pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION
Bureau of Clean Water

Standard Operating Procedure (SOP)[1] for Clean Water Program
New and Reissuance Small Flow Treatment Facility Individual NPDES Permit Applications
SOP No. BCW-PMT-003
Final, November 9, 2012
Revised, November 9, 2023
Version 1.8

This SOP describes the procedures by which the Clean Water Program will process applications for new and renewal small flow treatment facility (SFTF) individual NPDES permit applications. The authorization types covered by this SOP include "SFTF" and "SRSTP."

SFTFs are those with design flows of 2,000 gallons per day (GPD) or less. Single residence sewage treatment plants (SRSTPs) are a subset of SFTFs and are facilities for single homes with a typical design flow between 400 and 800 GPD. All SFTFs that are for multiple homes or for businesses with design flows of less than or equal to 2,000 GPD are called SFTFs. The distinction is made because different fees apply to SRSTPs vs. SFTFs.

If DEP receives an application from an SFTF for renewal of an individual permit, and DEP determines that the SFTF is now eligible for PAG-04 General Permit coverage, DEP will convert the individual permit application to an NOI in eFACTS. If this is done, DEP will notify the applicant of the conversion by phone or in writing, but will not require submission of an NOI by the applicant or reconcile differences in fees with the applicant (if necessary, the amount due on the fee transaction in eFACTS will be adjusted accordingly).

This SOP is intended to comply with DEP's Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee (021-2100-001) ("PDG Policy"). Only certain types of applications are subject to the Permit Decision Guarantee (PDG) described in the PDG Policy. New and renewal individual SFTF and SRSTP permit applications **ARE NOT** part of the Permit Decision Guarantee (PDG).

The Clean Water Program will refer to existing guidance and the Bureau of Point and Non-Point Source Management's Program Clarification Memo on Permit Coordination (March 5, 2013) when evaluating the need to coordinate issuance of individual NPDES permits with other permits.

I. Preliminary Data Management and Fee Processing (Administrative Staff)

For decision-making with respect to data management activities, administrative staff will follow the eFACTS Program-Specific Guidance for 92a NPDES Authorizations, Facilities and Fees.

When applications are received, administrative staff will promptly:

A. Create the authorization record in eFACTS.

    1. Select the proper auth type code and verify that the correct fee was submitted.

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[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.

In general, administrative staff will check the fee category in eFACTS or use the Authorizations SSRS report (which displays the eFACTS fee category) to determine the proper auth type code. If the application identifies a fee category that does not match the fee category in eFACTS, administrative staff will request assistance from the Permits Chief to resolve the discrepancy.

If it is determined that the wrong fee category was selected on the application, and therefore the wrong fee amount was submitted, administrative staff will follow the latest version of Management Directive OAM-1000-01 ("Deposit of Fees, Fines, Penalties and Other Revenue") to resolve the fee discrepancy.

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

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

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

2. Prepare the physical check payment for transmission to the regional business office following Management Directive OAM-1000-01, and enter the fee payment against the authorization in eFACTS, unless the client is fee exempt. A copy of the check will be made and placed in the application file. Where the fee has not been submitted, treat it as an underpayment in accordance with the Management Directive.

3. Select the proper application type (this SOP covers only NEW and RENEW), using the appropriate regional organization code. Where the client previously was covered by a General Permit and must now apply for an individual permit or the decision is otherwise made to convert the permit to an individual permit, the application type should be NEW.

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

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

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

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

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

B. Enter consultant information.

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

C. Enter or otherwise review and update PF Details.

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

2. Update the PF Kind to "Sewage Publicly Owned (Muni)" or "Sewage Non-Publicly Owned (Non-Muni)," as necessary.

3. Update the SIC or NAICS code for the PF per the application, as necessary, and identify one SIC and/or NAICS code as the "Primary" code. For SRSTPs you may use 8811 as the SIC code.

   NOTE – For SRSTPs, the PF Name should be assigned as the location address and the client or permittee name. For example, the PF name should be "123 Front St SRSTP", not "John Doe Residence SRSTP". This is not necessary for SFTFs at commercial or non-residential locations.

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

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

   If the current auth is not the Master Auth, ensure the Master Auth linked to the current auth has been validated for WMS already (otherwise, validate the Master Auth for NMS).

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

II. Prioritization and Assignment (Permits Chief)

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

A. Prioritize the application in accordance with the "Permit Review Hierarchy" contained in DEP's Policy (400-2100-001). The Permits Chief will note on the application file or a permit tracking sheet the hierarchy number as contained in the Policy.

