DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Program Integration

DOCUMENT NUMBER: 021-2000-301

TITLE: Policy for Permit Coordination

EFFECTIVE DATE: November 2, 2012

AUTHORITY: Executive Order 2012-11

POLICY: It is the policy of the Department of Environmental Protection (Department) to coordinate the review of projects that require multiple agency permits from various agency programs to maximize the efficient use of resources, provide clarity to the applicant and ensure consistent Department actions.

This policy clarifies the permit coordination procedures referenced in the "Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee" 021-2100-001.

PURPOSE: The purposes of this policy are to:

1. Ensure a coordinated and timely review of projects with multiple Department permits.

2. Promote comprehensive staff reviews and coordination within the Department and with the permit applicant on all technical and environmental matters related to the project.

3. Ensure potential project issues are identified early so that timely and appropriate public outreach measures are taken and technical/coordination issues are considered and resolved appropriately.

4. Allow for the tracking of coordinated projects.

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APPLICABILITY: This policy applies to projects that require multiple permits from the Department. It applies to County Conservation Districts' permit review staff that complete delegated duties on behalf of the Department. The policy is not to be applied where it differs from statutory or regulatory requirements.

DISCLAIMER: The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies 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.

PAGE LENGTH: 9 pages, including appendices

DEFINITIONS:

1. "*Applicant*" – for the purpose of this policy, it is the entity (i.e., an individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of Federal or State government) that submits an application to conduct an activity authorized by the Department, such as the person responsible for owning, maintaining, and/or operating all or part of the overall project. This term is also defined in other Department policies as project sponsor.

2. *"Application Manager"* – the specific Department staff member that will be responsible for the processing of an application and will be the primary contact for the project management, a.k.a. reviewer, permit reviewer or permit writer.

3. *"Permits"* – authorizations issued by the Department, giving approval to perform a regulated activity. For the purpose of this policy, "permits" includes the authorization types such as: permits, plan approvals and registrations under general permits. This definition does not include certifications and licenses.

PROCEDURES:

Pre Application Conferences

A pre-application conference is the foundation for improved understanding and communication between the potential applicant and the Department. The pre-application conference allows the Department, consultant and Applicant to discuss project details and seek clarification on applicable regulatory and statutory requirements. Upon request by the Applicant, the Department will schedule pre-application conferences when deemed to be necessary. Assistant Regional Directors will arrange these conferences in most cases and will also coordinate pre-application conferences for large scale, multi-permit projects. The Department will also include, as necessary, applicable partners (such as County Conservation Districts) in the pre-application conferences. For very large, high-priority economic development projects, the Regional Director will take the lead role in terms of coordinating meetings for the Department. For District Oil and Gas Offices and District Mining Offices the Permits Chief or Manager will arrange these conferences.

For the applicant and the applicant's consultant, the time invested in a pre-application conference pays dividends in the form of complete and technically adequate submissions, and shorter processing times resulting from a better understanding of the project and complicated matters prior to application submission. Further, these meetings are critical and highly recommended when large scale, multi-permitted facilities are involved and when a project spans multiple counties or regions or if federal permit coordination will be required.

The Department will seek as much information from the Applicant prior to the pre-application conference to ensure that all appropriate staff/programs are present and the outcome of the conference effectively outlines expectations and communicates next steps. This information may include but is not limited to detailed maps, plans and narrative, project location, project scope and project timeline.

Based on the Applicant's proposed project, the Department will provide an explanation of the number and type of permits required for the project; an explanation of the process and interrelationships of the various permits; discuss the need for or potential for public meetings or hearings; and, as possible, provide the applicant with the Permit Decision Guarantee timeframe. The Permit Decision Guarantee

timeframe is contingent upon submission of a complete, technically adequate application addressing all applicable regulatory and statutory requirements. Additionally, the Department may recommend that the applicant seek public input prior to submitting an application.

The Pre-Application Checklist (Appendix A) may be used by Department staff to guide discussions at the pre-application conference. Department staff may provide a Summary Letter (Appendix B) following a pre-application conference to confirm discussions and when possible provide permit processing timeframes for the proposed project.

