

**Standard Operating Procedure (SOP)¹ for Clean Water Program
Management of Late, Incomplete, and Deficient NPDES Permit Renewal Applications
SOP No. BPNPSM-ENF-001
Final, July 3, 2013
Revised, October 7, 2021
Version 1.3**

This SOP describes the procedures by which the Clean Water Program and the Bureau of Clean Water (BCW) will manage and respond to the receipt of late, incomplete, and technically deficient NPDES permit renewal applications and Notices of Intent (NOIs) (collectively “applications”) for sewage, industrial waste, industrial stormwater, municipal stormwater, pesticides, CAFOs and biosolids permits. This SOP applies only to the application type of renewal.

I. Late Renewal Applications

The term “late” is defined for the purpose of this SOP as an application that is not submitted in a “timely” manner. A timely application is one that is submitted to DEP either: 1) at least 180 days prior to the expiration date of an individual permit or the expiration date of coverage under a general permit, or 2) by an alternative due date less than 180 days prior to the expiration date, but before the permit expiration date, where approved by DEP. The date of the postmark, rather than the date received, is the date by which the determination of timeliness is made. This SOP may also be utilized for other permit renewal applications processed by the Clean Water Program, including but not limited to WQM permit renewal applications for land application, where applicable.

BCW has two functions in the management of late permit applications:

- BCW will distribute, on a monthly basis, the following lists to regional Clean Water Program staff:
 - Late applications that were received by DEP (this list will exclude facilities covered by general permits that do not expire);
 - Applications that have not been received by the due date, but the permits have not yet expired (excluding facilities covered by general permits that do not expire); and
 - Applications that have not been received and the permits have expired.
- BCW will facilitate the transmission of automated NPDES permit renewal reminder letters to permitted facilities at least one year prior to permit expiration dates, which will provide at least six months for completion of the application. The reminder letters will be sent to all NPDES-permitted facilities with the “Reminder Letter Due Date” field populated in eFACTS. The date the reminder letter is sent will be stored in eFACTS.

In addition, when requested by regional offices, BCW will contact and/or investigate permits that have expired although renewal applications were not received and provide feedback to those regional offices.

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. The procedures in this SOP are generalized for the sake of statewide consistency. This SOP is not a substitute for legal advice regarding enforcement matters and where case-specific circumstances warrant, staff may deviate from the procedures if there is sound legal justification for doing so at the advice of counsel.

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The remainder of this section describes functions of the Clean Water Program.

A. Compliance Assistance and Requests for Extensions

In general, Clean Water Program staff will implement the following procedures relating to compliance assistance and requests for extensions. It is noted that the term “Permits Chief” is inclusive of “Planning Chiefs” and “Operations Chiefs” where the Planning Section or Operations Section has responsibility for processing the permit application (e.g., Operations Section generally processes biosolids applications).

1. Each paper Discharge Monitoring Report (DMR) issued with individual NPDES permits will contain the expiration date of the permit and the permit renewal application due date (180 days minus permit expiration date).
2. Each completed inspection report that is provided to facility operators following an inspection will contain the expiration date of the permit and the permit renewal application due date. During the inspection, inspectors will make a point of notifying facility personnel verbally of the application due date if the application will be due within the next year.
3. Requests for Extensions.
 - a. If the permittee or its consultant contacts staff by phone, email or written correspondence on or prior to the application due date (180 days prior to the expiration date) and requests an extension of time to submit the application, staff will refer the request to the Permits Chief for a response.
 - b. The Permits Chief will generally grant permission to submit the application at a later date. The Permits Chief may deny the request on a case-by-case basis, considering the circumstances of each case.
 - c. The Permits Chief has discretion on establishing the duration of the extension (number of days), but in general will not authorize an extension greater than 90 days, and in no case may permission be granted for submission after the permit expiration date. The permission will be memorialized in writing, either through email or written correspondence from the Permits Chief. A copy of the email or written correspondence will be placed into the application file.
 - d. When an alternative application due date has been permitted, the Permits Chief will notify the Late Application Coordinator (LAC) (see Section I.B.1.a), and the LAC will record the date in a spreadsheet, calendar, or other system for tracking purposes that is accessible by Clean Water Program staff.
 - e. If the application is submitted by the alternative application due date, it is considered a timely application under 25 Pa. Code § 92a.7(b)(1), and the terms and conditions of the permit will be automatically continued if the permit expires prior to final issuance of the renewed permit.
 - f. If the permittee or its consultant contacts staff by phone, email or written correspondence after the application due date and requests an extension of time to submit the application, staff will generally deny the request, inform the permittee that a Notice of Violation (NOV) will be issued, and request that the application be submitted as soon as possible to avoid further enforcement action.
 - g. If the permittee has already received permission for an extension, but requests an additional extension, the Permits Chief may grant the extension on a case-by-case basis, but in no case may authorize submission of the application after the expiration date. Sections I.A.3.c, d, and e are applicable to such cases.