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

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

D. Notify the regional Late Application Coordinator if the application is for a permit renewal and was submitted late.

III. Completeness Review (Application Manager)

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

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

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

1. Three (3) copies of the completed, signed Small Flow Treatment Facility application (3800-PM-BCW0018b) (after one copy has been sent to other agencies, if applicable). Only one copy is required for electronic submissions. All applicable sections of this application must be completed. If a section is not filled out and the application manager believes it is not applicable to the facility, the application will be considered acceptable. The minimum testing required in the Effluent Testing Information Section must be completed per the application instructions.

2. One signed copy of the General Information Form (4700-PM-CEE00001), which should be reviewed for adequacy.

3. Copies of the Act 14 notification letters sent to the municipality and county along with copies of the receipt card with signatures.

4. Copy of a topographic map identifying the discharge point(s).

5. For new or expanding facilities, a copy of the Act 537 planning approval letter.

6. The application does not contain significant inconsistencies or errors as determined by the application manager.

7. For renewals, written documentation that the treatment units have been pumped out during the permit term, if required in the existing permit.

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

B. Follow the procedures contained in the SOP for Management of Late , Incomplete, and Deficient NPDES Permit Renewal Applications (BCW-ENF-001) if the application is for a permit renewal and was received late.

C. Complete the following data management tasks in eFACTS:

1. Review and edit the PF latitude and longitude, using the coordinates reported on the application or the central point of the treatment facility.

2. Create, or otherwise review and edit, all Discharge Point (DP) subfacilities (SFs) listed in the application. Enter or otherwise review and edit SF latitude and longitude (if necessary, reconcile differences between the application and existing permit with the applicant). Snap DPs to the NHD using the NHD Locator Tool in eFACTS.

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

4. If a wasteload allocation (WLA) exists for any discharge associated with the facility in an EPA-approved TMDL, the application manager will record the name of the TMDL and the WLAs for specific parameters in the DP – TMDL screen.

5. Link all applicable SFs to the authorization record.

6. Validate the authorization from eFACTS to WNMS. If the authorization cannot be validated to WNMS and if the problem(s) cannot be resolved by the application manager, the application manager will first work with administrative staff to resolve the problem(s) and then contact the Bureau of Clean Water, Data Management Division, if administrative staff cannot resolve them.

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

E. For **renewal** applications, if the application is incomplete, follow the procedures contained in the SOP for Management of Late, Incomplete, and Deficient NPDES Permit Renewal Applications (BCW-ENF-001).

F. For **new** applications, if the application is incomplete and the deficiencies are determined to be insignificant (i.e., an item that in the application manager's judgment can be corrected within one business day), the application manager will contact the applicant (or the applicant's authorized representative) <u>by phone</u> to explain the deficiency and offer the opportunity to submit the necessary materials informally by the end of the next business day to make the 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 – The application manager should attempt to communicate with the applicant directly. Where this fails, the application manager may attempt to communicate with the consultant, if any.

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

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

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

H. For **renewal** applications, if the applicant fails to submit the requested information by the next business day following a phone call (or multiple attempts to contact the applicant or consultant by phone), or if the deficiencies are determined to be significant, the application manager will transmit a letter identifying the deficiencies. The template in WMS found at *Letters – Renewal Application Incomplete Letter* will be used. The application manager will enter a subtask of "SDN" (Send

Deficiency Notice/Receive Response) into eFACTS with a start date corresponding to the date of the letter.

If the renewal application is satisfactorily corrected prior to the expiration date, the application manager will issue an administrative extension letter using the WMS template at *Letters – Administrative Extension Letter*. If the renewal application is not corrected prior to the expiration date, the application manager will notify the regional Operations Section for possible enforcement.

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

IV. Technical Review and Preparation of Permit (Application Manager)

Following the Completeness Review, the application manager will determine effluent limitations, monitoring requirements, and facility-specific permit conditions and prepare the permit documents. Applications will be reviewed in order of priority; in the event of a conflict, the matter will be resolved by the Permits Chief.

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

B.   For renewals, review Annual Maintenance Reports (AMRs) and/or Discharge Monitoring Reports (DMRs).

   1.   The file should contain at least two years of AMRs and/or DMRs for the facility. If it appears the facility has not been submitting AMRs or DMRs, a technical deficiency letter will be transmitted using the template in WMS found at *Letters – Technical Deficiency Letter*. The letter will request the submission of missing AMRs or DMRs within 15 business days. If these are not available or not received, the application manager will refer the situation to regional Operations staff for their consideration in pursuing further action.

