

# Regulatory Analysis Form

(Completed by Promulgating Agency)

**INDEPENDENT REGULATORY  
REVIEW COMMISSION**

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency  
Department of Environmental Protection

(2) Agency Number: 7  
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(3) PA Code Cite: 25 Pa. Code Chapter 91 (General Provisions)  
25 Pa. Code Chapter 92a (National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance)

(4) Short Title: Water Quality Management (WQM) and National Pollution Discharge Elimination System (NPDES) Permit Application Fees and Annual Fees

(5) Agency Contacts (List Telephone Number and Email Address):

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(6) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation

- Emergency Certification Regulation;
- Certification by the Governor
- Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

This proposed rulemaking adjusts the existing fee schedules for water quality permit applications and annual fees contained in 25 Pa. Code §§ 91.22, 92a.26 and 92a.62. The Clean Streams Law requires the Department to develop and implement a permitting program to prevent and eliminate water pollution within the Commonwealth and authorizes the Department of Environmental Protection (Department) to charge and collect reasonable filing fees for applications filed and for permits issued. 35 P.S. §§ 691.4 – 691.6. These fees support the whole range of activities involved with water quality protection by the Department. Chapter 91 establishes regulations for the water quality management (WQM) program and Chapter 92a establishes regulations for the National Pollution Discharge Elimination System (NPDES) program. The U.S. Environmental Protection Agency (EPA) has approved Pennsylvania's NPDES program as consistent with the federal NPDES program established by the Clean Water Act (33 U.S.C. § 1342) and has authorized the Department to administer the federal program in Pennsylvania.

In both Chapters 91 and 92a, the proposed rulemaking also adds a provision that requires the Department to adjust fees according to changes to the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation (ECI) every two years. The adjustment would be based on the cost difference, if any, of the ECI for the most recent two-year period. The Department would publish any adjustments based on the ECI in the *Pennsylvania Bulletin*. The Department would continue to evaluate the adequacy of the fees every three years and recommend any regulatory changes necessary to

fund the programs to the Environmental Quality Board (EQB). Further, fees will not be adjusted if application of the index would result in fees exceeding the Department's costs to administer the Clean Water Program.

The proposed Section 92a.26 removes permit reissuance fees for all permits that have annual fees. The current regulation requires annual fees to be due on the anniversary of the effective date of the permit. This date often changes each permit renewal cycle. The proposed amendment to Section 92a.62 would ease the administrative burden on the Department and on permittees by setting one due date for the life of each permit and would make the reissuance fee unnecessary.

The proposed Section 92a.32 codifies the process of submitting "No Exposure Certifications" for certain stormwater discharges and waivers from NPDES permit requirements for small MS4 operators.

Section 91.1 (definitions) would be amended to define new terms under Chapter 91, which would refer to existing definitions in Chapter 92a (section 92a.2). References to Chapter 92 and sections within Chapter 92 would be updated to corresponding sections in Chapter 92a, which replaced Chapter 92 in 2010, in Sections 91.1, 91.27, 91.36, and 91.52.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Sections 5(b)(1) and 6 of The Clean Streams Law, 35 P. S. §§ 691.5(b)(1) and 691.6, and Section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as any deadlines for action.

Under the Clean Streams Law, Department permits are required for any discharge of sewage or industrial waste or for any other activity that creates a danger of pollution of waters of the Commonwealth. 35 P.S. §§ 691.202, 691.307, and 691.402. The Clean Streams Law also requires a permit from the Department prior to the construction of infrastructure that is used to treat or convey sewage and industrial wastes. 35 P.S. §§ 691.206 and 691.308. The Department is also authorized to charge and collect reasonable filing fees for applications filed and for permits issued. 35 P.S. § 691.6. While charging fees for permits under Chapters 91 and 92a is not mandated by any federal or state law or court order or federal regulation, the Department must have the funding necessary to meet statutory and regulatory obligations and to carry out the NPDES permitting program to retain authority to administer the program under the Clean Water Act.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The fee increases proposed in this rulemaking are necessary for the Department to administer the WQM program and NPDES program (collectively, "Clean Water Program") established in Chapters 91 and 92a to implement the Clean Streams Law, as well as the federal NPDES program mandated by the Clean Water Act. These programs are essential to the compelling public interest of preventing and eliminating pollution of the waters of the Commonwealth, promoting both public health and economic benefits.

The treatment of wastewater required by Department permits helps lower rates of acute and chronic illnesses in citizens by reducing the occurrence of pathogens, nutrients, and other contaminants in Pennsylvania's waterways. Citizens may come into contact with these pollutants through drinking improperly treated water, recreational activities, or consuming tainted food sources. High levels of some pathogens like E. coli can cause illness if accidentally consumed during recreational activities, by eating contaminated food, or from drinking improperly-treated water. Nutrient pollution can facilitate the occurrence of harmful algal blooms, which may produce toxic byproducts that harm recreational water users and render drinking water sources unusable during the duration of the bloom. Nutrient pollution is also known to impact downstream waters such as the Chesapeake Bay. Finally, other contaminants like heavy metals can accrue in fish tissue and cause sickness in people who consume the contaminated fish. This list of examples is not exhaustive of the types and causes of illnesses that can be associated with polluted waters. Preservation of public health is a standalone benefit of environmental regulation, but it also provides economic benefits. While it is difficult to assign a specific monetary value to the prevention of acute and long-term illnesses or disease by improving water quality, healthier citizens are able to work, are more productive, and live longer lives, all of which provide positive economic effects.

Pennsylvania receives other economic benefits from the proper administration of these programs through reduced costs to treat drinking water, increased property values, job creation, increased fishery resources and tourism, and enhanced aquatic habitat available to support the diverse species that depend upon clean water. Additionally, healthy watersheds help Pennsylvania avoid expensive restoration activities, reduce its vulnerability to natural disasters, and maintain natural ecosystems that provide water treatment at far lower costs than can be achieved through human-engineered services. For more information about the economic benefits of effectively managing water resources, please see the EPA document, "The Economic Benefits of Protecting Healthy Watersheds," available on EPA's website at [https://www.epa.gov/sites/production/files/2015-10/documents/economic\\_benefits\\_factsheet3.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/economic_benefits_factsheet3.pdf).

The proposed fees in this rulemaking will allow the Department to properly administer the Clean Water Program to protect the quality of water resources within the Commonwealth without any increases in the appropriation of general tax revenue to the Department. The Department acknowledges that new fees may impact some regulated entities negatively; instead of collecting a large up-front fee to support the Department's water pollution control efforts, the regulation is structured to fairly spread fees among permit applications and annual fees, as applicable, to ease the burden on the regulated community. Despite the proposed increases, the Department's fees would still be less than the fees for many comparable states.

The administration of the Clean Water Program involves many activities including permit application reviews, inspections, enforcement, surface water assessments and related activities such as the development of federally required Total Maximum Daily Loads (TMDLs). In order to implement the program, the Department must develop and maintain Pennsylvania's water quality standards. Water quality standards are established to protect human health, aquatic life, and ensure that our waters are safe for drinking water consumption and recreation. Water quality standards have two parts: designated uses and specific water quality criteria. Department-issued NPDES permits require discharges to meet those water quality standards and adhere to state and federal technology-based standards. Department-issued WQM permits assure that appropriate engineering standards are applied to prevent pollution to waters of the Commonwealth.

The Department is required by EPA to monitor and assess surface waters to determine if streams are meeting their designated uses. This is performed in a variety of ways including biological sampling,

chemical sampling, and evaluation of aquatic habitats. Monitoring and assessment is performed to assure that the Department has appropriate water quality standards in place and has issued effective permits. Monitoring and assessment of our state waters are the vital components for the Clean Water Program.

Chapter 91 – Proposed Modifications to Section 91.22

The Department needs to increase the fees in 25 Pa. Code § 91.22 because the Department’s costs to process and issue WQM permits and perform follow-up compliance activities far exceed the current amount of fees generated. These fees have not been increased to reflect the increased costs to administer this program for many years. The Department receives, on average, between 500-600 WQM permit applications annually. The primary costs incurred by the Department to administer this program include the cost to review permit applications, the cost to monitor and inspect permitted facilities, and the cost to take actions to ensure compliance with the terms and conditions of the WQM permits.

The Department published 25 Pa. Code Chapter 91 on September 2, 1971, to implement provisions of the Clean Streams Law. Chapter 91 establishes, among other things, a WQM permitting program for the construction of water pollution control facilities and for land application of sewage and industrial wastes. Chapter 91 also requires a joint approval or permit with the PA Fish and Boat Commission for the use of algicides, herbicides, and fish control chemicals (pesticides) in waters of the Commonwealth (generally referred to as joint pesticide permits; see 25 Pa. Code § 91.38).

The Department’s total cost to administer the WQM program for fiscal years from 2014 to 2018 are summarized in Table 1 below. The revenue sources and amounts used to cover the cost to administer the WQM program are also provided. As this table shows, the revenue generated by the current fees only pays for approximately 10% of the total program costs. The remainder of the costs are paid through the Department’s annual appropriation from the General Fund. Revenue and expenses for FY2018 are estimated.

**Table 1 – WQM Program Revenue and Expenses**

<b>Fiscal Year:</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>
Fee Revenue	\$141,000	\$139,000	\$140,000	\$125,000	\$140,000
Expenses	\$1,344,700	\$1,371,500	\$1,399,000	\$1,427,000	\$1,455,500
General Fund	\$1,203,700	\$1,232,500	\$1,259,000	\$1,302,000	\$1,315,500

The application fees for sewer extension permits and other WQM permits were first established in 1971. The application fees in this section were amended in 1980 and 2000 to include a lower fee for single residence sewage treatment plant (SRSTP) application fees and to add General WQM permits. However, for 47 years the WQM permit application fees for most projects have not changed despite escalating program expenses. In that time, the change in the consumer price index (CPI) has been over 600%. Accounting for inflation alone, the typical WQM permit application fee of \$500 in 1971 would now be over \$3,500. Additionally, the existing regulations do not establish fees for the processing of joint pesticide permits and are being added in this proposed rulemaking.

Chapter 92a – Proposed Modifications to Sections 92a.26 and 92a.62

The Department published 25 Pa. Code Chapter 92 on August 4, 1978, to implement provisions of Pennsylvania’s Clean Streams Law and to satisfy federal requirements for a state NPDES program

under the federal Clean Water Act (33 U.S.C. §§ 1251-1387). On October 8, 2010, the Department reserved Chapter 92 and replaced it with Chapter 92a. Chapter 92a included a revised fee schedule for permit applications (Section 92a.26) and introduced annual fees for individual NPDES permits (Section 92a.62). The fee increases in Chapter 92a represented the first increases in 32 years and were generally modest. The original fee schedule was intended to produce sufficient revenue to pay the required match for the grant the Department receives from EPA under Section 106 of the Clean Water Act and to reduce reliance on taxpayer dollars. Despite being increased in 2010, NPDES fees in Pennsylvania are still well below what is needed to support the program and protect the public health. Additionally, the fees are much lower than those of most neighboring and comparable states.

Table 2 below provides revenues and expenses for the NPDES program for fiscal years 2014 to 2018. Currently, fee revenue from the NPDES program only covers approximately \$3.7 million of program expenditures on average, or 18% of the cost to administer the NPDES Program. Federal funding provides approximately 33% of program costs. Revenue from the General Fund makes up the difference between Total Revenue and Expenses in Table 2. Revenue and expenses for FY2018 are estimated.