For projects that require multiple permits, the review for which will require significant Department time and resources, the Applicant will be requested to submit a proposed project schedule for review and concurrence by the Department. This schedule should outline in a timely and logical sequence, the expected submission dates and issuance dates for all permits needed for the overall project. It will be the responsibility of the Assistant Regional Director to coordinate the review of all permits necessary for the project. For District Oil and Gas Offices and District Mining Offices the Permits Chief or District Manager will, as necessary, coordinate the review of other permits needed for the project.

Permit Application Monitoring and Tracking

The Department will maintain a Department-wide application processing system for tracking permit applications. To review and monitor progress made on permit processing appropriate Department staff will attend regularly scheduled internal meetings to discuss incoming applications and coordinate issues as outlined in the Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee (021-2100-001).

Coordination within the Department

1. A project located in the PA Coastal Zone (specific portions of Lake Erie and the Delaware River and adjoining lands) requires consistency with the Coastal Zone Management Plan (394-0300-001) and approval from the Interstate Waters Office, Coastal Resources Management program prior to permit approval by other programs within the Department.

2. The Application Manager will follow the Land Use Review Policy (012-0200-001) in coordinating land use issues with the Office of Policy and the Local Government Liaisons. The Assistant Regional Director, District Mining Manager, District Oil and Gas Manager, or Bureau Director shall also be notified of any identified land use conflicts.

3. As needed and applicable, the Application Manager will coordinate with the Environmental Cleanup and Brownfields program regarding permitting at Act 2 and Brownfield sites where remediation has been completed or is proposed. Permitting programs shall take appropriate steps as early as possible to ensure that the proposed redevelopment will not compromise the completed or proposed remediation for the site.

Coordination with other agencies

Department staff, when necessary, will follow existing coordination/concurrence procedures with other agencies. These ancillary activities may be in addition to the Department's review of the permit application and may delay final permit issuance; however the Department will work cooperatively with other agencies to advance necessary approvals. The coordination with other agencies includes but is not limited to:

- The Delaware and Susquehanna River Basin Commissions for water allocation permits and the Department's Safe Drinking Water Program for proposed public water supply wells greater than 10,000 GPD within the Delaware River Basin Commission groundwater protected area;
- County Conservation Districts for certain permits authorizing earthmoving for construction activities;
- PA Department of Conservation and Natural Resources (PADCNR) for permits requiring PA Natural Diversity Inventory (PNDI) checks;
- PA DCNR Bureau of Forestry for proposed water allocation projects to be located on state forest land;
- PA Historic and Museum Commission for permits requiring checks for historic or archaeological significance;
- PA Department of Transportation (PennDOT) for certain landfill, waste transportation permits and highway occupancy permits;
- U.S. Army Corps of Engineers for permits involving impacts to streams or wetlands, activities involving dams, and activities in certain water bodies;
- U.S. Environmental Protection Agency for certain air quality, water discharge permits and RCRA, CERCLA, TOSCA and One Cleanup approvals;
- Federal Land Managers including the U.S. Forest Service, National Park Service the U.S. Fish and Wildlife Service (for Prevention of Significant Deterioration Plan Approvals);
- FAA for new landfill permits;
- U.S. Office Surface Mining for permits for mining under properties listed on the Register of Historic Places;
- PA Fish and Boat Commission for proposed water allocation and drinking water projects, coordination of comments on threatened and endangered species and 105 permits;
- U.S. Fish and Wildlife Service for federally listed threatened and endangered species surveys within impact areas; and,
- PA Game Commission for proposed water allocation projects to be located on state game lands.

Permit Decisions

Applications that are complete and adequately demonstrate that all applicable regulatory and statutory requirements are met, and with no remaining deficiencies will be approved in accordance with the applicable program procedures. Applications may be denied if technical deficiencies persist after two technical reviews, or fail to adequately demonstrate that all applicable regulatory and statutory requirements are met. Applications that are denied will forfeit all fees. Denied applications will need to be re-submitted following appropriate program requirements and procedures and will be considered a new application.

Where appropriate, interdependent permits required for a project may be issued simultaneously with the concurrence of the Assistant Regional Director, District Mining Manager, District Oil and Gas Manager or Bureau Director depending on the program and location issuing the permit.