   2.   At least two years of AMRs and DMRs will be reviewed to determine the permittee's ability to comply with effluent limitations and to ensure the system has been maintained. If there are chronic and significant violations, defined as each report in the past two years having at least one parameter with a result two or more times the limit, the application manager will refer the situation to regional Operations staff for their consideration in pursuing further action.

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

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

In general, application managers will not visit SFTFs unless there is a question on the type of treatment technology or the receiving stream.

D.   Check for unresolved violations.

The application manager will run the *Open Violations by Client SSRS Report* to determine whether there are any unresolved violations associated with the client that will affect issuance of the permit (per CSL Section 609). If there are unresolved violation(s), the application manager will identify the violation(s) in the draft permit cover letter and indicate that the application may not be issued as a final permit if the violation(s) are not resolved.

E. Review the designated and existing use of the waterbody. Consult with the regional biologist to determine the appropriate use if any of the following are true:

1. The waterbody is missing from Chapter 93.

2. The waterbody is actively being monitored and assessed.

3. The waterbody is on the existing use list.

4. There is information available that would suggest the existing use is different than the designated use (i.e. Class A, Wild Trout).

5. There is any question as to the existing or designated use.

F. For new, additional, or increased discharges to HQ or EV waters, conduct an anti-degradation analysis.

Assuming that the applicant has completed an anti-degradation analysis as part of the Act 537 planning process and DEP has approved the selection of a surface water discharge, the application manager's role will be to determine appropriate effluent limitations.

1. Application managers will follow the guidelines contained in DEP's "Water Quality Antidegradation Implementation Guidance" (391-0300-002) and consult with the Bureau of Clean Water, Water Quality Division as needed.

2. Under the authority of 25 Pa. Code § 93.4c, the use of chlorine for disinfection will not be authorized for discharges to EV waters. The use of chlorine for disinfection will not be authorized for discharges to HQ waters unless the application includes a socioeconomic justification (SEJ) (for HQ waters) that justifies the need for chlorine as opposed to other alternatives. If the use of chlorine is approved, for SFTFs the average monthly effluent limitation will be set to 0.02 mg/L ("non-detect") and the appropriate Part C language for TRC limits below method detection limits ("Part C 120") will be used.

G. Determine effluent limitations and parameter monitoring frequencies.

1. The application manager will determine whether or not there is an EPA-approved Total Maximum Daily Load (TMDL) for the receiving waters. If so, the application manager will check the TMDL to determine whether there are individual wasteload allocations (WLAs) for the facility. If present, WLAs will be used in the permit and will be entered into eFACTS on the PF Details – DP Subfacility screen. If WLAs are not present in the TMDL, nothing further will be done.

2. Water quality modeling using the Toxics Management Spreadsheet (TMS) and WQM models will not be conducted, but the "TRC Spreadsheet" will be used to determine TRC limits for non-SRSTPs, unless UV disinfection is used or proposed.

3. The following effluent limitations and monitoring requirements, at a minimum, will be established in all new permits and in renewed permits unless a written justification is provided in the fact sheet based on site-specific considerations such as TMDLs or anti-degradation. In addition, application managers do not need to impose the CBOD5 and TSS limitations below for existing SFTFs that were permitted prior to publication of the Small Flow Treatment Facilities Manual (362-0300-002) when such facilities are not capable of meeting tertiary treatment limits and have no documented compliance concerns. If an existing facility has been well-maintained and monitoring frequencies in the existing permit are less stringent than those below, the existing frequencies may be carried over to the renewal, but in no case may monitoring be "upon request."

Parameter	Avg Mo	IMAX	Sample Type	Frequency: SFTFs	Frequency: SRSTPs
Flow (GPD)	Report	XXX	Estimate / Measured*	1/month	1/year
CBOD$_5$ (mg/L)	10	20	Grab	1/month	1/year
TSS (mg/L)	10	20	Grab	1/month	1/year
TRC (mg/L)	*Report for SRSTPs; Use TRC Spreadsheet to determine WQBELs or 0.02 mg/L AML for SFTFs** *		Grab	1/month	1/month
Fecal Coliform (No./100 ml)	200 Geometric Mean		Grab	1/month	1/year

* Use Estimate for SRSTPs and Measured for SFTFs.
** For facilities previously covered under PAG-04 before November 11, 2023 which were required to apply for an individual permit because of a stream re-designation, apply a TRC AML of 0.5 mg/L.