**Table 2 – NPDES Program Revenue and Expenses**

<b>Fiscal Year:</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>
Fee Revenue	\$3,473,825	\$3,341,925	\$3,361,150	\$4,145,200	\$3,700,000
Federal Funds	\$6,648,800	\$6,648,800	\$6,648,800	\$6,648,800	\$6,648,800
Total Revenue	\$10,122,625	\$9,990,725	\$10,009,950	\$10,794,000	\$10,348,800
Expenses	\$19,369,439	\$19,623,852	\$20,016,329	\$20,416,656	\$20,824,989
General Fund	\$9,246,814	\$9,633,127	\$10,006,379	\$9,622,656	\$10,476,189

**Purpose of Proposed Changes**

The Department has determined that the fee increases are necessary to ensure that the Department is able to meet all its statutory and regulatory obligations concerning water quality protection. Based on the current fees and funding structure, the Department’s ability to adequately comply with federal and state environmental requirements relating to the Clean Water Program is continually strained due to a lack of program solvency. Without adequate funding for all required aspects of these programs, public health may suffer, and environmental gains previously made may be lost due to a reduced capacity to conduct compliance and enforcement efforts. Additionally, the Department’s ability to efficiently and timely process permit applications, meet its obligations under the Clean Streams Law, satisfy federal requirements, and promptly serve the public in areas including but not limited to municipal separate storm sewer systems (MS4s) and agriculture are all negatively impacted by current insufficient funding.

The Department has worked to evaluate and improve its business processes by becoming more efficient in its processing of permits and other functions; however, due to insufficient funding for these programs, the Department is often compelled to choose between competing priorities for utilization of its staff. The Department has been innovative by modifying job responsibilities of its staff when important programs or initiatives are pursued or required by EPA, but these changes are often at the expense of other core program activities. For example, EPA expects Pennsylvania to improve its performance meeting the objectives of the Chesapeake Bay TMDL. Existing staff have been asked to take on additional responsibilities, such as inspecting unpermitted farms in Pennsylvania, to meet EPA expectations and requirements. These new responsibilities are in addition to the work needed to support

the Clean Water Program. As a result, the Department has been forced to reduce the frequency of a core responsibility, the inspection of permitted farms (CAFOs), to once every five years to accommodate EPA's expectation that the Department inspect unpermitted farms. Prior to this change, the Department had been inspecting CAFOs at least annually. New staff are necessary to meet core obligations to the public, regulated community, and federal agencies.

EPA has conducted several performance audits on the Department's NPDES program since 2010 in which EPA has opined that the Department needs additional resources to carry out its responsibilities under the EPA-Department Memorandum of Agreement (MOA) (establishing the Department's primacy to administer the federal NPDES program in Pennsylvania) and 40 CFR Part 123. The most recent audit occurred in 2016 in which the Department's performance in the areas of municipal and construction stormwater permitting and compliance monitoring was evaluated. EPA found several shortcomings and proposed a workload analysis in an attempt to demonstrate that the Department needs more staff. EPA's report is presented as **Attachment A**.

EPA has promulgated new NPDES program rules over the past two decades without commensurate increases in the funds it provides to states to implement those rules. Pennsylvania has the most NPDES-regulated MS4 communities in the nation. After EPA's Phase II stormwater rule went into effect, the Department began issuing NPDES permit coverage to those MS4s but did not implement a compliance monitoring (inspection) program because the Department did not have the resources. The Department was warned by EPA in 2011 that it must begin inspecting MS4s. As a result, the Department is now inspecting MS4s while continuing to review applications and issue MS4 permits with fewer resources than the Department has ever had. In turn, this has resulted in forgoing other programmatic goals and obligations. It is important to note that the Department's MS4 inspection program still does not meet EPA's expectations.

The Department's total appropriations from the General Fund have been decreasing in recent years. During this same period, the Department's costs for staff salaries and benefits, as well as other operational costs, have been increasing. The result has been an overall decrease in staffing for the statewide Clean Water Program of approximately 25% since 2007. As discussed below, these staff reductions have led to a steady decline in the Department's ability to perform services necessary to ensure compliance with federal and state requirements. Continued failure or inability to provide these services may result in an increased risk to public health as well as the loss of primacy for administration of the federal NPDES program.

The Department has conducted a thorough workload analysis to evaluate its staffing needs for the Clean Water Program in the Department's Bureau of Clean Water (Central Office) and six regional offices, which is documented in **Attachment B**. The following explains the components of Attachment B:

- Attachment B-1: Workload Analysis for NPDES Permit Reviews. The NPDES permit application review process in the Department's regional offices was broken down into nine tasks. The amount of time necessary to complete each task by type of facility and type of application was estimated based on direct observation and experience. The number of applications expected each year was used to calculate the total time needed for administrative and technical staff. This analysis determined that 37 NPDES permit application review staff are needed.
- Attachment B-2: Workload Analysis for WQM Permit Reviews. The WQM permit application review process in the Department's regional offices was broken down into eight tasks. The amount of time necessary to complete each task by type of facility and type of application was estimated

based on direct observation and experience. The number of applications expected each year was used to calculate the total time needed for administrative and technical staff. This analysis determined that 12 WQM permit application review staff are needed.

- Attachment B-3: Workload Analysis for Monitoring and Compliance (Inspection) Activities. The annual number of hours that regional inspection staff spend on inspections was estimated based on the number of facilities with permits, the required inspection frequency for those facilities, and the average amount of time needed to conduct thorough inspections for each type of facility. Also considered were additional tasks such as the review of reports and the preparation of referrals for enforcement. This analysis determined that 55 inspection staff are needed.
- Attachment B-4: Workload Analysis for Enforcement-Related Activities. This analysis considered the rate of effluent violations, late permit renewal applications and expired permits, and other violations identified during inspections that would be expected in a typical year. A majority of these violations are currently going unresolved due to a lack of compliance and enforcement staff. The analysis determined that 13 compliance specialists are needed.
- Attachment B-5: Workload Analysis for Supporting Activities Related to Functions of Soils Scientists and Hydrogeologists. This analysis examined the supporting functions of soils scientists and hydrogeologists. These staff assist engineers in the review of applications related to groundwater remediation and land application of sewage and industrial wastes, and assist inspectors in compliance evaluations of these activities. The analysis determined that three soils scientists and two hydrogeologists are necessary to support the Clean Water Program.
- Attachment B-6: Workload Analysis for Surface Water Assessment Activities. This analysis examined all of the Department's required activities concerning surface water assessment and monitoring as well as assisting engineers and inspectors with permitting and compliance activities in the regional offices. This work is completed by regional water pollution control biologists. The Department's resources to conduct critical surface water assessment activities are significantly lower than in the past. During the period of 1997 to 2006, the Department assessed over 81,000 miles of surface waters throughout the Commonwealth. At that time, the Department had 26 biologists in its regional offices, and the biologists assessed an average of approximately 13,500 miles of surface waters per year. Currently the number of regional biologists is down to 14, and due to competing priorities, the Department is able to assess or reassess only 2,600 stream miles per year. EPA recommends that surface waters be reassessed every ten years. At its current pace, the Department will need thirty years. At current staffing levels the Department is concerned that acute and chronic pollution problems may go undetected for many years. The analysis determined that 26 biologists are needed to fulfill the Department's responsibilities.
- Attachment B-7: New Positions Required for Clean Water Program and Justification. As a result of the workload analyses presented in Attachments B-1 through B-6, the Department determined that 38 additional positions are necessary in the Department's regional offices to implement responsibilities under Chapters 91 and 92a. In addition, the Department requires new positions within the Bureau of Clean Water for administering the statewide Clean Water Program. With inadequate staffing, the Bureau of Clean Water is unable to update obsolete guidance documents from the 1990s or issue new guidance to benefit the regulated community. Inadequate staffing also hinders the Bureau's ability to renew statewide general permits in a timely manner – the majority of general NPDES permits are administratively extended, which causes problems for the regulated

community who are unable to obtain coverage during the extension period and must seek NPDES permit coverage under individual permits, with increased review timeframes. The Department believes that 25 additional staff are necessary in the Bureau of Clean Water to adequately support the statewide Clean Water Program.

The Water Resources Advisory Committee, consisting of some members whose employers would be subject to increased fees, supports the Department's efforts to increase compliance through fee increases. The increases would benefit the regulated community by producing faster decisions on permit applications, and benefit the public through improved programs for the protection of Pennsylvania's water resources.

The proposed rulemaking's amendment to allow the Department to increase permit fees according to changes in the ECI is needed to offer certainty to the regulated community as to how much to budget for future fee costs and to allow the Department to stay on top of funding issues.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No. No federal standards have been established for WQM permit application fees, NPDES permit application fees or NPDES permit annual fees.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

#### Chapter 91

Most states have a permitting or licensing program for water pollution control facilities, although the terminology and approaches taken in establishing permit application fees varies drastically from state to state. The following is a review of neighboring and comparable states' water pollution control construction permit fees:

- Ohio charges a \$100 permit application fee plus 0.65% of the estimated project cost, up to a maximum of \$15,000, for construction projects. Most new sewage and industrial wastewater treatment facilities of moderate to large size would be required to pay the maximum \$15,000 fee in Ohio. By comparison, this rulemaking proposes to establish a fee for a new major sewage treatment facility (i.e., a facility with a design flow of one million gallons per day (MGD) or more) at \$10,000 and a fee for a new major industrial wastewater treatment facility at \$15,000.
- Virginia charges new industrial wastewater treatment plants with discharges to surface waters or groundwater a fee of \$15,000 and new municipal sewage treatment facilities up to \$13,500.
- Florida charges new water pollution control facilities one fee for the permit application and a separate fee for review of design plans; for a major sewage treatment facility, the overall fee would be \$10,000.
- New Jersey charges fees based on a formula, with a minimum fee plus an additional fee that is calculated; it is believed that major sewage and industrial wastewater treatment facilities are required to pay in excess of \$10,000 for New Jersey construction permits.

In comparison, the Department's current fee for these types of water pollution control facilities is \$500. The proposed fees for these types of facilities would be as follows:

- \$15,000 for new major industrial wastewater treatment facilities with discharges to surface waters;
- \$7,500 for new minor industrial wastewater treatment facilities with discharges to surface waters;
- \$10,000 for new industrial wastewater treatment facilities with discharges to groundwater;
- \$10,000 for new major sewage treatment facilities with discharges to surface waters;
- \$5,000 for new minor sewage treatment facilities with discharges to surface waters; and
- \$5,000 for new sewage treatment facilities with discharges to groundwater.

Chapter 92a

The Department has researched the NPDES fees for neighboring and comparable states and found that there are significant differences in how fee schedules are established. Some states have a base fee with a supplemental fee determined by the mass of pollutants discharged, and all have fee categories that are unique to the individual states. Table 2 below presents the Department's review of annual fees assessed for individual permits in neighboring and comparable states. Annual fees comprise the largest source of revenue for state NPDES programs. Pennsylvania's existing and proposed annual fees are shown in the far-right columns. Where a range of fees is shown, other factors are used by the state to determine the precise fee that must be paid.