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B. Management of Late Applications

1. Actions Following Receipt of BCW’s Monthly Lists.

Clean Water Program staff will implement the following tasks following receipt of the monthly lists of late and non-submitted applications transmitted by BCW (see **Figure 1**).

- a. Each regional Clean Water Program will assign a “Late Application Coordinator” (LAC) who is responsible for tracking and responding to or facilitating responses to the receipt of late renewal applications. Clean Water Program Managers will inform BCW of the individual assigned to the LAC role, and inform BCW of any changes to the individual assigned to this role. The LAC will be a “Compliance Specialist” or, if there is no Compliance Specialist in the regional office at a particular time, a Water Quality Specialist Supervisor or the Operations Chief will serve as the LAC on an interim basis, at the discretion of the Program Manager.
- b. **Late Renewal Applications Received List** – LACs may issue a Notice of Violation (NOV) to any permittee that failed to submit a timely application, but the application was received before the permit expiration date. If an NOV is issued, the WMS facility template at **NOVs – NOV for Late Applications Received** will be used. The NOV will be generated, saved to the WMS database, and printed. Upon issuance, the status in WMS will be changed to “Final” and the disposition will be changed to “Issued – Mailed.” The LAC or a Compliance Specialist (if different) will sign the NOV. All NOVs will be sent via email (using delivery receipt) or Certified Mail. Inspection, violation, and enforcement records will be entered into eFACTS for the NOV.

Following issuance of an NOV under this section, LACs may transmit a proposed Consent Assessment of Civil Penalty (CACP) to the permittee for execution. If this alternative is chosen, the WMS facility template at **CACPs – Late and Deficient Renewal Applications** will be used. Penalties calculated for late applications will be derived using the Clean Streams Law Penalty Spreadsheet.

NOTE 1 – A permittee may be present on BCW’s list but was given an extension to submit the application (i.e., eFACTS does not track such extensions), and thus may not actually be late. Therefore, LACs must fact check each listing to ensure accuracy before an NOV is issued.

NOTE 2 – As discussed in Sections I.A.3.d and I.B.2.a, the LAC should be aware of the receipt of late renewal applications when notified by the Permits Chief.

- c. **Late Renewal Applications Not Received List** – The LAC will, within 30 days, review the list of renewal applications not yet received before the expiration date to verify that the application actually is late (see Note 1). If it is determined that the application is at least 30 days late for non-SFTFs or at least 90 days late for SFTFs, the LAC will issue or facilitate issuance of an NOV to the permittee unless it is determined that the facility will not continue to discharge past the expiration date. At the Program Manager’s discretion, NOVs may be issued prior to the thresholds identified above. WMS will be used to generate the NOV using the facility template at **NOVs – NOV for Late Applications Not Received**. The NOV will specify the due date in the NOV, but not after the permit expires. If an application is not submitted by the permit expiration date, a proposed Consent Order and Agreement (COA) or Order will be transmitted in accordance with Section I.B.d.iii.
- d. **No Renewal Application and Permit Has Expired List** – The LAC will coordinate with Operations and Permits staff to investigate the status of facilities on the list of expired permits with no renewal application received, with the objective of removing at least 10 facilities from the list per month (unless BCW is performing the investigation on the regional office’s behalf or there are fewer than 10 facilities on the list).

NOTE 3 – Facilities are automatically removed from the list when an authorization with a disposition of “Ceased Discharging” is entered into eFACTS. When a new permit application is received, the LAC should notify BCW so that the facility may be manually removed from the list.

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- i. Reasons for the presence on this list may include:
 - (1) The facility submitted an application for a different type of permit, which is not something the query of eFACTS data can determine (e.g., the facility is covered under an individual permit but the permittee submitted an NOI for general permit coverage instead of a renewal application);
 - (2) The facility has ceased discharging, but did not submit a request to terminate the permit and/or eFACTS was not updated; or
 - (3) The facility is still operating and/or discharging, but the permittee failed to submit the renewal application.
- ii. Where a facility has ceased operation or discharging but eFACTS has not been updated to reflect this, the LAC will update or coordinate updates to eFACTS, including the entry of an authorization with a disposition of “Ceased Discharging” to terminate the permit, inactivation of the primary facility and subfacilities, and notification to BCW so that the fee category and ICIS can be updated.
- iii. In general, where it is determined that a non-SFTF/SRSTP is operating or discharging beyond the permit expiration date and no permit renewal application has been submitted, the LAC will, as soon as possible following issuance of an NOV in accordance with Section I.B.1.c, transmit or coordinate the transmission of a proposed COA or Order. This step is optional for SFTF/SRSTP facilities.