> **NOTE** – For new facilities, review of the NPDES permit application will generally be done concurrently with the WQM permit application. In the event that the application manager determines that the selected technology deviates significantly from the Small Flow Treatment Facilities Manual (362-0300-002) such that it is unclear that the above standards will be consistently achieved, a technical deficiency letter may be issued under the WQM SOP. However, issuance of the draft NPDES permit may proceed since the standards apply regardless of the technology.

> **NOTE** – For SFTFs / SRSTPs with UV systems, it is not necessary to require UV intensity or transmittance monitoring in the permit.

H. Record the limits and monitoring requirements into the Sample Point Limits module of WMS.

Where parameters subject to grab sampling have an instantaneous maximum (IMAX) limit, the IMAX limit will be coded into the "Conc 3" field so that the permittee is subject to reporting the result on DMRs (e.g., TRC).

I. If necessary, transmit a technical deficiency letter.

1. In the event, upon a detailed technical review of the application, the application manager determines that information beyond the scope of the Completeness Review is not available or otherwise there are technical problems with the application or proposals therein, the application manager will make a determination on whether the deficiency is significant or insignificant. In general, insignificant deficiencies are those that can be corrected quickly by the applicant (e.g., one day) so that there is only a minimal processing delay.

2. If the deficiencies are determined to be insignificant, the application manager will contact the applicant and/or the project consultant by phone and request a response by the close of the next business day. A phone log will be maintained by the application manager to record the results of all such conversations. A follow-up email may be transmitted at the application manager's discretion.

3. If a) the insignificant deficiencies are not corrected by the timeline requested, b) multiple phone calls to the applicant and consultant fail to establish communication, or c) the application manager determines that the deficiencies are significant, the application manager will prepare a Technical Deficiency (TD) Letter using the WNMS template at *Letters – Technical Deficiency Letter*.

4. For **renewal** applications, follow the procedures contained in the SOP for Management of Late, Incomplete, and Deficient NPDES Permit Renewal Applications (BCW-ENF-001) to address technical deficiencies.

5. For **new** applications, the number of TD Letters will be limited to one in most circumstances, and will be issued prior to development of the draft permit. The letter will request a response within 15 business days or a longer period of time at the application manager's discretion (as long as it does not exceed the processing deadline in eFACTS). 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.

   a. If the applicant responds to the TD letter within 15 business days or the alternative schedule, the application manager will enter an end date for the "SDN" subtask in eFACTS corresponding to the date the submission was received, review the submission and, assuming it addresses the concerns raised in the TD letter, proceed with Step IV L. If the submission does not address the concerns in the TD letter, return to Step IV D.1.

   b. If the applicant fails to respond to the TD letter within 15 business days or the alternative schedule, or if the response fails to address the issues raised in the TD letter, the application manager will enter a subtask of "ELEV" (Elevated Review Process) and brief the Section Chief on the circumstances.

   c. If following the Elevated Review Process the decision is to deny the application, the application manager will prepare a pre-denial letter using the WNMS template at *Letters – Pre-Denial Letter*. The application manager will prepare a PA Bulletin notice for the Special Notices section that indicates the tentative decision to deny the application. The PA Bulletin notice and pre-denial letter will contain the "statement of basis" (see 40 CFR § 124.7), i.e., the technical reason(s) for tentatively deciding to deny the application. The pre-denial letter and PA Bulletin notice will be mailed to the permittee via Certified Mail.

   d. Following the 30-day comment period after publication in the PA Bulletin, and assuming the applicant has not addressed the technical deficiencies, the application manager will deny the application by entering a "DENT" subtask (App Technically Deficient – Denied) into eFACTS, using start and end dates for the "DENT" subtask corresponding to the date of the decision, entering end dates for the "SDN" and "ELEV" subtasks, and preparing a letter that denies the application using the WNMS template at *Letters – Application Denial Letter*. The authorization will be closed in eFACTS using the disposition code "Denied."

J. Prepare the fact sheet.

1. At a minimum, all fact sheets for individual permits will contain (see 25 Pa. Code § 92a.53):

   a. A brief description of the type of facility or activity being permitted.

   b. The type and quantity of wastewater or pollutants evaluated in the permit.

   c. Documentation that the applicable effluent limitations and standards including a citation of same are considered in development of the draft permit.

   d. Documentation that applicable water quality standards will not be violated.

   e. A brief summary of the basis for the draft permit limitations and conditions including references to applicable statutory or regulatory provisions.

   In addition, for new, additional or increased discharges to HQ/EV waters, the fact sheet will contain an anti-degradation analysis.

2. Application managers will develop **ONE** fact sheet per permit application which includes all attachments. For each re-draft, ONE fact sheet addendum should be generated.