**Table 2: Comparison of Annual Fees for NPDES Permits in PA and Neighboring/Comparable States**

Category	NJ <sup>1</sup>	VA	NY	IL	MI	PA – Existing	PA – Proposed
Minor Sewage Facility (< 0.05 MGD)	\$4,200	\$2,166	\$330- \$425	\$500	\$1,950	\$250	\$750
Minor Sewage Facility (≥ 0.05 MGD and < 1 MGD)	\$4,200	\$2,166- \$2,707	\$425- \$2,000	\$500- \$7,500	\$1,950	\$500	\$1,000
Minor Sewage Facility with CSO <sup>2</sup>	\$9,450	\$2,707	\$2,000	\$1,000- \$5,000	\$6,000	\$750	\$2,500
Major Sewage Facility (≥ 1 MGD and < 5 MGD)	\$11,150	\$6,949- \$7,852	\$8,000	\$15,000	\$5,500	\$1,250	\$3,750
Major Sewage Facility (≥ 5 MGD)	\$11,150	\$6,949- \$8,573	\$15,500- \$38,500	\$30,000- \$50,000	\$5,500- \$20,000	\$2,500	\$5,000
Major Sewage Facility with CSO <sup>2</sup>	\$11,150	\$6,949- \$8,573	\$8,000- \$38,500	\$5,000- \$20,000	\$5,500- \$20,000	\$5,000	\$7,500
Minor Industrial Waste Facility with ELG <sup>3</sup>	\$4,200	\$2,166- \$3,682	\$675- \$33,500	\$1,000- \$10,000	\$1,650- \$3,650	\$1,500	\$3,750
Minor Industrial Waste Facility without ELG <sup>3</sup>	\$4,200	\$2,166- \$3,682	\$675- \$33,500	\$15,000- \$20,000	\$1,650- \$3,650	\$500	\$2,500
Major Industrial Waste Facility (< 250 MGD)	\$9,950	\$8,663	\$2,300- \$56,000	\$30,000- \$50,000	\$8,700	\$5,000	\$7,500

Major Industrial Waste Facility ( $\geq$ 250 MGD)	\$9,950	\$8,663	\$56,000	\$50,000	\$8,700	\$25,000	\$50,000
Industrial Stormwater	\$4,100	\$2,599	\$675- \$6,700	\$1,000- \$20,000	\$1,650- \$3,650	\$1,000	\$2,000

**Notes:**

- 1 The base annual fee for New Jersey is shown; supplemental fees are added to this fee based on the amount of pollutants discharged.
- 2 CSO means Combined Sewer Overflow resulting from the commingling of sewage and stormwater.
- 3 ELG means Effluent Limitation Guideline, which is a federal technology-based treatment standard for industrial facilities.

There are also drastic differences among states in assessing fees on agricultural facilities. Many states, such as Nebraska, assess a fee based on the animal population on a farm. Some states have very low fees for agriculture. The Department-permitted CAFOs currently pay \$1,500 for new individual permits, \$750 for permit renewals and \$0 for annual fees. The proposed rulemaking would double the fees for new and renewed permits, and would institute an annual fee of \$1,500. A list of states with CAFO annual fees with workloads similar to the Department's is as follows:

- o New Jersey - \$2,300;
- o Maryland - \$1,200;
- o Alabama - \$725 - \$2,725;
- o California - \$0 - \$13,250; and
- o Minnesota - \$1,230.

In addition, the Department researched CAFO fees in Michigan, New York, and Wisconsin.

In Michigan, the application fee for individual NPDES permits for CAFOs is \$400 and the annual fee is \$600.

In New York, there are no application fees for CAFOs. However, New York follows a much different process. All CAFOs are covered under a general permit registration. The annual fee is \$50/year. However, New York does not issue permits and verify compliance like most other states. They rely on certified third parties to regulate CAFOs.

Wisconsin does not charge application fees for CAFOs. There is, however, an annual fee of \$345.

The Department often expends significant resources on permit application reviews, public meetings and hearings, and compliance monitoring due to the high level of public interest these permits typically generate. The Department believes the fee increase for CAFOs is reasonable and justified.

Pennsylvania currently has 444 CAFOs with valid NPDES permits, 346 of which are under a general permit (PAG-12) and 98 have individual NPDES permits (primarily because they exist in watersheds classified for special protection).

A major sewage facility with a design flow of one MGD in Pennsylvania currently pays, over the course of a 5-year NPDES permit term, fees in the amount of \$6,250. This would increase under the rulemaking to \$18,750. If the same facility were located in comparable states, the facility would pay \$27,500 to \$75,000.

The Department believes that the proposed fee increases in Chapters 91 and 92a are reasonable in comparison to other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No, this proposed rulemaking would not affect any other regulations in Pennsylvania.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

On April 28, 2016, and October 26, 2017, the proposed rulemaking was presented to the Department's Agriculture Advisory Board (AAB) because of the impact to CAFOs, which require NPDES permits, and because Chapter 91 requires a WQM permit for manure storage facilities when certain thresholds are met.

On September 21, 2016, and October 25, 2017, the proposed rulemaking was presented to the Department's Water Resources Advisory Committee (WRAC). WRAC voted in support of the proposed fee increases. Following the meeting, WRAC submitted a letter of support for the fee increases but also encouraged the Department to consider other sources of revenue that would enable the Department to develop comprehensive water pollution control programs for controlling not only point sources of pollution but also non-point sources.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

The types of persons, businesses and organizations needing NPDES and/or WQM permits is highly diverse, including but not limited to homeowners, mobile home parks, churches, campgrounds, apartment complexes, gas stations, municipalities, developers, manufacturers, power companies, airports, state agencies and commissions, federal facilities, school districts, etc.

#### Chapter 91

The Department receives between 500-600 WQM permit applications annually for projects such as new sewage treatment facilities, new industrial wastewater treatment facilities, new pump stations and sewer line extensions, new manure storage facilities, along with requests to amend or transfer permits associated with those facilities. The majority of WQM permit applicants are municipalities, but it is estimated that up to 25% are potentially small businesses. The applicants of these facilities would pay more for WQM permits under this proposal, but the speed at which the Department will process the permits should increase due to the increase in program staff.

#### Chapter 92a

Approximately 4,000 facilities with individual NPDES permits are affected by the existing Chapter 92a permit application and annual fee requirements. These facilities fall into the categories of sewage, industrial waste, industrial stormwater, municipal stormwater and CAFOs. Chapter 92a also applies to

another 5,700 facilities that have general NPDES permit coverage in that 92a currently includes a fee ceiling of \$2,500 for general permit Notices of Intent (NOIs). Under the proposed Chapter 92a rulemaking, this ceiling would be replaced by a requirement that NOI fees do not exceed equivalent individual permit application fees.

The Chapter 92a fee increase proposal would affect all these facilities.

The persons or businesses needing NPDES and WQM permits are highly diverse, ranging from homeowners to municipalities to Fortune 500 companies. For example, there are over 2,000 homeowners with NPDES and WQM permits in Pennsylvania for the construction, operation and discharge of treated sewage from SRSTPs. The majority of these homeowners qualify for general NPDES and WQM permits with a total fee of \$25 for both permits. Municipalities are frequently the operators of publicly owned treatment works (POTWs) requiring both NPDES and WQM permits. Fees for POTWs would increase as a result of this proposed rulemaking. Municipalities are also typically the operators of municipal separate storm sewer systems (MS4s), which require NPDES permit coverage. Operations such as automobile salvage yards are required to obtain NPDES permits for stormwater discharges associated with industrial activity under federal regulations and may be considered small businesses. Other small businesses that may be affected by the proposed rulemaking include owners or operators of mobile home parks, churches, campgrounds and apartment complexes with sewage treatment facilities and other commercial or industrial establishments such as gas stations and light manufacturers with stormwater or process-related discharges to surface waters or groundwater. It is estimated that approximately 2,500 small businesses with NPDES permits may be affected by this rulemaking.

(16) List the persons, groups or entities, including small businesses, which will be required to comply with the regulation. Approximate the number that will be required to comply.

Up to 10,300 NPDES-permitted facilities and persons seeking WQM permits will be required to comply with this rulemaking. As discussed in question 15 above, the types of persons, businesses and organizations needing NPDES and/or WQM permits is highly diverse.

#### Chapter 91

The Department receives between 500-600 WQM permit applications annually for projects such as new sewage treatment facilities, new industrial wastewater treatment facilities, new pump stations and sewer line extensions, new manure storage facilities, along with requests to amend or transfer permits associated with those facilities. All applicants will be required to comply with this proposed rule.

#### Chapter 92a

Currently, approximately 4,000 facilities with individual NPDES permits are required to comply with Chapter 92a permit application and annual fee requirements and thus will be required to comply with this proposed rulemaking. These facilities fall into the categories of sewage, industrial waste, industrial stormwater, municipal stormwater, and CAFOs. Chapter 92a also impacts another 5,700 facilities with general NPDES permit coverage in that a ceiling of \$2,500 is established in Chapter 92a for general permit Notices of Intent (NOIs). Under the proposed Chapter 92a rulemaking this ceiling would be replaced by a requirement that NOI fees do not exceed equivalent individual permit application fees.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The impact of the proposed Chapters 91 and 92a rulemaking is financial. Persons, including small businesses, that construct facilities for controlling water pollution or engage in activities that result in the discharge of pollutants to waters of the Commonwealth would, under the proposed rulemaking, need to pay a higher fee than what is currently required in many cases. Collectively, the owners or operators of at least 5,000 facilities statewide (4,500 individual NPDES applicants and permittees and at least 500 WQM applicants) would pay the Department approximately \$6 million per year more than what those facilities are paying today. The Department is also seeking the removal of an existing cap on general NPDES permit NOI fees, replacing it with a requirement that NOI fees may not exceed the equivalent in individual permit fees, which could result in the collection of an additional \$2 million per year from 5,700 facilities with general NPDES permit coverage in Pennsylvania. The overall financial impact of the Chapters 91 and 92a rulemaking therefore could be up to \$8 million per year.

While many NPDES applicants would need to pay higher fees under this proposed rulemaking, the Department has already instituted some changes that have significantly reduced costs for NPDES permittees. For example, the Department has modified many of its general permits to reduce self-monitoring requirements, saving analytical laboratory fees for many general permit holders. The Department has also eliminated requirements to renew general permit coverage, which saves on consulting costs, and other requirements relating to the development of emergency response plans by professional engineers. The Department has posted many of its permitting tools to its website in simplified formats, allowing more owners and operators to prepare permit applications and NOIs, saving on consulting costs. In addition, the Department has changed some of its traditional processes regarding permit amendments, allowing permittees to make certain changes at facilities without the need to submit permit amendment applications and associated fees.

This proposed rulemaking would provide the Department the resources it needs to properly administer the Clean Water Program to protect the quality of water resources within the Commonwealth and to better serve the public and regulated community without any increases in the appropriation of general tax revenue. Specific benefits associated with this proposed rulemaking include:

- Increased staff and resources to provide more timely permit application reviews, which would be beneficial to owners and operators of new facilities desiring permits as expeditiously as possible.
- Increased staff and resources to allow more thorough reviews of impacts to public health and the environment and a greater presence in the field. The public benefits from these service by providing a greater level of protection for waters of the Commonwealth. The regulated community benefits from this through enhanced compliance assistance before enforcement is considered. The Department prefers to work with the regulated community to promote compliance. Compliance assistance has, in some cases, reduced expenses for permittees while providing adequate protection to human health and the environment.
- Increased staff to provide the resources necessary to evaluate existing programs, policies, guidance and regulation, evaluate what is and what is not working for the Department, the public and regulated community, and make necessary changes more expeditiously. The Department is aware of some areas of the program that could be improved or enhanced in order to, for example, make the permit

process less onerous and save applicants money, but an increase of positions in the Department's Bureau of Clean Water is necessary to complete this work.

- Increased revenue from fees to assist the Department in funding electronic solutions to improve business efficiency.