In general, the COA or Order will:

 - (1) Order the submission of a new permit application and fee by a specific date;
 - (2) Include, as an attachment, the terms and conditions of the permit that has expired (or the latest permit language in use at the time) and order compliance with those terms and conditions;
 - (3) Include a civil penalty (COAs only) that is derived from the Clean Streams Law Penalty Spreadsheet²; and
 - (4) Include stipulated civil penalties (COAs only) for failure to submit the new permit application by the date specified in the COA².
- iv. If a COA is prepared, the COA and cover letter will be generated using the NMS facility template at *COAs – COA for Late and Deficient Renewal Applications*, saved to the NMS database, and printed. If an Order is prepared, the Order and cover letter will be generated using the NMS facility template at *Orders – Order for Late and Deficient Renewal Applications*, saved to the NMS database, and printed. The COA/Order package will be sent via Certified Mail. The COA/Order will be reviewed by regional counsel and signed by the Clean Water Program Manager.
- v. If an Order is transmitted, then upon receipt of the application the LAC **will** develop a CACP to collect a civil penalty in accordance with Section I.B.1.b.

NOTE 4 – Summary citations may be used to satisfy this step, at the Program Manager’s discretion.

² In general, civil penalties will not be assessed for permittees with single residence sewage treatment facilities and federal facilities. Approval from the Deputy Secretary for Field Operations to proceed with enforcement actions may be required for certain facilities.

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2. Actions Following Receipt of Late Renewals Applications.

- a. Upon receipt of renewal applications from administrative staff (following creation of the authorization record in eFACTS), Permits Chiefs will evaluate whether the application was submitted late, considering any extensions that may have been granted. If the application was submitted late, the Permits Chief may notify the LAC for possible issuance of an NOV.
- b. The Permits Chief will provide the late renewal application to an application manager for the completeness review if the permit has not yet expired or if the permit has expired but the fee for a new permit has been submitted.
- c. If the application manager determines there are no deficiencies, application managers will:
 - i. Issue an administrative extension letter using the WMS permit template at **Letters – Administrative Extension Letter**, unless a CACP will be executed to resolve the late application as discussed in Section I.B.1.b;
 - ii. Complete data management tasks as specified in the permit-specific SOPs; and
 - iii. Proceed to the technical review as specified in the permit-specific SOPs.

NOTE 5 – If the application manager determines there are insignificant deficiencies, see Section II.A below.

- d. If the application manager determines there are significant deficiencies (or insignificant deficiencies not addressed within the 10-business day completeness review period), application managers will follow Step II.A.6 below.
- e. If the application was submitted after the expiration date and does not include the fee for a new permit, in general the LAC or Permits Chief will request that the full amount for a new permit be submitted. If the permittee fails to submit the new permit fee, a CACP will be developed in accordance with Section I.B.1.b.

II. Incomplete Renewal Applications

The following procedures apply to all permit renewal applications (regardless of whether or not they were received late). Please refer to **Figure 2** for a flow chart for decisions regarding incomplete or technically deficient renewal applications.

A. Incomplete Renewal Applications with Insignificant Deficiencies

1. If a renewal application is found to be incomplete and the deficiencies are determined to be insignificant (i.e., items that in the application manager's judgment can be corrected within the 10-business day completeness review period), the application manager will contact the applicant (or the applicant's authorized representative) by phone 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 application 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 6 – 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.

2. 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

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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.