While simultaneous permit issuance may not be possible or recommended for all projects, the Department will continue to process related permits to ensure timely permit issuance in accordance with the "Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee" 021-2100-001.

Appendix A
Pre-Application Conference Checklist

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Meeting Date:			
Project:			
Acres			
Est. Jobs			
Watershed			
Milestones (including Date):			
Site History:			
	Contamination?	**Act 2 Cl/up Y/N**	**NIR Date**
Brownfield			
Site Considerations	**Y/N**		
Environmental Justice Community			
Special Protection Watershed			
Existing/Designated Use			
Air Quality Nonattainment Area			
Soil/Geologic issues			
Wellhead Protection Area			
Coastal Zone			

Issue	**Auth/Permit**	**Applicable (Y/N)**
Sewage	**Act 537**	
	NPDES	
	Part 2	
Industrial Waste	**NPDES**	
	Stormwater	
	Part 2	
Water Supply	**PWS**	
	Allocation	
	DRBC/SRBC Coord.	
Erosion Control/Stormwater	**102 NPDES GP**	
	102 Indiv. NPDES	
	ESCGP2 and E&S Permits	
Encroachments/Wetlands	**GP**	
	Joint 105	
	106	
	Dam Safety	
Waste Management	**Municipal**	

SAMPLE

	Residual	
	Hazardous	
	GP	
	PBR	
Air Quality	**RFD**	
	GPs	
	Plan Approval	
	- Major NSR	
	- Minor NSR	
	Asbestos Removal	
	Other	
	Regulatory Applicability	
Storage Tanks	**Registration**	
	Installation	
Oil and Gas	**Drilling Permit**	
	ESCGP	
	Water Mgmt Plan	
	Other	
Miscellaneous Opportunities		
	Pollution Prevention	
	Green Design	
	Energy Efficiency	
	Stream/floodplain Restoration	
	Riparian Buffers	
	Growing Greener	
	Agricultural Impacts	
	Public Involvement	
	Offsetting/trading/mitigation/compensation	
Permit Coordination	**Internal DEP**	
	Other Agencies	
	PNDI	
	PHMC	
	Act 67/68	
	Municipalities/Act 14	
Comments:		
Attachment: Attendee List		

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Appendix B
Pre-Application Conference Summary Letter

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[date]

[Name]
[Address]

Dear [Applicant]:

This is in response to the discussions conducted at the pre-application conference held at (Location) on (DATE) regarding your (NAME) project, proposed in (Municipality), (County).

Based on the information that was provided, the following is a summary of permits needed for this project:

Authorization Type	Permit Decision Guarantee Timeframe	Other Review Timeframe

Please remember to incorporate sufficient time into your project schedule to allow for receipt of all permits needed for the overall project. Also recognize that the Department will not begin its technical review of an application until the submission is complete.

Optional text that may be included depending on the scope of the project: "As a major project, you are strongly encouraged to submit a proposed project schedule. This schedule should outline in a timely and logical sequence, the expected submission dates and issuance dates for all permits needed for the overall project for review and concurrence by the Department."

Public Input and Participation

Early consultation with the project's local government organization and the neighboring communities is encouraged. As you develop your project, attempts should be made to address public interests and/or concerns.

Depending on the scope of the project, optional text pertaining to Environmental Justice outreach may also be included. This optional text may include the following:

Be advised that the City of Diversity is considered by the DEP to be an Environmental Justice Community and we strongly recommend that you provide and participate in an enhanced public participation process prior to the application and issuance of any permits. We are attaching the Department policy concerning this enhanced public participation process, which outlines the steps that the Department will take, as well as steps that we encourage you to take to encourage public participation.

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Please be aware that permit applications may be subject to any or all of the following: Notice in the *Pennsylvania Bulletin,* notice in a newspaper of general circulation in the project area, a public meeting and/or a public hearing. These opportunities for public input are often required by regulation or statute, but may also be required at the Department's discretion.

If you have any questions, feel free to contact me at [contact information].

Sincerely,

ARD/DMM/DGO/BD

SAMPLE