3. Application managers will run the template found at *Fact Sheets – Individual SFTFs and SRSTPs*. Any information that is missing on the first page will be manually entered into the fact sheet template and into the appropriate location in eFACTS. The application manager will manually enter a written summary of the review in the block on the first page.

4. Discharge, receiving stream, and water supply information that may be missing on the second page will be manually entered into the fact sheet template.

5. Application managers will include a discussion of the compliance history at the operation. For new and existing facilities, application managers will run the *Open Violations by Client SSRS Report* to determine whether there are any unresolved violations associated with the client that will affect issuance of the permit (per CSL Section 609). If there are unresolved violation(s), they will be documented in the fact sheet. Review of the application will proceed, but the application manager will identify the violation(s) in the draft permit cover letter and indicate that the application may not be issued as a final permit if the violation(s) are not resolved.

    Additionally, application managers will (1) verify compliance history with compliance staff, (2) review recent inspection reports, and (3) review compliance with existing permit conditions, and document findings in the fact sheet.

6. The last page will contain the recommended effluent limitations and monitoring requirements that were entered previously into WMS, with an explanation.

K. Prepare the draft permit documents and issue the draft permit.

1. Application managers will run the template found at *Individual Sewage – SFTF Sewage Permit* to generate the permit document. The application manager may manually type other conditions into the permit.

    NOTE – Where decisions are made at a regional level to use specific Part C language in all permits of a certain type, and the language is not in WMS, the Permits Chief will notify the Bureau of Clean Water, NPDES Permitting Division of the language so that a standardized condition may be loaded into WMS, following receipt of statewide feedback, for use by all regions.

    A description of each discharge, the stream code and RMI will be recorded on each Part A limit set page. Footnotes will be added to the page following the limit set page(s) to clarify limitations and refer the permittee to Part C conditions as appropriate.

2. Application managers will run the template found at *Letters – Individual NPDES Draft Permit Cover Letter* to serve as the cover letter for the draft permit. The application manager will review the letter carefully to ensure that correct and appropriate facility names, abbreviations, salutations, and other information from eFACTS are used and make edits as needed.

    The application manager will select the optional paragraph named *Draft Permit Letter 2*, which explains that AMRs and DMRs will be issued with the final permit.

    If the SSRS Report identifies unresolved violations, the application manager will select the optional paragraph named *Draft Permit Letter 3*, and manually enter information on the unresolved violations in the letter. This places applicants on notice that DEP may not be able to issue the final permit until the violations are resolved.

Other language concerning failure to maintain, failure to submit reports, and other issues may be added to the letter at the discretion of the application manager.

3. Application managers will run the template *PA Bulletin Notices – Draft Permits – NPDES Sewage and IW* will be used for PA Bulletin postings of draft renewals and for posting by all applicants near the entrance to their premises.

4. These documents, along with the fact sheet, will be printed and be provided to the Permits Chief. The application manager will sign the draft permit cover letter.

5. The Permits Chief will review the fact sheet to ensure general conformance with the regulations and the content of this SOP. The Permits Chief will sign the fact sheet if the Permits Chief is in agreement with the content, or otherwise return the package to the application manager for edits. After the fact sheet is signed, the Permits Chief will provide the permit package to administrative staff or the application manager for copying and data management.

    NOTE – Electronic signatures may be used by typing the signatory's name (font does not matter) or by using a signature graphic.

    NOTE – Application managers may not issue draft permits until the Permits Chief signs the fact sheet.

6. Administrative staff or the application manager will complete the following:

    a. A start date for the subtask "DP" will be entered in eFACTS for the Technical Review Task. The start date is the date of draft permit issuance.

    b. A "DRAFT" watermark will be applied to the electronic draft permit document, which will then be removed for the final permit.

    c. All documents that will be issued as draft to the applicant will be set to a status of "Draft" and disposition of "Issued (Mailed)" in WMS. Documents that are not issued to the applicant will be set to a status of "Draft" and disposition of "Complete." **The "Date Disposed" of the draft permit, fact sheet and PA Bulletin Notice must exactly match the "DP" subtask start date in eFACTS**.

7. The application manager will determine whether the applicant will receive a hard copy or electronic version of the draft permit package. In general, if there is an email address listed for the client on the GIF, the draft permit package should be sent electronically to the client. The consultant(s) for the project, if any, should receive a copy of the electronic transmission. Where applicable, DRBC, ECHD and ACHD may be copied on the email.

    a. If a decision is made to transmit the draft permit package electronically to the applicant, all documents associated with the package should be transmitted electronically (i.e., one component of the package should not be emailed while others transmitted in hard copy).

    b. If the package will be transmitted electronically, the application manager or administrative staff will open the draft permit cover letter, fact sheet, public notice for posting, and draft permit document and save these documents as PDF (select File – Save As – PDF).