3. In the event the application manager is unable to contact the applicant or consultant by phone before the end of the 10-business day completeness review period, the application manager will proceed to Step II.A.6.
4. After the necessary materials have been received (electronic receipt is generally acceptable), and assuming the application can then be considered complete, the application manager will then proceed to the technical review for the renewal application (refer to permit-specific SOPs).
5. If the submission does not correct the original insignificant deficiencies, the application manager will proceed to Step II.A.6.
6. If the applicant does not correct the insignificant deficiencies before the end of the 10-business day completeness review period, the application manager will transmit a letter identifying the deficiencies.
 - a. The letter template in **Attachment A** will be used (in WMS see **Letters – Renewal Initial Incomplete Letter**). The letter specifies that if the information necessary to correct the deficiencies is submitted by the given deadline (30 days following the date of the letter), the permit will be considered administratively continued.
 - b. 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.
7. If the necessary information is submitted by the deadline provided in the Attachment A letter, and the permit has not expired, proceed to technical review of the renewal application (refer to permit-specific SOPs).
8. If the necessary information is not submitted by the deadline provided in the Attachment A letter, and the permit has expired, issue the letter in **Attachment B** (in WMS see **Letters – Renewal Insignificant Incomplete Letter**), which provides a new deadline to submit the information and notice that the permit had been administratively continued under 25 Pa. Code § 92a.75.
9. If the necessary information is submitted by the deadline provided in the Attachment B letter and is satisfactory, proceed to the technical review for the renewal application (refer to permit-specific SOPs).
10. If the necessary information is not submitted by the deadline provided in the Attachment B letter, issue the NOV referred to in Step II.B.5 below and proceed to Step II.B.6.

B. Incomplete Renewal Applications with Significant Deficiencies

1. If a renewal application is found to be incomplete and the deficiencies are determined to be significant, the application manager will transmit a letter identifying the deficiencies.
 - a. The letter template in **Attachment A** will be used (in WMS see **Letters – Renewal Initial Incomplete Letter**). The letter specifies that if the information necessary to correct the deficiencies is submitted by the given deadline (30 days following the date of the letter), the permit will be considered administratively continued.
 - b. 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.
2. If the necessary information is submitted by the deadline provided in the Attachment A letter, and the permit has not expired, proceed to technical review of the renewal application (refer to permit-specific SOPs).

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3. If the necessary information is not submitted by the deadline provided in the Attachment A letter, and the permit has expired, issue the letter in **Attachment C** (in WMS see **Letters – Renewal Non-Significant Incomplete Letter**), which provides a new deadline to submit the information and puts the applicant on notice that the permit has expired.
4. If the necessary information is submitted by the deadline provided in the Attachment C letter and is satisfactory, review the application as an application for a new permit because the existing permit expired. The difference in the fee between a new and reissued permit must be received before the technical review of the new application may proceed.
5. If the necessary information is not submitted by the deadline provided in the Attachment C letter, issue the Notice of Violation (NOV) in **Attachment D** (in WMS see **Letters – Renewal Significant Incomplete NOV**).
6. If the necessary information is submitted by the deadline provided in the Attachment D NOV, review the application as an application for a new permit because the existing permit expired. The difference in the fee between a new and reissued permit must be received before the technical review of the new application may proceed.
7. If the necessary information is not submitted by the given deadline in the Attachment D NOV, do the following:
 - a. Deny the application using the Application Denial letter in WMS. Notice of denial for an incomplete application does not require publication in the *Pennsylvania Bulletin*.
 - b. Concurrently, issue an administrative order that compels submission of an application for a new permit (template to be provided).
 - c. Optionally, pursue separate enforcement to recover civil penalties.

III. Technically Deficient Renewal Applications

- A. One (and only one) technical deficiency (TD) letter will be issued if it is determined that technical deficiencies exist with a renewal application. The WMS template at **Letters – Technical Deficiency Letter** will be used, and a deadline will be established for receipt of the revised application (prior to the expiration date if possible).
- B. If the technical deficiencies are not resolved by the deadline in the TD letter, the Permits Chief and Program Manager will select one of the following options:
 1. If the regional office believes the permittee can be compelled to address the deficiency through the permit, proceed with issuance of draft and final permits with a condition that the deficiency be addressed within a specific period of time. Include notice of the condition in the draft and final permit cover letters. Following issuance, if the permittee does not comply, pursue enforcement similar to any other permit non-compliance.

NOTE 6 – Due to case law, DEP should not proceed with this option when the deficiency relates to an item that is expressly identified in Chapter 92a (or federal regulations incorporated by reference). For example, because Whole Effluent Toxicity (WET) tests are required for specific dischargers, a technical deficiency related to WET tests should not be addressed through a permit condition. **Prior to selecting this option the program should confer with regional counsel.**

2. If it is deemed unlikely that the permittee can be compelled to address the deficiency through the permit (or if the deficiency relates to a specific regulatory requirement), send a letter advising the applicant that DEP will proceed to tentatively deny the renewal application unless the deficiencies are addressed by a given deadline, using the template in **Attachment E** (in WMS see **Letters – Renewal Denial**

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Warning Letter). If the permittee does not comply, proceed with the tentative and final denials (including PA Bulletin notices). In the final denial letter, specify that the permit has been revoked. Then proceed with enforcement for unauthorized discharges and to compel submission of a new permit application (i.e., NOV followed by Order as necessary). **Prior to selecting this option the program should confer with regional counsel.**

3. Proceed with an Elevated Review under DEP's Permit Decision Guarantee and Permit Review Process Policy (not shown in Figure 2).