The Department believes that these benefits would result in cost savings to the regulated community although such savings are difficult to quantify.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The Department believes that the public health, economic, and program efficiency benefits discussed in Questions 10 and 17 above outweigh the increased financial cost to the regulated community. The fee increase ensures the Department can meet its mission and legal obligations without placing more financial strain on tax payers. Stabilizing program funding through fee collection and removing the burden from tax payers is a reasonable approach to this complex problem.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulated community (i.e., those persons requiring an NPDES and/or WQM permit) would be impacted by collectively paying up to an additional \$8 million per year to the Department. No additional costs to the regulated community with respect to legal, accounting or consulting fees are anticipated.

#### Chapter 91 – WQM Permits

Approximately \$1 million in additional revenue would be generated from the receipt of WQM permit applications, and an average of 500-600 applications are received annually. The balance of program expenses would continue to be paid for through the Department's general fund allocation. The increase in WQM fees is designed to cover the majority of the Department's costs in reviewing applications (including reports, specifications and design plans) and, where necessary, inspecting construction. Construction costs for water pollution control facilities are variable and depend on a number of factors.

The Department reviewed the typical costs for construction projects subject to WQM permits and analyzed how this proposed fee increase would affect those costs. As an example, the Department estimates that the average cost of a new minor sewage treatment facility is approximately \$3 million. A professional engineer must design or oversee and approve the design of all construction projects under existing Chapter 91 regulations. The Department estimates that the design and engineering costs associated with a \$3 million sewage treatment project is approximately \$200,000. The proposed WQM permit application fee would increase from \$500 to \$5,000, but the increase would represent only 0.15% of overall project costs and 2.5% of engineering costs. Similar considerations were made for other types of projects.

#### Chapter 92a – NPDES Permits

Approximately \$5 million in additional revenue would be generated from the receipt of NPDES permit applications and assessment of annual fees on approximately 4,000 facilities with individual NPDES

permits. If the ceiling of \$2,500 on NPDES general permit NOIs is removed from Chapter 92a as proposed, the Department may be able to collect up to \$2 million in additional revenue. The Department will decide whether to increase fees for general permit NOIs as these 5-year general permits come up for reissuance. These decisions will consider the characteristics of the regulated community, including the prevalence of small businesses.

The Department evaluated the actual operating budgets of several large (> 1 MGD) sewage treatment facilities in Pennsylvania. The average cost to treat a gallon of wastewater is approximately \$0.68/gallon (this value increases when flow is less, and decreases when flow is more), meaning that the average treatment cost to plants is \$3.4 million. A 5 MGD sewage treatment plant currently pays \$12,500 over a 5-year permit term and would pay \$25,000 under the proposed rulemaking. The increase of \$12,500 over 5 years represents an increase of only 0.07% of the estimated operating expenses (\$3.4 million) for the 5 MGD facility, using the average cost to treat wastewater identified above.

For smaller sewage treatment facilities, the average cost per gallon for sewage treatment and operation is greater. According to EPA, the average cost to treat sewage for a 0.015 MGD (15,000 gallons per day) facility is \$10/gallon and the average cost to treat sewage for a 0.04 MGD (40,000 gallons per day) facility is \$7/gallon. This is the typical size of a facility at a mobile home park. A mobile home park owner with a 0.015 MGD sewage treatment facility currently pays \$1,250 over a 5-year permit term and would pay \$3,750 over 5 years under the proposed rulemaking, representing an increase of only 0.3% of estimated operating expenses. Assuming the owner wishes to pass these costs onto the users of the facility and there are 75 mobile homes, the estimated rate increase would be \$0.55/month.

(20) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Local governments that build new sewage treatment facilities, pump stations, and sewers would pay more for WQM permits. Local governments that operate sewage treatment facilities would pay more for NPDES permits. Local governments that have urbanized areas with separate storm sewer systems would not pay more for NPDES permits. Of the \$6 million in anticipated increased revenue from WQM and NPDES fees (not including possible general NPDES permit NOI fee increases), approximately \$1.7 million would come from municipalities, based on an analysis of the number of sewage treatment facilities within each of the NPDES fee categories, the number of MS4s, and the expected number of municipal sewage projects annually. No further costs with respect to legal, accounting or consulting fees are anticipated.

(21) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

WQM permit application fees are currently waived for state agencies, but under the proposed rulemaking, state agencies that do not contribute funding to the WQM program would be required to pay fees for new water pollution control construction projects. The Department estimates that the fee increase would be less than \$10,000 annually (total). The existing Chapter 92a regulations provide a fee exemption for any state or federal agency that provides funding to the Department for the implementation of the NPDES program, which would not be affected by this rulemaking. There are a few state agencies that do not provide funding to the Department that would be affected, including but

not limited to the Department of Corrections and the PA Historical and Museum Commission. The estimated increase for these agencies is \$10,000 per year.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The proposed amendments to Chapters 91 and 92a clarify existing processes but do not add to or change the existing reporting, recordkeeping or other paperwork requirements for the regulated community, local governments, or state government.

(22a) Are forms required for implementation of the regulation?

No new forms are required for the implementation of this regulation.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

While no new forms are required for the implementation of this regulation, attached to this document are edited existing forms to reflect the increased fees.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	<b>Current FY Year 18/19</b>	<b>FY+1 Year 19/20</b>	<b>FY+2 Year 20/21</b>	<b>FY+3 Year 20/22</b>	<b>FY+4 Year 22/23</b>	<b>FY+5 Year 23/24</b>
<b>SAVINGS:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Regulated Community</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Local Government</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>State Government</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Savings</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>COSTS:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Regulated Community</b>	0.00	3,217,500	4,290,000	4,290,000	6,290,000	6,290,000
<b>Local Government</b>	0.00	1,275,000	1,700,000	1,700,000	1,700,000	1,700,000
<b>State Government</b>	0.00	7,500	10,000	10,000	10,000	10,000
<b>Total Costs</b>	0.00	4,500,000	6,000,000	6,000,000	8,000,000	8,000,000

<b>REVENUE LOSSES:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Regulated Community</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Local Government</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>State Government</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Revenue Losses</b>	0.00	0.00	0.00	0.00	0.00	0.00

Note – the Department assumes that the final rulemaking would be published in the fourth quarter of FY 2019-2020. The costs to the regulated community, local government and state government would total \$6 million/year during the first full two years of implementation and is assumed to increase by \$2 million/year starting in FY 2022-2023 when the Department reissues certain NPDES general permits (although these decisions will be made when the general permits come up for reissuance). The table assumes the regulated community is comprised of all WQM and NPDES applicants that are not associated with local and state government. The Department did not attempt to quantify savings that the Department believes would occur with additional staff in the program because of the difficult nature of that quantification.

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -3 (2015/2016)</b>	<b>FY -2 (2016/2017)</b>	<b>FY -1 (2017/2018)</b>	<b>Current FY (2018/2019)</b>
WQM (Chapter 91)	\$1,371,500	\$1,259,000	\$1,427,000	\$1,455,500
NPDES (Chapter 92a)	\$19,623,852	\$20,016,329	\$20,416,656	\$20,824,989

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

(a) An identification and estimate of the number of small businesses subject to the regulation.

The Department does not store information concerning whether or not a WQM or NPDES permit applicant is considered a small business. Of the 4,000 active facilities in PA discharging sewage, industrial waste, and stormwater under individual NPDES permits, approximately half are owned or operated by private commercial or industrial interests. Conservatively, half of these facilities may be small businesses.

(b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

There are no anticipated reporting, recordkeeping or other administrative costs associated with the proposed Chapters 91 and 92a rulemakings.

(c) A statement of probable effect on impacted small businesses.

It is not anticipated that this rulemaking would adversely impact small businesses. The fee increases are not considered significant when compared to normal operating expenses, as the examples in the response to No. 19 illustrate, and are not considered unreasonable when compared to neighboring and comparable states.

- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

No less costly alternative exists for this regulation.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No provisions meeting these criteria have been developed for this proposed rulemaking.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The Department considered other options for assessing fees. For example, New Jersey's model of a base fee plus an additional fee that is calculated based on estimates of pollutant loads discharged was considered, but was ultimately rejected due to the significant resources needed to operate this type of fee program. The Department's current fee schedule that considers only the type and size of projects and activities is preferred.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- (a) The establishment of less stringent compliance or reporting requirements for small businesses.

The proposed regulatory amendments do not address compliance or reporting requirements.

- (b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

Members of the regulated community most likely to be considered small businesses would have lower fees because the types of applications small businesses submit to the Department are generally less complex than the applications submitted by larger businesses, and the Department has proposed the fee increases commensurate with the level of effort necessary to process such applications and inspect these permitted facilities.

- (c) The consolidation or simplification of compliance or reporting requirements for small businesses.

This proposal does not change the fee categories used by Chapter 92a, although one category has been added. Under Chapter 91, the Department proposes to develop fee categories by project and facility type, which would provide clarification for small businesses.

- (d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation.

This is not applicable to this proposed rulemaking.

(e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

Although there are no exemptions for small businesses proposed in this rulemaking, small businesses will typically have the lowest fees on the fee schedule, depending on the amount of time needed to review and process permits.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

The proposed rulemakings are based on the need for the Department to adequately serve the public and regulated community through timely permit application reviews, adequate compliance monitoring and assistance, and updated regulations, policy and guidance, which requires increased compliment. Despite numerous efficiency measures, the Department is not capable at existing staffing levels of maintaining its core responsibilities while pursuing other initiatives and federal mandates. No scientific data were used to develop the proposed rulemakings. In its workload analysis to determine the number of positions needed in the statewide Clean Water Program (Attachment B), the Department used its standard operating procedures (SOPs) and operational experience in determining the tasks necessary to implement each component of program activities and the average amount of time necessary to complete each task. The developer of the Department's Clean Water SOPs (who has direct experience implementing the tasks) analyzed the average time to complete each task, which was reviewed and agreed to by the Department's Clean Water Program Managers.

(29) Include a schedule for review of the regulation including:

- |   |                         |
|---|-------------------------|
| A. The date by which the agency must receive public comments:                           | <u>May 14, 2019</u>     |
| B. The date or dates on which public meetings or hearings will be held:                 | <u>May 1, 2019</u>      |
| C. The expected date of delivery of the proposed regulation as a final-form regulation: | <u>Quarter 3, 2019</u>  |
| D. The expected effective date of the final-form regulation:                            | <u>Upon Publication</u> |
| E. The date by which compliance with the final-form regulation will be required:        | <u>Publication</u>      |
| F. The date by which required permits, licenses or other approvals must be obtained:    | <u>N/A</u>              |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Department is proposing to allow for the periodic adjustment of fees based on changes to the ECI. If adjustments are made, they would not require the approval of the Environmental Quality Board. If fee increases are deemed necessary by the Department that are above the change in ECI, a proposed rulemaking would need to be developed and approved by EQB. The Department would continue to develop a report every three years summarizing its fee program for the EQB. Further, fees will not be adjusted if application of the index would result in fees exceeding the Department's costs to administer the Clean Water Program.

**ATTACHMENT A**

**FINAL SUMMARY REPORT – PENNSYLVANIA  
STORMWATER PROGRAM REVIEW UPDATE**

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# **Final Summary Report**

## **Pennsylvania Stormwater Program Review Update**

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**U.S. Environmental Protection Agency**  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

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June 2, 2017

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## Appendices

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Appendix B: Central Office and Northeast Regional Office Visit Attendance Lists

Appendix C: Document Log

## **1. Introduction**

On June 22–23, 2016, the U.S. Environmental Protection Agency (EPA) Region III and EPA’s contractor, PG Environmental, (collectively the EPA Review Team) conducted a stormwater program review of the Commonwealth of Pennsylvania (hereinafter referred to as the “2016 review”). The 2016 review’s purpose is to update information obtained in a previous review, which was conducted in 2011 (hereinafter referred to as the “2011 review”). The 2016 review focused on the state’s municipal separate storm sewer system (MS4) and construction stormwater programs. This report describes the observations made related to the implementation of each program, and changes made to each since 2011.