        NOTE – The application manager's name should be typed or a signature graphic should be placed in signature blocks for the electronic versions of draft permit cover letter and fact sheet prior to electronic transmissions to applicants.

    c. Application managers will transmit the email to the applicant and additional recipients generally using the language below for the email message.

"Dear _____,

In response to the receipt of your NPDES permit application, the Department of Environmental Protection (DEP) has made a tentative decision to issue the permit. Attached to this email is the draft NPDES permit document, a fact sheet explaining the basis for DEP's tentative decision, a public notice for posting, and a cover letter to accompany the draft permit. DEP will take comments on this proposed action for 30 days following publication of the draft permit in the PA Bulletin. Please contact me at this email address or at the number below if you have any questions.

Sincerely,

[Signature]"

NOTE – Alternatively, application managers may choose to use the cover letter language as generated through WMS in the email message and exclude the draft permit cover letter document attachment from the email.

NOTE – If a draft permit cover letter will be attached to the email, the words "<u>VIA ELECTRONIC MAIL</u>" will be manually added to the top of the letter, below the date.

The application manager will attach PDF versions of the draft permit cover letter, fact sheet, public notice for posting, and draft permit document to the email.

d. If the draft permit package is sent electronically, the application manager will set the email for "delivery receipt" (in Outlook select Options and check the box for "Request a Delivery Receipt"). If a delivery receipt email is not received within two business days, the application manager will communicate with the applicant (or consultant if applicant cannot be reached) by phone to confirm receipt of the draft permit package.

e. Draft documents (whether transmitted electronically or by hard copy) will be retained in WMS and a copy will be placed in the public file.

8. If it is determined that a hard copy of the draft permit package will be issued, the date of draft permit issuance will be stamped or manually entered onto the draft permit cover letter.

9. The notice that will be placed in the PA Bulletin will be prepared by the application manager or administrative staff and contain the elements required by 25 Pa. Code § 92a.82(b)(1)-(5).

10. The EPA Discretionary indicator box will be checked on the WMS tab of the PF Details screen in eFACTS by the application manager anytime water quality criteria modifiers from a site-specific study will be used to establish effluent limits or where provisional water quality criteria will be used to establish effluent limits. 'Site-Specific Criteria' will be entered into the Reason field. This will cause the transfer of WMS documents to a website for EPA review. If the facility is known to receive oil and gas wastewaters, the Receives O&G Wastewater code will be added in eFACTS, which will cause the transfer of WMS documents to a website for EPA review. If the facility is a Major or Significant Chesapeake Bay discharger, the transfer will occur automatically.

11. If it is determined that a hard copy of the draft permit package will be issued, one or more copies of the complete draft permit package, consisting of the cover letter, draft permit, fact sheet and draft permit notice for applicant posting will be made for mailing to the applicant, consultant, DRBC, ECHD, and ACHD, as applicable. One hard copy will be retained for the case file.

L.   Review applicant and public comments.

Generally, draft permits for SFTFs are not submitted for EPA review, so while there will be no comments from EPA there could be comments received from the permittee and the public during the public comment period.

1.   The application manager will review comments received from the applicant (or the applicant's consultant) and decide whether the draft permit should or may be modified to address the comments and still conform to this SOP. The application manager will consult with the Permits Chief, Bureau of Clean Water and regional counsel, as necessary. If the permit will be issued, the applicant's comments will be addressed in the final permit cover letter. In general, Bureau of Clean Water should be contacted for assistance where comments concerning the boilerplate language of the permit are made unless the application manager has experience in addressing similar comments.

2.   The application manager will review comments received from the public. If there are five or more independent requests (from separate individuals or organizations that may be affected by issuance of a final permit) for a public hearing under Chapter 92a.82(d) for non-EV waters or at least one request for EV waters, or if the Permits Chief or Program Manager otherwise determine that there is "significant public interest" in holding a hearing, the application manager will coordinate with the regional community relations coordinator to schedule a public hearing and comply with Chapter 92a.83 concerning public notice. The subtask "PH" will be used in eFACTS to document the public hearing and enter a start date corresponding to the date the need for a public hearing was determined. Following the hearing and receipt of the hearing transcript, the application manager will prepare a Comment-Response document using the template in NMS at *NPDES Supporting Documents – Comment-Response*, attach it to the final issuance or denial letter, and copy all commentators on the letter. An end date will be entered into the "PH" subtask in eFACTS corresponding to the final permit issuance date. All commentators and the applicant will receive a copy of the Comment-Response document.