Figure 1: Actions Following Receipt of BCW Monthly Lists of Late and Non-Submitted Renewal Applications

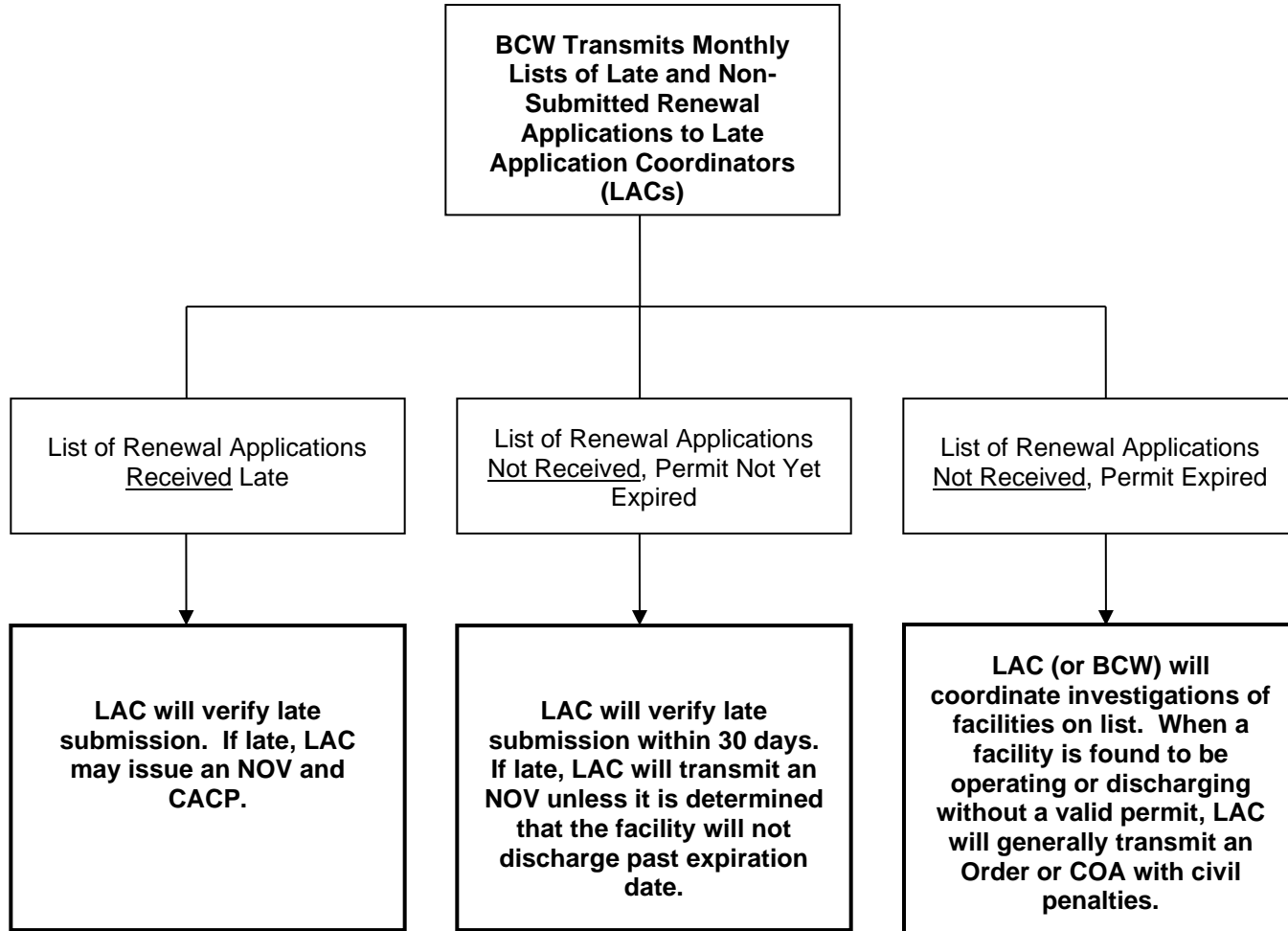
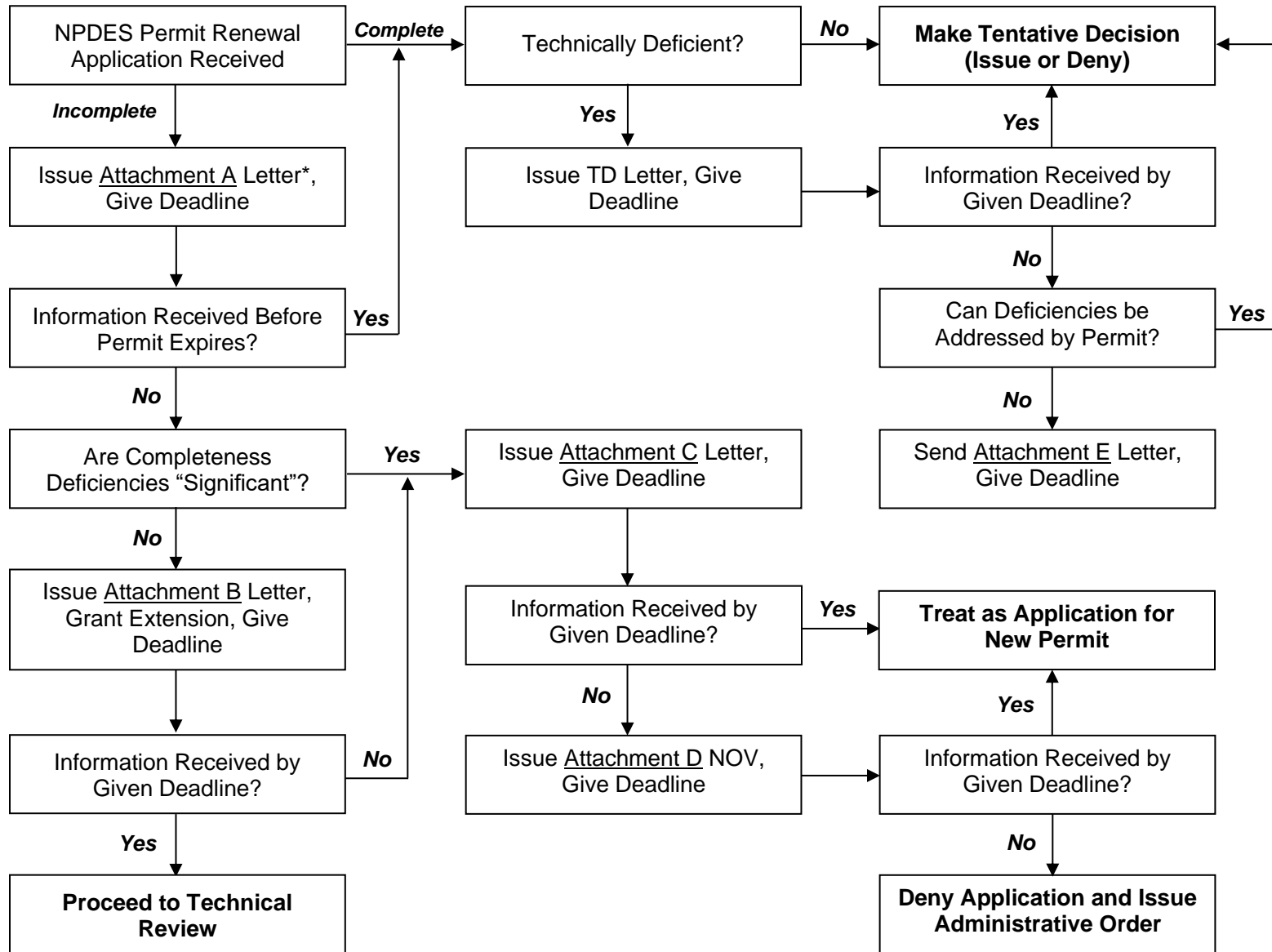


Figure 2: Management of Incomplete and Technically Deficient Renewal Applications



* For significant deficiencies and non-significant deficiencies not resolved within completeness review period.