### **1.1 Purpose of Effort**

EPA conducts periodic reviews of state programs as part of its oversight responsibilities under the Clean Water Act (CWA). EPA also discusses program goals and objectives with authorized states as part of annual CWA section 106 grant negotiations.<sup>1</sup> In 2011, EPA Region III began integrating stormwater into the annual review process. Between 2011 and 2013, EPA conducted thorough stormwater program reviews in the five states located within EPA Region III’s territory (Virginia, Pennsylvania, Maryland, Delaware, and West Virginia), reviewing Pennsylvania’s program in July 2011. As a continuation of that effort, EPA has begun a process to follow up on the initial review observations and to update EPA’s knowledge of the state program implementation status. This report describes the observations associated with Pennsylvania’s MS4 and construction stormwater programs, which are implemented by the Pennsylvania Department of Environmental Protection (DEP). Where applicable, this report presents comparisons between information reported in the 2011 review report and observations made during the 2016 review.

### **1.2 Background**

DEP has been authorized to administer the CWA’s National Pollutant Discharge Elimination System (NPDES) program (33 U.S.C. § 1251 et seq.) since June 30, 1978, and a general permitting program since August 2, 1991. DEP’s stormwater programs are governed by the CWA, the Pennsylvania Clean Streams Law (P.L. 1987, June 22, 1937), Pennsylvania’s Stormwater Management Act (P.L. 867, October 4, 1978), section 1917-A of the Administrative Code of 1929, Act of April 9, 1929 (P.L. 177, as amended, 71 P.S. § 510-17), and implementing regulations (25 PA Code chapters 92, 93, and 102).

### **1.3 Basic Structure of Pennsylvania’s Stormwater Programs**

DEP consists of a central office (CO) plus six regional offices (ROs)—Northwest, Northcentral, Northeast, Southwest, Southcentral, and Southeast. The CO and ROs each play a key role in implementing DEP’s stormwater programs. In the CO, the Bureau of Clean Water has oversight, policy, and guidance development responsibilities for the MS4 program. The Bureau of Waterways, Engineering, and Wetlands had similar responsibility for the construction stormwater program (i.e., erosion and sediment control) at the time of the 2016 review. However, due to recent DEP reorganization, the responsibility for the construction stormwater program has been transferred to the Bureau of Clean Water. The ROs are organized in a similar fashion.

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<sup>1</sup> EPA awards section 106 grants to CWA-authorized states on an annual basis (subject to congressional appropriations).

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## 2. Program Review Approach

Prior to the 2016 review, the EPA Review Team sent a questionnaire (hereinafter the Review Questionnaire) to DEP's construction and MS4 CO contacts requesting background information on the programs. The "Municipal Stormwater Program" and "General Program Information" portions of the questionnaire were completed and delivered to the EPA Review Team on July 27, 2016, and the "Construction Stormwater Program" portion of the questionnaire was completed and delivered on July 29, 2016. A copy of the Review Questionnaire is provided as [Appendix A](#) to this report.

The following members comprised the EPA Review Team:

- EPA Region III: Andy Dinsmore, Chris Menen, Elizabeth Ottinger, and Aryel Abramovitz.
- EPA Contractor: Jake Albright (PG Environmental).

The EPA Review Team met with DEP CO stormwater program staff in Harrisburg on June 22, 2016. The attendance sign-in sheet is included in [Appendix B](#) to this report. The following DEP CO staff participated in the 2016 review:

- Ken Murin, Division Chief – Bureau of Waterways, Engineering, and Wetlands.
- Aneca Atkinson, Acting NPDES Construction Chief – Bureau of Waterways, Engineering, and Wetlands.
- Sean Furjanic, Program Manager – Bureau of Clean Water.

The EPA Review Team met with DEP Northeast Regional Office (NERO) stormwater program staff in Wilkes-Barre on June 23, 2016. The attendance sign-in sheet is included in [Appendix B](#) to this report. The following NERO staff participated in the 2016 review:

- Bharat Patel, Program Manager – Bureau of Clean Water.
- Paul Grella, Environmental Engineer – Bureau of Clean Water.
- Amy Bellanca, Permit Chief – Bureau of Clean Water.
- Joseph Buczynski, Program Manager – Bureau of Waterways, Engineering, and Wetlands.
- Carl Deluca, Section Chief – Bureau of Waterways, Engineering, and Wetlands.

The 2016 review consisted of office-based discussions and demonstrations at the CO and NERO, a document review, and information obtained during permit reviews and compliance investigations; the EPA Review Team did not conduct any field-based assessments. A log of all documents received from DEP as part of this activity is included in [Appendix C](#).

## 3. MS4 Program

As part of the 2016 review, the EPA Review Team held discussions with DEP staff and reviewed data related to implementation of the MS4 program.

### 3.1 Staffing

The Bureau of Clean Water has primary responsibility for implementing the MS4 program. At the time of the 2016 review, the CO employed approximately 2–3 full time equivalents (FTEs),

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made up of about 6 employees with varying degrees of involvement, dedicated to the MS4 program. CO staff stated they were hopeful they could eventually have staff dedicated specifically to the MS4 program. Each of the six ROs maintained varying levels of staff, who may also have other responsibilities, for MS4 program implementation. According to response A.9.c of the Review Questionnaire, “There are no staff in any regional office whose duties are solely limited to MS4 activities. Some regional offices have a point of contact for MS4s, although this contact also does other work. Some regional offices use all permits staff for processing MS4 NPDES permits and all operations staff for inspecting MS4s. If an estimate must be made based on time allotted to these activities, the average FTEs per region would be 1–2.”

**Observation 1.** The 2011 review report states staffing was insufficient in the CO and ROs to fully implement the MS4 program. At that time, the review team determined there was not enough personnel to conduct MS4 oversight activities at the CO and RO levels. The 2011 review report cites staff turnover and budget cuts as the primary reasons for the shortfall.

*2016 Update:* CO staff stated that at the time of the 2016 review, there were few vacancies statewide for positions related to the MS4 program. However, the CO Bureau of Clean Water Program Manager stated approximately 30 additional staff are needed statewide to fully and effectively implement the MS4 program. He stated that in addition to that 30, about 10 additional staff are needed just to address Chesapeake Bay action items. The CO Bureau of Clean Water Program Manager stated that each RO was responsible to develop a staffing plan to deal with the MS4 workload for their region. As a result, there is a great deal of variety in the regions. Some ROs do not even have personnel dedicated to MS4 compliance (e.g., NERO), which puts strain on permits staff to pick up that additional workload. CO staff indicated that under current conditions in the Pennsylvania government, it would be nearly impossible to obtain the desired level of staffing in the near future.

NERO staff echoed the concerns of the CO staff, explaining that the lack of dedicated MS4 compliance staff within the Bureau of Clean Water has been a major hindrance to effective MS4 program implementation. The environmental engineer who typically conducts field-based compliance work in the Northeast Region also has responsibilities for MS4 permitting, as well as in the concentrated animal feeding operation (CAFO) program. According to data provided by DEP, there are 146 permittees in the Northeast Region, including one of only two Phase I permittees (Allentown).

**Recommendation:** DEP and EPA should perform a work load analysis of both the CO and ROs to identify appropriate staffing and resource levels required to adequately implement the authorized program.

**DEP Response 5/18/17** – DEP will participate in an EPA-led work load analysis.

**EPA Response 05/23/17** – EPA will coordinate with DEP to perform the work load analysis for administration of the NPDES Program.

**Observation 2.** DEP was unable to provide a budget estimate for implementing the stormwater program. According to response A.6.b of the Review Questionnaire, “DEP does not have an operating budget for the NPDES MS4 program. It has an overall operating

budget for the water pollution control program – this includes the overall administration of the delegated NPDES program (of which EPA contributes about \$6.5 million per year in the form of a CWA Section 106 grant), the state Water Quality Management program (addressing construction of treatment works, storage facilities and land application of wastewater), and monitoring of Pennsylvania’s streams. DEP’s expenses for the water pollution control program are approximately \$20 million annually.”

**Recommendation:** See recommendation under Observation #1.

### 3.2 Facility Universe

At the time of the 2016 review, Pennsylvania had 2 Phase I permittees, 638 Phase II general permittees, and 169 individual Phase II permittees. (See Table 1 for a distribution of Phase I and Phase II permittees by region; data was provided by the CO.) The Phase I permittees consist of 2 major cities (Philadelphia and Allentown). The Phase II permittees are mostly cities, boroughs, towns, townships, villages, or counties, but also include 25 non-traditional permittees, such as military facilities, universities, colleges, highway systems, airports, and state/federally owned campuses (e.g., prisons and hospitals).

**Table 1. Distribution of MS4 Permittees by Region**

Region	Phase I Permits Individual	Phase II Permits General	Phase II Permits Individual	Total No. of Permits Waived	Total Permits Issued
Northwest	0	22	5	12	27
Northcentral	0	2	8	3	10
Northeast	1	92	53	19	146
Southwest	0	196	28	68	224
Southcentral	0	162	23	37	185
Southeast	1	164	52	6	217
<b>Statewide Total</b>	<b>2</b>	<b>638</b>	<b>169</b>	<b>145</b>	<b>809</b>

At the time of 2011 review, the CO had reported approximately 741 permittees statewide. At the time of the 2016 review, the CO reported the number of permittees in the state had grown by 68 since the 2011 review, to a total of 809. DEP staff expected that, as a result of the 2010 census, approximately 120 new MS4s will need to apply for permit coverage or a waiver for the first time in 2017. According to response C.9 of the Review Questionnaire, “These MS4s received notification letters on August 26, 2015 and again on July 6, 2016, specifying that they must apply by September 16, 2017 (180 days prior to the effective date of the reissued PAG-13 General Permit).”

**Observation 3.** The 2011 review report states that, while the universe of MS4 facilities is relatively static, the number of permittees reported by the CO varied from the numbers reported by the ROs. In addition, the CO reported that only one federal facility had an MS4 permit.

2016 Update: There appeared to still be some discrepancy between the CO and the ROs in the total number of Phase II permittees. For example, NERO staff stated there were 128

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Phase II permittees in the region (48 individual and 80 general permits), and data provided by the CO indicated there were 145 Phase II permittees (53 individual and 92 general permits). NERO staff also indicated there were 38 waivers, opposed to the 19 reported by the CO.

**Recommendation:** DEP central office should coordinate MS4 data collection with DEP regional offices to ensure accuracy of facility universe counts.

### 3.2 Permitting Activities

The majority of MS4 permittees (i.e., Phase II and non-traditional MS4s) in Pennsylvania are permitted under DEP's NPDES general permit for stormwater discharges from small MS4s (PAG-13), which was published September 17, 2011, with an effective date of March 16, 2013. As stated previously, there are only two Phase I MS4 permittees in Pennsylvania. This is due in part to the presence of combined sewer systems in Pennsylvania's larger urbanized areas. The distribution of permittee types is shown in Table 1 above.

The Bureau of Clean Water has responsibility for the MS4 permitting program. The CO develops policies and guidance, and issues standard permit templates. The ROs are in charge of reviewing notice of intent (NOI) submissions and issuing the permits within their respective regions.

