficient, including citations of the specific statute(s) and/or regulation(s) that the application failed to meet.
    - b. Notify the Applicant that PDG is voided.
    - c. Inform the Applicant of any appropriate public concerns.
    - d. Offer the Applicant an opportunity to meet and discuss the deficiencies.
    - e. Include a deadline for submitting a response.
  2. Enter a subtask of "SDN" (Send Deficiency Notice/Receive Response) into eFACTS with a start date corresponding to the date of the technical deficiency letter.



3. Proceed with one of the following categories:
  - a. If the Applicant submits a response to the technical deficiency letter within the prescribed deadline, and based upon the information received, the application can be considered technically complete, the Application Manager will:
    - i. Enter the date the applicant's response was received into eFACTS.
    - ii. Proceed in accordance with Section VI (Permit Decision).
  - b. If the Applicant fails to respond within the prescribed deadline, or if the submittal of additional information is not sufficient to make the application technically complete, the Application Manager will:
    - i. Enter the date the applicant's response was received into eFACTS.
    - ii. Proceed to paragraph E, below (Elevated Review Process).
- E. Elevated Review Process: Once the elevated review process is initiated, it must be completed within 15 business days. The Bureau Director and/or Deputy Secretary may be contacted in regard to any conflicts that arise during the elevated review process.
  1. The Application Manager will immediately:
    - a. Notify the Permits Chief and Program Manager that the elevated review process is necessary.
    - b. Enter the start date of the elevated review process into eFACTS.
  2. Upon notification from the Application Manger, the Program Manger or Permits Chief will:
    - a. Notify the Regional Director of the need for elevated review.
    - b. Arrange a time to discuss the details and deficiencies of the application with the Regional Director.
    - c. Agree on a direction in which to proceed in regard to a permit decision with all involved staff. A face-to-face meeting or phone call with all involved staff and the Applicant and the consultant(s) may be necessary to discuss the

technical deficiencies of the application and proceed with a permit decision. If a meeting or call is necessary, the Program Manager or assigned staff will schedule the meeting or phone call with the Applicant and consultant(s) and all involved staff.

- d. If the meeting or call results in a resolution, the Regional Director may provide the Applicant with an additional 10 business days to submit a response that addresses the technical deficiencies contained in the application and meet all regulatory and statutory requirements.
  - e. If the Applicant fails to provide a response that is sufficient to make the application technically complete within the additional 10 business days provided, or if a resolution cannot be reached, the deficiencies will be elevated to the Bureau Director, who will have 15 business days from the day of first notification, to provide direction on the application in regard to a permit decision. The elevated review process will receive the highest priority by the Bureau Director. Assistant Regional Directors or appropriate Bureau Division Chiefs may substitute for the Bureau Director when necessary in order to meet the 15-day deadline.
3. The Application Manger or assigned staff will enter the end date of the elevated review process into eFACTS.
  4. Proceed to Section VI (Permit Decision).

**VI. Permit Decision:** For applications included in PDG, the technical review must be completed and a permit decision must be made within the processing time identified in the Table 1 of this SOP. Based on the outcome of the technical review, the Department will proceed with one of the following categories:

- A. If the Department has not surpassed the PDG processing time or PDG is void, the application will be approved or denied as follows:
  1. Approval of Application

If the application is determined to be complete and adequately demonstrates that it meets all applicable regulatory and statutory requirements with no

remaining deficiencies, the permit modification is recommended for approval.

The Application Manager or assigned staff will:

- a. Notify the Applicant to post the bond, if an additional bond is required before issuance of the modification.
  - b. Prepare a draft permit modification with conditions as appropriate for the requested modification.
  - c. Provide the draft permit to appropriate staff for review and comment. Review internal comments and modify the draft as appropriate.
  - d. Send the draft permit modification for review, if requested by the Applicant. Review any comments on the draft modification submitted by the Applicant and revise the draft permit modification as appropriate.
  - e. Verify that the required bond is submitted, approved and executed, if additional bonding is necessary.
  - f. If permit coordination is needed, hold the permit application for coordination with all other permit applications in accordance with the Department's Policy for Permit Coordination, 021-2000-301.
  - g. If permit coordination is not needed or once permit coordination requirements are met, issue the permit modification.
  - h. Proceed to Section VII (Post Decision).
2. Denial of Application

If the application contains technical deficiencies after two technical reviews; the required bond is not submitted, approved or executed; and/or the Applicant cannot meet all applicable statutory and regulatory requirements, the application will be recommended for denial. The Application Manager or assigned staff will:

- a. Notify the Program Manager, Assistant Regional Director and Regional Director, as appropriate.

- b. The Application Manager will prepare a letter, for the Program Manager's signature, that denies the application. The letter will:
  - i. Specify where the application is deficient, including specific applicable regulatory and statutory citations.
  - ii. Copy the appropriate program staff, Regional Director, Legal Staff, and if applicable, the host county and municipality.

**Note:** The application fee is not returned for applications that are denied. If the Applicant chooses to amend and resubmit the application, following appropriate Municipal and Residual Waste Program requirements and procedures, the resubmitted application is treated as a new application.

- B. If the Department fails to meet the PDG processing time and PDG is still valid:
  1. A decision on the application is prioritized as the next actionable application within the Municipal and Residual Waste Program.
  2. The Program Manager and Regional Director will have five (5) business days to make a permit decision.

If the five (5) business day timeframe is not met, a meeting with the Secretary of the Department is scheduled to determine why the deadline was missed.

- a. If the application is determined to be complete and meets all applicable regulatory and statutory requirements with no remaining deficiencies, the permit modification is approved following the steps in Section VI.A.1 (Approval of Application), above.
- b. If it is determined that the application does not meet all applicable regulatory and statutory requirements or has remaining deficiencies, the permit modification is denied following the steps in Section VI.A.2 (Denial of Application), above.

**VII. Post Decision:** After a permit decision has been made, the Application Manager will:

- A. Enter the appropriate disposition and end dates in eFACTS.
- B. Transmit the case files to the Program's file room.

**VIII. Municipal and Residual Waste – Minor Permit Modifications for Landfills, Resource Recovery Facilities, Transfer Stations, and Processing and Composting Facilities**