ATTACHMENT A
Renewal Initial Incomplete Letter
(Send if Application is Significantly Incomplete or Has Insignificant Deficiencies Not Corrected Within
Completeness Review Period)

(DATE)

(CLIENT CONTACT NAME)

(CLIENT NAME)

(CLIENT ADDRESS)

(CLIENT CITY, STATE, ZIP)

Re: Renewal Application Incomplete
(Facility Name)
NPDES Permit No. (PERMIT NO.)
Authorization ID No. (AUTH ID)
(MUNICIPALITY), (COUNTY)

Dear (NAME):

The Department of Environmental Protection (DEP) received your (NOI or application) on (DATE RECEIVED). DEP has reviewed the (NOI or application) and has determined that it is incomplete. The deficiency(ies) are as follows:

- (List all deficiencies)

In accordance with 25 Pa. Code § 92a.25, DEP may not process an NOI or application that is incomplete or otherwise deficient. **We encourage you to submit the information necessary to correct these deficiencies as soon as possible but no later than 30 days following the date of this letter.**

If the necessary information is not submitted by the given deadline, and DEP is unable to reissue the permit prior to the expiration date of the permit, the terms and conditions of the permit are not automatically continued, placing the permittee at risk for operating and/or discharging without a permit (see 25 Pa. Code § 92a.7(b)(2)). If the necessary information is submitted within 30 days following the date of this letter, DEP will consider your permit to be administratively continued.

If you have any questions about the information contained in this letter, please contact (LEAD REVIEWER) at (PHONE) or (EMAIL).

Sincerely,

(MANAGER NAME)

Environmental Engineer Manager

ATTACHMENT B
Renewal Insignificant Incomplete Letter
(Send if Application Remains Incomplete After Permit Expires but Issues are Minor)

(DATE)

CERTIFIED MAIL NO. [REDACTED]

(CLIENT CONTACT NAME)

(CLIENT NAME)

(CLIENT ADDRESS)

(CLIENT CITY, STATE, ZIP)

Re: Expiration of Permit
(Facility Name)
NPDES Permit No. (PERMIT NO.)
(MUNICIPALITY), (COUNTY)

Dear (NAME):

The Department of Environmental Protection (DEP) received your application for reissuance of your permit on (APPLICATION RECEIVED DATE). Your application was incomplete, and DEP notified you, in writing, of the items that must be submitted to make your application complete on (NOTIFICATION DATE). Your permit expired on (EXPIRATION DATE) and your application remains incomplete. DEP may not process an application or NOI that is incomplete or otherwise deficient (see 25 Pa. Code § 92a.25).

DEP is granting you permission to submit the information needed to complete your application by (DEADLINE). The terms and conditions of the permit have been administratively continued until that date. Failure to submit the information may result in DEP taking additional steps to compel compliance, which may include revocation of your permit.

DEP encourages you to submit the information necessary to make your application complete by the deadline identified above to remedy this situation.

If you have any questions about the information contained in this letter, please contact (LEAD REVIEWER) at (PHONE) or (EMAIL).

Sincerely,

(MANAGER NAME)

Environmental Engineer Manager

ATTACHMENT C
Renewal Significant Incomplete Letter
(Send if Application Remains Significantly Incomplete After Permit Expires)

(DATE)

CERTIFIED MAIL NO. [REDACTED]

(CLIENT CONTACT NAME)

(CLIENT NAME)

(CLIENT ADDRESS)

(CLIENT CITY, STATE, ZIP)

Re: Expiration of Permit
(Facility Name)
NPDES Permit No. (PERMIT NO.)
(MUNICIPALITY), (COUNTY)

Dear (NAME):

The Department of Environmental Protection (DEP) received your application for reissuance of your permit on (APPLICATION RECEIVED DATE). Your application was incomplete, and DEP notified you, in writing, of the items that must be submitted to make your application complete on (NOTIFICATION DATE). Your permit expired on (EXPIRATION DATE) and your application remains incomplete. DEP may not process an application or NOI that is incomplete or otherwise deficient (see 25 Pa. Code § 92a.25), and submission of an incomplete application, even if timely, does not result in an automatic extension of permit coverage under 25 Pa. Code § 92a.7(b).

As a result, you are discharging without a permit, which constitutes violations of 25 Pa. Code § 92a.1(b) and Section 402(b) of the Clean Streams Law, 35 P.S. § 691.402(b); constitutes statutory nuisances under Sections 3 and 202 or 307 of the Clean Streams Law, 35 Pa. § 691.3 and §§ 691.202 or 691.307; and constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611. You may be subject to civil penalties under Section 605 of the Clean Streams Law, 35 P.S. § 691.605 (up to \$10,000 per day) and federal and citizen enforcement under Sections 309 and 505 of the federal Clean Water Act, respectively (33 U.S.C. §§ 1319 and 1365).