Response C.27 of the Review Questionnaire states, "[The] Central Office reissued the PAG-13 General Permit on June 4, 2016, effective March 16, 2018, which will require significant on-the-ground BMPs [best management practices] and pollutant reductions to achieve compliance; Central Office has conducted numerous trainings in 2015 and 2016 to prepare permittees for this reissued permit (training ongoing)."

**Observation 4.** The 2011 review report states that DEP's individual MS4 permit template is almost identical to the general MS4 permit template. The individual permit does not have any special requirements or require reviews for discharges to high-quality or exceptional-value (HQ/EV) waters.

*2016 Update:* At the time of the 2016 review, the general permit template and individual permit template were still largely the same. CO staff stated that total maximum daily load (TMDL) requirements will be added to the individual permit template when the 2018 version of PAG-13 becomes effective. According to response A.13 of the Review Questionnaire, "The development and submission of TMDL Plans is required for any MS4 that has wasteload allocations (WLA) in the applicable TMDL. Under the existing PAG-13 General Permit, expiring March 15, 2018, these plans can be implemented under either type of permit. Starting March 16, 2018, TMDL Plans can only be implemented under individual permits, and TMDL Plans are limited to those MS4s with wasteload allocations for nutrients and/or sediment, only." Under federal requirements, a WLA must be established for point sources discharging into TMDL waters and NPDES permits must be consistent with the assumptions and requirements of a TMDL, including WLAs. This is a particular concern with the existing Pennsylvania Department of Transportation (PennDOT) individual MS4 permit, where the permittee maintains in its annual report that it is not required to develop TMDL implementation plans, as WLAs have not been assigned to PennDOT for its discharges to impaired waters. As a result, these point source discharges into TMDL waters are assumed to have a zero WLA, and the permittee needs to develop TMDL plans consistent

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with this requirement. DEP CO maintains that they are not able to evaluate each PennDOT right of way for its potential to pass through a watershed with an applicable impairment and/or TMDL. CO is trying to develop a more holistic solution to this issue and will be establishing the requirement for PennDOT to develop and implement pollutant reduction plans and TMDL plans during the next permit term.. CO staff stated that in 2016 DEP completed a comprehensive list of known MS4 dischargers and corresponding discharge locations in order to identify permittees that would qualify for individual permits.

**Recommendation #1:** DEP should develop a template for RO permit writers to utilize for drafting individual permits. This will ensure that discharges to HQ/EV waters are properly addressed via appropriate permit conditions.

**DEP Response 05/18/17** – DEP has completed the individual permit template.

**Recommendation #2:** DEP should develop an individual permit template or separate general permit for discharges to waters with nutrient and/or sediment TMDLs to ensure permit requirements are consistent throughout the regions.

**DEP Response 05/18/17** – DEP has completed the individual permit template.

**Recommendation #3:** DEP should ensure that dischargers into TMDL waters have a WLA assigned to the discharge and the permittee understands its obligations so that the permittee can develop feasible TMDL plans.

**DEP Response 05/18/17** – DEP is not planning to revise TMDLs that did not assign a WLA to an MS4 or did not address municipal stormwater entirely. DEP plans to work through these issues by requiring that those entities deal with their possible impact to impaired waters through Pollutant Reduction Plans.

**EPA Response 05/23/17** – EPA will commit to working with DEP to develop a path forward that allows permittees to discharge into impaired waters consistent with the applicable TMDL. This issue is of particular importance in dealing with the soon to be reissued PennDOT and Pennsylvania Turnpike Commission MS4 Permits.

**Observation 5.** The 2011 review report states that DEP had identified and permitted only one federal facility under its MS4 program. At that time, the review team urged DEP to investigate where federal facilities are located in the state and to determine whether those facilities need MS4 coverage. At the time of the 2011 review, CO staff reported having sent notification letters to federal facilities informing them of their requirement to apply for MS4 permit coverage, but the facilities had not been responsive.

2016 Update: Data provided in the Review Questionnaire indicates that there were three permitted federal facilities at the time of the 2016 review. CO staff indicated that the state does not have specific guidance for identifying federal facilities in need of MS4 permit coverage. Response C.7 of the Review Questionnaire indicates that the original designation of non-municipal facilities (federal and non-federal) was done in the early 2000s, and there is little documentation on how it was done. DEP staff indicated they could benefit from

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guidance provided by EPA for identifying applicable non-traditional/non-municipal entities for MS4 permitting.

**Recommendation:** EPA and DEP will work to identify non-traditional MS4s including federal facilities and determine whether NPDES permit coverage is appropriate.

**Observation 6.** NERO staff stated that they anticipate needing more staff support (at least one more person) in order to meet the effort required to review NOIs for the 2018 re-issuance of PAG-13. They stated that there is no plan yet at DEP to address this issue. NERO staff stated that any new staff will need to be trained on what to look for in a permit application submittal. Further, in addition to and at the same time as submitting NOIs, permittees will be required to submit any applicable Pollution Reduction Plans (PRPs) for review and approval. NERO staff stated this will only exacerbate the understaffing problem.

The NERO Environmental Engineer raised a concern that some permittees may not be well-equipped to generate and process the datasets needed to develop an adequate PRP, which could further hold up the permit approval process.

**Recommendation #1:** See recommendation under Observation #1 addressing resource considerations.

**Recommendation #2:** DEP should continue to provide training and outreach to MS4 permittees to assist with development of PRPs. EPA will consider providing support if available for the “Circuit Rider” technical assistance program.

**DEP Response 05/18/17** – DEP has delivered a formalized program training for MS4 permittees throughout the state. DEP intends to follow up with one-on-one and small group trainings where needed. These trainings are taking place to support specific follow-up questions of the permittees as they work to develop their plans.

**EPA Response 05/23/17** – EPA will offer its assistance to DEP and permittees to ensure compliance with the MS4 permit requirements.

### 3.3 Compliance and Enforcement Activities

The ROs are responsible for receiving and reviewing MS4 annual reports, as well as performing inspections. The ROs are also responsible for any subsequent follow-up actions.

**Observation 7.** The 2011 review report states the ROs' ability to perform MS4 inspections was limited because of budget cuts and staff changes. At that time, no formal compliance inspections of MS4 permittees had been conducted by the ROs or the CO for either the Phase I or Phase II MS4s. Some ROs had conducted a limited number of compliance assistance visits (not formal compliance inspections).

2016 Update: CO staff stated that a formal MS4 inspection program, wherein every MS4 permittee would be inspected in a 5-year span, began in 2013. NERO staff demonstrated DEP's standard inspection report, which consists of hand-written carbon copy forms. The

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reports include both checklist and open response items covering office-based and field-based topics.

DEP's *NPDES Compliance Monitoring Strategy and Annual Compliance Inspection Plan October 1, 2015–September 30, 2016* states, "All Phase I and II MS4s (individual and general permits) will receive an on-site inspection within 5 years of permit issuance or permit coverage approval. The inspection will include one or two components: 1) for MS4s located outside the Chesapeake Bay watershed and not discharging to waters with an EPA-approved TMDL, an office inspection of records constitutes a Data Audit Inspection (DAI); and 2) for MS4s in the Chesapeake Bay watershed and/or discharging to TMDL waters, an office inspection of records and a field inspection to verify reported BMPs constitutes a CEI [compliance evaluation inspection]."

**Recommendation:** DEP should continue performing Phase I and II MS4 compliance evaluations as set forth in the DEP annual compliance monitoring strategy (CMS) commitments, and in accordance with federal CMS guidance.

**Observation 8.** Although DEP had started a formal inspection program by the 2016 review, ROs do not typically take formal enforcement actions when issues are detected. CO staff stated that DEP's strategy is to offer compliance assistance at the RO's discretion. NERO staff stated that they provide a copy of the inspection report, which contains issues observed, to each permittee, but that typically no formal enforcement is taken by DEP. NERO does not always follow up on issues noted in the reports.

The EPA Review Team also noted that DEP should notify its permittees that they are not eligible to obtain coverage under a new MS4 permit (i.e., the 2018 version of PAG-13) until all violations have been resolved.

**Recommendation #1:** DEP should consider escalation of enforcement responses in accordance with the state's "Guidelines for Identifying, Tracking, and Resolving Violations for Water Quality."

**Recommendation #2:** DEP should develop a template cover letter to accompany inspection reports. The letter should identify deficiencies, require the permittee to perform corrective actions within a specified timeframe, and report completion of activities to DEP.

**Observation 9.** CO staff estimated that through the ROs' efforts, DEP had completed inspecting about half of the MS4 inventory and planned to meet the 2018 goal. NERO staff indicated that this may not be the case in their region. Specifically, they stated they had been on track to meet the inspection goal as of 2014, but had since fallen off the pace and would need to catch up in order to inspect all permittees by 2018. It was unclear whether other ROs were in a similar situation or if the CO was unaware of the true status of the program.

Data provided by NERO indicates the region had conducted 31 onsite CEIs and 15 data audits between January 1, 2013 and July 13, 2016 (approximately 32% of the total number of permittees). As stated previously, there are 146 permittees in the Northeast Region. Data provided by the CO indicated 178 compliance evaluation inspections (also labeled as "Routine/Complete Inspection" or "Routine/Partial Inspection" in some cases) and 79 data

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audits had been performed statewide between January 1, 2014 and July 19, 2016 (approximately 32% of the total number of permittees). It should be noted some permittees were listed more than once in each dataset, meaning the actual documented percentage of inspections/audits performed is lower than 32%. After reviewing the data provided, it was unclear to the EPA Review Team whether DEP would meet its inspection goal by 2018.

**Recommendation 1:** See recommendation under Observation #1.

**Recommendation 2:** DEP should review MS4 FY 2017-18 inspection commitments and progress toward inspection goals for each RO and revise inspection commitments as appropriate in accordance with the federal CMS guidance.

**Observation 10.** The 2011 review report states RO staff relied on annual reports as their means for assessing permittee MS4 program compliance; however, formal compliance actions were not taken when issues were found. DEP staff interviewed at the time cited a lack of funding and resources as the primary reason for not following up.

2016 Update: NERO staff stated that the Bureau of Clean Water has one engineer at the regional level who dedicates approximately 25% of their time (0.25 FTE) to annual report review and follow-up. NERO staff stated that the annual report reviewer position was added in response to the recommendations made in the 2011 review report. The review team did not verify whether other ROs had added similar positions.

NERO staff stated that if issues or deficiencies are identified during an annual report review, a letter is sent to the permittee requesting revisions. They explained that the issues are typically not followed up on until the next annual report is submitted. They stated that in some cases, permittees may be given a 15–30 days to correct recurring issues. Annual report review violations, which appear to mostly be limited to the failure to submit a report, are logged into DEP’s eFACTS as “Administrative/File Review” inspections. WMS data provided by NERO appear to indicate at least three permittees (Dickson City Borough, Jackson Township, and Old Forge Borough) that failed to submit annual reports in both 2014 and 2015, with no record of resolution.

**Recommendation #1:** See recommendations under Observation #1.

**Recommendation #2:** See Recommendation #1 under Observation #8

**Observation 11.** The 2011 review report recommends that a new annual report form be developed for the Phase II MS4 program. During interviews conducted in 2011, regional staff explained that the reporting requirements did not clearly articulate what is expected of MS4s; therefore, the ROs did not receive the best information from permittees to accurately assess compliance.

2016 Update: The annual report form has been updated. CO staff stated that DEP hopes to launch an updated electronic version of the form in 2017, in advance of the rollout of the 2018 version of PAG-13 to support the NPDES Electronic-Reporting Rule. They explained that the electronic annual reporting form would also eventually function as the NOI for continuing coverage under the general permit.