If public comments are received and a hearing is not held, the application manager will review the comments and decide whether the draft permit should or may be modified to address the comments and still conform to this SOP. If the final permit is modified in response to public comments or is denied, the commentators will be copied on the final permit package or denial letter. Otherwise, there will be no formal communication with commentators unless the application manager, Permits Chief or Program Manager believe that separate correspondence should be issued to the commentators.

3.   Application managers may not modify language in Parts A and B of the permit unless Central Office agrees with the modification and applies the modification to the permit template in WMS for statewide use.

M.   Decide whether to redraft the permit.

1.   If the application manager decides to 1) make effluent limits more stringent, 2) make effluent limits less stringent where the application manager is aware there is public interest in the permit, 3) introduce effluent limits for parameters not in the draft permit, or 4) introduce significant (in the judgment of the application manager or Permits Chief) permit conditions following the draft permit comment period, a revised draft permit will be prepared and issued with a new public notice in the PA Bulletin. All previous documents in WMS will be retained to provide a historical record of the original draft documents.

2.   If a draft permit is issued and then is not finalized for 6 months or more, and during this time standard permit language in WMS is modified in a way that would affect the permittee (the application manager will consult the Permits Chief for this determination), the application manager will prepare and issue a revised draft permit with a new public notice in the PA Bulletin.

All previous documents in WMS will be retained to provide a historical record of the original draft documents.

3. For each re-draft, generate a new permit document in WMS. Generate a fact sheet addendum to document all changes made from the previous draft. When a re-draft is issued, create a new "DP" subtask in eFACTS.

N. Prepare final permit documents following the public comment period.

1. Application managers will enter an end date for the "DP" subtask 30 days following publication in the PA Bulletin.

2. If there continues to be unresolved violations associated with the facility that could, in the Permit Chief's and/or Program Manager's judgment, be addressed most effectively through issuance of the permit to require implementation of measures designed to achieve compliance, permit issuance may proceed despite the unresolved violations.

3. For new facilities where a WQM permit is required but a WQM permit application has not been received by the end of the draft permit comment period, the application manager will contact the applicant by phone to remind them that the NPDES permit will not be issued independently of the WQM permit. If the application manager is unable to contact the applicant by phone, or if 90 days elapse following the comment period and the WQM permit application has not been received, the application manager will deny the application as described in Step III F.

   For existing facilities that are upgrading, the application manager may proceed to issue the final permit if the permit contains a compliance schedule.

4. Following the review of comments, and assuming there are no unresolved violations or the violations will be addressed as described in paragraph N.2, the permit will not be re-drafted and coordination is not necessary or complete, the draft permit in WMS will be opened, anticipated effective and expiration dates on page 1 will be entered and other minor modifications will be made. The application manager will generate a new permit document in WMS and upload the edited version. The application manager will then change the status of the document to "Final" and keep the disposition at "Pending."

   NOTE: If there are any changes to limits or monitoring requirements in the final permit as compared with the draft, those changes must be made to both the permit document and the WMS Sampling Point Limits screen..

5. The application manager will generate the final permit cover letter using the WMS template at *Letters – Individual NPDES Final Permit Cover Letter* (or, if the NPDES permit will be issued with a WQM permit, the template at *Letters – Individual NPDES and WQM Final Permit Cover Letter* will be used). The application manager will review the letter carefully to ensure that correct and appropriate facility names, abbreviations, salutations, and other information from eFACTS are used and make edits as needed. The application manager will change the status of the document to "Final" and keep the disposition at "Pending."

6. For SFTFs where DMRs will be issued, the application manager will generate the DMRs and DMR Instructions using the WMS template at *DMRs – Discharge Monitoring Reports*. The application manager will review the DMRs carefully to ensure that correct names and dates are listed, and make edits if needed. The application manager will change the status of the document to "Final" and keep the disposition at "Pending."

7. The application manager will generate the AMR and AMR Instructions using the WMS template at *DMRs – Annual Maintenance Report*. The application manager will change the status of the document to "Final" and keep the disposition at "Pending."

8. The application manager will generate a fact sheet addendum using the WMS template at *Fact Sheets – Addendum* to document comments received following issuance of the draft permit(s) and any changes to the final permit. The application manager will sign the addendum by typing their name into the signature block or adding a signature graphic

9. The application manager will enter the anticipated effective and expiration dates into WMS. Note that the effective date for individual permits must be the first day of the month following permit issuance. The effective date will not be set to a date in the past and, in general, will not be "post-dated" for the future.