DEP encourages you to submit the information necessary to make your application complete within 15 days of this date of this letter to remedy this situation. DEP will treat your submission as an application for a new permit, since an expired permit cannot be reissued.

If you have any questions about the information contained in this letter, please contact (LEAD REVIEWER) at (PHONE) or (EMAIL).

Sincerely,

(MANAGER NAME)

Environmental Engineer Manager

ATTACHMENT D
Renewal Significant Incomplete NOV
(Send if Applicant Has Not Submitted Information to Make Application Complete by the Deadline
Established in the Attachment B Letter)

NOTICE OF VIOLATION

(DATE)

CERTIFIED MAIL NO. [REDACTED]
(CLIENT CONTACT NAME)
(CLIENT NAME)
(CLIENT ADDRESS)
(CLIENT CITY, STATE, ZIP)

Re: Unauthorized Discharges
(Facility Name)
NPDES Permit No. (PERMIT NO.)
(MUNICIPALITY), (COUNTY)

Dear (NAME):

On (DATE), the Department of Environmental Protection (DEP) issued a letter notifying you that your NPDES permit had expired and that you were discharging without a permit. As of the date of this letter, DEP has not received the information it needs to take action on the issuance of a new permit.

We remind you that discharging without a permit constitutes violations of 25 Pa. Code § 92a.1(b) and Section 402(b) of the Clean Streams Law, 35 P.S. § 691.402(b); constitutes statutory nuisances under Sections 3 and 202 or 307 of the Clean Streams Law, 35 Pa. §§ 691.3 and 691.202 or 691.307; and constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611. You may be subject to civil penalties under Section 605 of the Clean Streams Law, 35 P.S. § 691.605 (up to \$10,000 per day) and federal and citizen enforcement under Sections 309 and 505 of the federal Clean Water Act, respectively (33 U.S.C. §§ 1319 and 1365).

Failure to respond to this letter with the information necessary to complete your application by (DEADLINE) will result in DEP taking further enforcement action to compel your compliance with the Clean Streams Law.

If you have any questions about the information contained in this letter, please contact (OPERATIONS CHIEF) at (PHONE) or (EMAIL).

Sincerely,

(MANAGER NAME)
Environmental Program Manager

ATTACHMENT E
Renewal Denial Warning Letter
(Send Prior to Pre-Denial Letter)

(DATE)

(CLIENT CONTACT NAME)

(CLIENT NAME)

(CLIENT ADDRESS)

(CLIENT CITY, STATE, ZIP)

Re: Technical Deficiencies

(Facility Name)

NPDES Permit No. (PERMIT NO.)

(MUNICIPALITY), (COUNTY)

Dear (NAME):

The Department of Environmental Protection (DEP) received your application for reissuance of your permit on (APPLICATION RECEIVED DATE). DEP reviewed your application and identified technical deficiencies that must be addressed. You were notified of the technical deficiencies on (TECH DEFICIENCY LETTER DATE), and to date you have not satisfactorily addressed those deficiencies.

As a result, DEP will proceed toward denial of your application. You should expect formal notice of DEP's tentative decision to deny your application in the near future. Upon making a final decision to deny your application, DEP will revoke your permit coverage.

When DEP revokes your permit coverage, you will be discharging without a permit, which constitutes violations of 25 Pa. Code § 92a.1(b) and Section 402(b) of the Clean Streams Law, 35 P.S. § 691.402(b); constitutes statutory nuisances under Sections 3 and 202 or 307 of the Clean Streams Law, 35 Pa. §§ 691.3 and 691.202 or 691.307; and constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611. You may be subject to civil penalties under Section 605 of the Clean Streams Law, 35 P.S. § 691.605 (up to \$10,000 per day) and federal and citizen enforcement under Sections 309 and 505 of the federal Clean Water Act, respectively (33 U.S.C. §§ 1319 and 1365).

DEP encourages you to submit the information necessary to resolve the technical deficiencies as soon as possible but no later than (DEADLINE) to remedy this situation.

If you have any questions about the information contained in this letter, please contact (LEAD REVIEWER) at (PHONE) or (EMAIL).

Sincerely,

(MANAGER NAME)

Environmental Engineer Manager

Version History

Date	Version	Revision Reason
10/7/2021	1.3	Incorporated procedures for managing incomplete and technically deficient renewal applications (Sections II and III).
2/27/2015	1.2	Extensive revisions throughout to provide additional flexibility.
7/19/2013	1.1	Added CAFOs to the list of permits that the SOP applies to in the introduction.
7/3/2013	1.0	Original