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Response C.19 of the Review Questionnaire states, “DEP is working with Penn State University to develop an electronic annual reporting system for MS4 permittees, which should be in use by 2017.”

**Recommendation:** DEP should update the annual report form for 2018 PAG-13 and include prospective NPDES Electronic Reporting Rule requirements for annual report electronic submissions beginning in December 2020.

### 3.4 Data Management

DEP uses a centralized database (*Environment, Facility, Application, Compliance Tracking System* (eFACTS)) to track permitting, compliance, and enforcement activities relating to its permittees. DEP's WMS (described in section 3.3 above) can communicate with eFACTS in order to enter MS4 permit details, create permit and facility documents, and manage various monitoring reports. As part of the review process, the EPA Review Team asked DEP CO staff and NERO staff to generate different datasets and reports through eFACTS and WMS. The data is referenced where applicable throughout the report.

**Observation 12.** The 2011 review report states the eFACTS system had little utility to the MS4 program. CO staff reported their desire to develop a module for the MS4 program or a separate database system. The 2011 review report states the CO and ROs should have ready access to data on permitted MS4s at all times.

*2016 Update:* DEP was still utilizing eFACTS at the time of the 2016 review; however, it appeared as though the database had become more useful to the MS4 program since 2011. For example, ROs were updating the database to include information related to compliance observations made during data audits, administrative file reviews, and compliance evaluations. Also, the use of WMS appeared to be an improvement over the systems in place in 2011.

CO staff explained that although eFACTS had become more useful for the program, there were still some shortcomings. Specifically, eFACTS does not have a mechanism or module for permittees to submit NOIs or annual reports electronically. At the time of the 2016 review, permittees needed to download permit forms (e.g., NOIs) and mail them to the appropriate RO, where a staff member manually populates the information in eFACTS, as time allows. As stated in observation 11, DEP hopes to launch an electronic version of the annual report form in 2017; this would also eventually function as the NOI for continuing coverage under the general permit.

**Recommendation:** DEP should ensure compliance with MS4 data requirements as set forth in the NPDES Electronic Reporting Rule.

### 3.5 Training, Education, and Communication

Training, education, and communication was discussed with both CO and NERO personnel.

**Observation 13.** The 2011 review report states that RO staff reported that training was limited to on-the-job training. Outside training was available, but funding limitations restricted RO participation.

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2016 Update: CO staff stated that there was no standard training for staff to implement the municipal part of the stormwater program, and that staff education was still largely limited to on-the-job-training. CO staff stated that in advance of the next permit cycle, the CO will have training for the ROs to cover permit content and enforcement expectations, as well as how to prioritize NOI review.

According to response C.23 of the Review Questionnaire, DEP does conduct some periodic training on standard operating procedures for regional staff. Ongoing guidance and discussions via e-mail with permits and operations chiefs are also used to ensure consistency in DEP's approach to MS4 activities.

**Recommendation:** DEP should develop stormwater personnel training/career development plans for RO staff in order to identify training needs and allocate necessary training resources.

**DEP Response 05/18/17** - CO has identified a training need for regional office staff related to stormwater program implementation and has planned MS4 training for regional office staff in 2017.

**EPA Response 05/23/17** – EPA will continue to offer its assistance in developing and delivering training to DEP staff. EPA requests that DEP keep EPA informed of its training efforts.

**Observation 14.** NERO staff stated that communication between the different divisions/bureaus at the region could be better. For example, the NERO Environmental Engineer stated there was a case where the region's Bureau of Investigation had responded to an oily discharge (i.e., illicit discharge) event and had not relayed relevant information to the applicable Bureau of Clean Water personnel in a timely manner. He explained that similar events have occurred with other divisions/bureaus, including with emergency response personnel.

**Recommendation:** DEP should develop an SOP and/or update existing policy to outline communication protocols between RO divisions/bureaus.

#### **4. Construction Stormwater Program**

At the time of the 2016 review, the Bureau of Waterways Engineering, and Wetlands had primary responsibility for implementing Pennsylvania's construction stormwater program. Since the time of the review, a reorganization at DEP has moved the responsibility for the program to the Bureau of Clean Water. DEP authorizes coverage for construction activities under its construction general permit (PAG-02). Under certain conditions, it also issues individual NPDES permits for stormwater discharges associated with construction activities. DEP may choose to issue individual NPDES permits for a number of reasons. For example, any entity that discharges to waters with a designated or existing use of "high quality" or "exceptional value" is required to have an individual permit. DEP has delegated some responsibilities of the construction stormwater program to qualified county conservation districts (CCDs; see below).

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### ***Delegation of Authority***

DEP delegates select implementation responsibilities for the construction general permits program to the CCDs by means of delegation agreements (DAs). The DAs specify the delegation responsibilities and required output measures (ROMs) for each of the three levels of CCD delegation. Level 1 CCDs carry out the educational and administrative aspects of the program (e.g., conducting educational programs, providing information to the public, maintaining application forms and other forms, maintaining erosion and sediment (E&S) control program agreements, submitting quarterly reports to DEP, and referring complaints). Level 2 CCDs perform the administrative functions, including the review of application forms, and some compliance functions, such as complaint handling and site inspections. The bulk of the state's CCDs are in this category. Level 3 CCDs handle the administrative and compliance functions in addition to retaining legal counsel for enforcement actions. ROs are responsible for any activities that have not been delegated to the CCDs in their respective regions.

**Observation 15.** At the time of the 2011 review, 6 of the 66 CCDs had been delegated PCSM oversight. The 2011 review report states that to effectively review post-construction stormwater management (PCSM) plans and check associated design calculations, CCDs must have a trained engineer on staff, which most did not have at that time. As a result, the workload was left to the ROs, which did not have the capacity to perform the reviews.

*2016 Update:* CO staff stated more CCDs have begun hiring professional engineering staff so they can conduct engineering reviews of PCSM plans and oversee the PCSM program. NERO staff stated that two of the four Level 3 CCDs in their region have PCSM oversight. They noted the requirement for PCSM oversight is that the CCD employs a professional engineer, not that it be categorized as a Level 3 CCD.

**Recommendation:** See recommendations under Observations #1, #16, and #20

**Observation 16.** At the time of the 2016 review, DEP was in the process of drafting new DAs with the CCDs. At the time of the review, CO staff stated that the new DA templates were scheduled to be finalized by the end of June 2016.

**Recommendation:** DEP must complete and finalize the new CCD delegation agreement.

**DEP Response 05/18/17** – DEP completed and finalized the new delegation agreement.

**Observation 17.** The 2011 review report states that CCDs were scheduled to be evaluated by the CO every 3 years.

*2016 Update:* CO staff stated that they thought performing triennial evaluations of CCDs was an aggressive timeline, based on current staffing and resource levels. As part of the review process, DEP was asked to provide copies of the five most recent CCD evaluations, as well as a comprehensive list of all CCD evaluations and the dates they were conducted. In response, DEP provided copies of 12 CCD evaluation reports conducted between April 30, 2009 and November 26, 2013. Based on the information provided, it does not appear that DEP has conducted any evaluations more recently than 2013, and has only evaluated 12 of the 66 CCDs statewide (18%) since 2009.

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**Recommendation #1:** See recommendation under Observation #1.

**Recommendation # 2:** DEP should work with EPA to develop a schedule for completion of CCD triennial evaluations. DEP should consider the use of contractor support to complete the CCD reviews including the potential use of EPA contract resources, if available.

#### 4.1 Staffing

At the CO, the Bureau of Waterways, Engineering, and Wetlands employs six staff primarily dedicated to the construction stormwater program; several other staff in DEP have a partial hand in implementation of the construction program. CO staff stated that through the *Chesapeake Bay Regulatory and Accountability Program* (CBRAP), they were able to hire two full-time employees to help with targeted compliance and enforcement cases, primarily within the Chesapeake Bay watershed. CO staff indicated that there was one section chief staffing vacancy at the CO. It was unclear when this would be filled. NERO staff indicated there were 20 positions in the regional Bureau of Waterways, Engineering, and Wetlands, and that they had one vacancy for a T-21 permitting staff member (who primarily works with the Pennsylvania Department of Transportation (PennDOT)).

#### 4.2 Facility Universe

According to the Review Questionnaire, there was a total of 4,776 active construction general permits (CGPs) and 717 individual permits statewide. The distribution of CGPs and individual permits across the regions is shown in Table 2.

**Table 2: Number of Active Construction Stormwater Permits**

Region	Number of Active CGPs	Number of Active Individual Permits
Northwest	401	33
Northcentral	409	82
Northeast	445	247
Southwest	976	56
Southcentral	1,716	110
Southeast	829	189
<b>TOTAL</b>	<b>4,776</b>	<b>717</b>

**Observation 18.** The 2011 review report states, “The CO does not readily know the number of active general permittees under the program, except when it receives annual reports from the CCDs. At all other times of the year, the CO must contact the six ROs for the information. The review team strongly believes that the CO, as the primary authority for managing and implementing the NPDES program, requires real-time knowledge of the number of active general permittees in the program.”

2016 Update: The 2011 observation appeared to be largely unchanged at the time of the 2016 review. Neither CO nor NERO staff were readily able to provide the number of active permits at the time of the 2016 review. CO staff stated that CGP data is primarily housed at the CCDs, which report on the number of CGPs in their respective regions periodically. CO staff explained that DEP eventually gets the NOIs and the data into a permit database, as

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interns or other staff have time. CO staff explained this is done sporadically throughout the year, and that the database does not necessarily represent the real-time facility universe. They stated that in addition to the basic permit information, DEP also documents information relating to PCSM BMPs and land use. CO staff further explained that individual permit NOIs are submitted directly to the ROs, which enter the pertinent information into eFACTS.

**Recommendation:** DEP should ensure compliance with the construction stormwater data requirements as set forth in the NPDES Electronic Reporting Rule. In addition, DEP should continue to work with CCDs to develop a more extensive site and inspection tracking system.

### 4.3 Permitting Activities

In most cases, DEP relies on the CCDs for reviewing general permit NOIs and issuing CGPs. An applicant submits an NOI to the delegated CCD office, which conducts a completeness review of the entire application package to ensure all required information is present. If the CCD determines the application is complete, the district conducts a technical review of the E&S plan. As stated above, some CCDs have also been delegated responsibilities for the PCSM program, in which case, they also conduct an engineering review of the PCSM plan. Once the application package is deemed technically sufficient, the district authorizes the use of the general permit. If the CCD finds deficiencies during the E&S plan technical review, the submittal is sent to the applicable RO for an elevated review. The ROs review, write, and issue individual permits. The CCDs may assist the ROs in reviewing E&S or PCSM plans if needed, and if they have the appropriate personnel. NERO staff stated that they had 62 permits pending review and approval at the time of the review (likely all individual permits).

**Observation 19.** The 2011 review report states that CO staff explained that DEP had had a problem with receiving incomplete or poor quality permit application packages (i.e., individual permit application packages) in the past.

**2016 Update:** NERO and CO staff stated that, since 2011, they have enacted a protocol to more efficiently screen individual permit applications and to promote technically complete submissions. Under the current system, permit submittals receive an initial administrative review. If any issues or incompleteness are found during the administrative review process, applicants get up to 60 days to correct the applications. If after a resubmittal, the package is deemed complete, it is sent on for technical review and approval. If the package is still incomplete after the resubmittal, it is withdrawn and the applicant needs to start the process over. CO staff stated that DEP has a one-time fee for permit application, but CCDs have the ability to charge multiple fees, depending on the number of resubmissions.