10. All documents will be printed and assembled in the following order: 1) final permit cover letter, 2) final NPDES permit, 3) WQM Permit (if applicable), 4) AMR, and 5) DMR (if applicable)).

    The applicant's consultant, if applicable, will be copied on the draft permit and cover letter. DRBC will be copied if the facility is in the Delaware River watershed. Allegheny County and Erie County Health Departments will be copied if the facility is located in those counties. If the permit was modified in response to public comments, the appropriate commentator will be copied.

V. Final Review (Permits Chief)

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

A. Review the fact sheet addendum and final permit documents, and sign the fact sheet addendum by typing their name into the signature block or adding a signature graphic if the Permits Chief is in agreement with the content, or otherwise return the package to the application manager for edits.

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

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

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

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

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

VI. Final Decision (Program Manager)

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

A. Review the fact sheet addendum and final permit documents.

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

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

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

VII. Final Permit Processing (Administrative Staff or Application Manager)

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

A. Enter the effective and expiration dates into eFACTS. Note that the effective date for individual permits must be the first day of the month following permit issuance. The effective date will not be set to a date in the past and, in general, will not be "post-dated" for the future (this may be allowed if the existing permit has not expired).

B. Enter the issuance date, effective date, and expiration date on Page 1 of the permit. The document with the Program Manager's electronic signature will be retained in WMS. In cases where wet signatures were used, application managers will add a "/s/" indicator to the electronic permit documents.

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

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

D. Issue the authorization in eFACTS.

E. If the applicant agreed to accept the documents electronically, convert the Word documents to PDF and send via email. The email should notify the permittee that they must acknowledge receipt of the final permit documents. The application manager will retain a copy of the permittee's written acknowledgment. Otherwise, mail the physical documents to the applicant and consultant (if applicable). The final permit cover letter will be sent via Certified Mail to the applicant only.

   All documents will be assembled in the following order: 1) final permit cover letter, 2) final permit, 3) DMRs (if applicable), 4) AMR, and 5) other attachments added to the package at the discretion of the application manager.

F. Transmit copies of the permit package to the Bureau of Clean Water, ECHD, ACHD, DRBC, and .

Version History

Date	Version	Revision Reason
11/9/2023	1.8	Updated references of NMS to WMS. Added note regarding naming convention for PF name. Clarifies process for incomplete and technically deficient applications. Added existing and designated review. Updated decision criteria for re-drafting permits. Added requirements for updated PA Bulletin Process. Added information for electronic signatures.
1/13/2015	1.7	Modified the effluent limits table in Section IV F to indicate 1/month monitoring for TRC by SRSTPs instead of 1/quarter.
9/18/2013	1.6	Updated Section IV J to identify a new template, SFTF Sewage Permit, which should be used in NMS (replaced Non-Municipal Sewage Permit template).
8/15/2013	1.5	Updated Section IV M relating to issuance of draft permits to specify that fact sheets prepared to support draft permits will be sent to applicants with other draft permit documents. In addition, procedures for electronic transmission of draft permit documents have been introduced. Also, clarification has been added to Section IV F.3 that SFTFs and SRSTPs do not require UV intensity or transmittance monitoring.
7/16/2013	1.4	Updated Section II to indicate that the Permits Chief will notify the regional Late Application Coordinator if a permit renewal application has been submitted late. Updated Section III to indicate that incompleteness letters will be sent to permittees if a renewal application is significantly deficient. Clarified in Section IV E.2 and F.3 that for SFTFs (not SRSTPs), if an SEJ is approved for discharges to HQ waters, a TRC average monthly limit of 0.02 mg/L should be established with appropriate Part C language.
3/7/2013	1.3	Added a reference to the Program Clarification Memo on Permit Coordination in the introduction, and removed the requirement for Permits Chiefs to verify coordination requirements in Section II before the completeness review.
12/31/2012	1.2	Provided clarification in Section I A.2 that if a fee is missing, it should be treated as an underpayment in accordance with the Management Directive. Changed name of application form from the Sewage Short Form to the application for Small Flow Treatment Facilities (3800-PM-BPNPSM0018b).
12/24/2012	1.1	Provided clarification in Section IV F.3 that older SFTFs that were permitted prior to the SFTF Manual, are unable to meet tertiary limits, and do not have compliance concerns do not need tertiary limits imposed for renewals.
11/9/2012	1.0	Original