NERO staff stated that if deficiencies are found or suspected during a CCD's technical review of a CGP, the district may refer the submittal to the RO for an elevated review. More information may be requested from the applicant during the elevated review process in order to determine whether the application can be approved.

**Recommendation:** DEP should continue to implement the screening protocol.

**Observation 20.** Technical reviews of PCSM plans are not typically conducted by the CCDs for CGP applications. During the 2016 review, the NERO Bureau of Waterways, Engineering, and Wetlands Program Manager stated that he routinely sees deficiencies

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during the technical review of individual permit PCSM plan submittals-which are reviewed at the DEP regional office. He stated that this makes him believe that there was a high likelihood similar deficiencies are present in CGP PCSM plans that end up getting approved without a technical PCSM review.

**Recommendation:** DEP should consider requiring PCSM delegation for all CCDs and/or ROs should conduct a review of a representative sample of general permit PCSM plans.

**DEP Response 05/18/17 -** Delegation agreements are not something that DEP can require a conservation district to participate in. Conservation districts need to assess if they can adequately administer and accomplish the required delegation responsibilities and determine if they are able to hire and manage the staff necessary to carry out the agreement.

**EPA Response 05/18/17 –** EPA acknowledges that DEP cannot require PCSM delegation, but in the absence of CCD delegation, the ROs should consider a review of a representative sample of general permit PCSM plans to ensure consistency with regulatory requirements.

**Observation 21.** The 2011 review report states that general permittees rarely submitted notices of termination (NOTs). At that time, CO staff acknowledged that the NOT process was ineffective, noting that they were aiming to address the issue in the new construction general permit being developed at that time.

2016 Update: CO staff stated that CCDs and DEP have been doing a better job at implementing an NOT process since 2011. They stated that CCDs typically do NOT inspections of CGP and individual permit projects. CO staff explained that developers have been motivated to file for NOTs because they are not able to pass PCSM maintenance responsibilities to the property owners until the NOT is approved. Pennsylvania Code 102.7(c) states, “Until the permittee or co-permittee has received written approval of a notice of termination, the permittee or co-permittee will remain responsible for compliance with the permit terms and conditions including long-term operation and maintenance of all PCSM BMPs on the project site and is responsible for violations occurring on the project site. The Department or conservation district will conduct a final inspection and approve or deny the notice of termination within 30 days.”

**Recommendation:** DEP should consider instituting an annual fee for ongoing permit coverage.

**Observation 22.** DEP’s current CGP (PAG-02) expires in December 2017. CO representatives stated that DEP has begun thinking about changes to implement when the new permit gets issued, but did not provide any specific information about what those changes would be. They did state that DEP was thinking about implementing an annual fee for maintaining permit coverage.

**Recommendation:** DEP should submit a draft PAG-02 to EPA a minimum of 6 months (June 2017) prior to expiration to ensure timely reissuance of the permit.

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#### 4.4 Compliance and Enforcement Activities

Compliance and enforcement responsibilities for the construction stormwater program are largely left up to the ROs and the CCDs. The distribution of responsibility between the ROs and the CCDs depends on the level of CCD implementing the program. Level 2 and 3 CCDs review E&S plans; they host pre-construction meetings; and they conduct routine and follow-up inspections once a project has begun (for CGP and individual permit sites). ROs conduct inspections if a higher level of oversight or enforcement support is deemed needed.

All CCDs have the responsibility of receiving, and following up on complaints. If the ROs receive complaints about earth-moving activities, they forward such complaints to the appropriate CCD. DEP specifies inspection prioritization factors for the delegated CCDs in the ROMs attached to the DAs. The prioritization factors include compliance history, complexity of environmental problems, location with respect to sensitive waters, and other environmental risk criteria.

If issues and/or potential violations are found during an inspection, the CCD first tries to obtain voluntary compliance. If work on the site needs to be stopped, the CCD contacts the RO to issue a field order. NERO staff stated that CCDs are encouraged to take as much initiative as possible to accomplish voluntary compliance prior to referring a case to the ROs. ROs have the ability to issue field orders (stop work orders) and notices of violation (NOVs), and to utilize other enforcement tools if necessary.

**Observation 23.** At the time of the 2016 review, NERO staff stated that they prefer to use non-legal corrective action plans (CAPs) in lieu of implementing legal enforcement measures (e.g., Consent Order and Agreement (CO&A) or Consent Assessment of Civil Penalty (CACP)) to promote compliance because CAPs do not require litigation or support from state legal entities. Even though CAPs do not have the legal ramifications of a consent order or penalty, NERO staff stated they have had good luck in achieving compliance through this method.

A typical CAP describes agreed-upon milestones for a permittee to bring a project into compliance voluntarily. RO staff typically hold a meeting or discuss the issues and objectives of the CAP with the permittee prior to issuing the CAP letter. If the permittee does not voluntarily meet the terms of the CAP, the RO then progresses to legal enforcement (e.g., a CO&A).

NERO staff stated that contractors may be required to send operators to training as part of CO&A terms. They stated that partaking in training may be incentivized by a lower penalty assessment upon completion. As part of the 2016 review process, NERO was able to provide examples of CAP and CO&A cases.

In discussions with PennDOT regarding their construction site compliance status, PennDOT has argued that DEP is implementing a voluntary compliance program with regard to oversight of PennDOT construction sites. PennDOT has stated that until all voluntary compliance efforts to correct deficiencies documented during inspections have been exhausted, DEP does not consider these deficiencies to be violations of their construction permit or the Pennsylvania Clean Streams Law.

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**Recommendation #1:** See Recommendation #1 under Observation #8

**Recommendation #2:** DEP should clarify with PennDOT that violations noted during inspection are violations of the permit and that they are subject to enforcement, including penalties.

***Construction Permit Non-filers***

NERO staff stated that construction permit non-filers are typically identified through complaints. They stated that when a non-filer is identified and investigated, the non-filer may be required to retroactively file E&S or PCSM plans, depending on the current progress of the project. Penalties may be assessed to recoup any fees.

ROs may issue a "102.43 Letter" (corresponding to 25 PA Code chapter 102.43) to a municipal entity in cases when a municipality has issued a building permit prior to the developer's having acquired CGP or individual permit coverage. 25 PA Code chapter 102.43 states, "With the exception of local stormwater approvals or authorizations, a municipality or county may not issue a building or other permit or approval to those proposing or conducting earth disturbance activities requiring a Department permit until the Department or a conservation district has issued the E&S or individual NPDES Permit, or approved coverage under the general NPDES Permit for Stormwater Discharges Associated With Construction Activities under § 102.5 (relating to permit requirements)." A 102.43 Letter does not immediately impose any penalty or enforcement, but does state that not addressing the matter in a timely manner may be cause for "appropriate enforcement action."

**Observation 24.** At the time of the 2016 review, NERO staff provided an example of an ongoing non-filer case. A developer had begun construction of a new golf course in Archibald Township without submitting for and obtaining a DEP stormwater permit. However, the township issued the building permit(s). NERO staff stated that the developer ignored requests to voluntarily stop work and obtain the proper permits; therefore, DEP issued a formal stop work order (i.e., field order). The developer was required to submit an interim E&S plan and was waiting for permit approval at the time of the 2016 review. NERO staff stated that they believed the case would eventually go into the formal/legal enforcement process. A 102.43 Letter had been issued to Archibald Township.

NERO staff stated the compliance issues related to the case above had been handled entirely by construction stormwater staff. They stated that MS4 staff had not been notified about the issues, even though the circumstances also present compliance implications under the MS4 program. The EPA Review Team recommended that the construction stormwater and MS4 staff develop better methods of communication in order to improve the oversight conducted by both programs.

**Recommendation #1:** See Recommendation #1 under Observation #8

**Recommendation #2:** See recommendation under Observation #14

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## 4.5 Data Management

ROs use the eFACTS system to document and track individual permit actions, enforcement actions, and compliance actions. The CO is able to pull data and generate reports on individual permits through the use of eFACTS and WMS. Actions related to CGPs are only documented in eFACTS if DEP gets involved with enforcement/compliance and issues a formal order or action. NERO staff stated that CGP projects remain off their radar unless compliance issues become too big for the CCDs to handle, or if there are above-average water quality concerns.

The CO uses an electronic database system called Greenport for compiling CGP data provided by the CCDs for inclusion in quarterly and annual reports. Data is entered into Greenport as staff and information is available.

**Observation 25.** At the time of the 2016 review, CGP permitting and compliance data was primarily housed at the CCDs. As explained previously, DEP eventually gets CGP NOIs and the data into the permit database (i.e., Greenport) sporadically as interns or other staff have time. Information relating to project BMPs and land use is included in Greenport.

CO staff stated most CCDs have some form of an electronic data management and/or tracking system, but the systems are not uniform across the state. They stated that data management is not required in the DAs, but DEP was looking into eventually implementing a uniform electronic data system to make CCD data reporting more efficient and comprehensive.

**Recommendation:** DEP should ensure compliance with the construction stormwater data requirements as set forth in the NPDES Electronic Reporting Rule. In addition, DEP should include a uniform data collection requirement in the updated CCD delegation agreement.

**Observation 26.** At the time of the 2016 review, CO staff stated DEP was investigating the use of an electronic permitting system for construction stormwater permits. They stated that an electronic permitting system has been established for use with PennDOT projects that have 25 PA Code chapter 105 implications (i.e., dam safety and waterway management). CO staff stated the next step is to adopt the system for use with construction stormwater permittees statewide. However, CO staff stated that at the time of the 2016 review, DEP did not have the internal information technology staffing capacity to implement an electronic system statewide.

**Recommendation #1:** See recommendation under Observation #1

**Observation 27.** CO staff stated that they are working internally to provide e-reporting training to CCDs. They stated that they hoped to be able to rely on CCDs to begin entering data into EPA's *Integrated Compliance Information System* (ICIS) by the end of 2016. They stated that entry will be manual at first, with the hopes of being able to integrate an automatic system in the future.

**Recommendation:** See recommendation under Observation #18.

**ATTACHMENT B**

**THE DEPARTMENT'S CLEAN WATER PROGRAM  
WORKLOAD ANALYSIS AND STAFFING JUSTIFICATION**

**ATTACHMENT B-1: WORKLOAD ANALYSIS FOR NPDES PERMIT REVIEWS<sup>1</sup>**

Fee Category	Applicat- ion / Fee Type	Task 1 Time (hrs)	Task 2 Time (hrs)	Task 3 Time (hrs)	Task 4 Time (hrs)	Task 5 Time (hrs)	Task 6 Time (hrs)	Task 7 Time (hrs)	Task 8 Time (hrs)	Task 9 Time (hrs)	Total Admin Time / Applicat- ion (hrs)	Total Staff Time / Applicat- ion (hrs)	No. Applicat- ions or Requests Expected / Year	Total Admin Hours Needed / Year	Total Staff Hours Needed / Year
SRSTP - Individual Permit	New Permit	1	0.5	1	2	0.5	0.5	0.25	0.5	1	2.5	4.75	10	25	47.5
	Reissuance Minor Amendment	0.75	0.5	0.75	1.5 <sup>a</sup>	0.5	0.5	0.25	0.5	0.75	2	4	130	260	520
	Major Amendment	0.75	0.25	0.25	0	0	0	0	0	0.75	1.5	0.5	0	0	0
	Transfer	0.75	0.25	0.5	0.5	0.5	0.25	0.25	0.25	0.5	1.75	2.5	1	1.75	2.5
SFTF - Individual Permit	New Permit	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	8	14	6
	Reissuance Minor Amendment	1	0.5	1	2	0.5	0.5	0.25	0.5	1	2.5	4.75	4	10	19
	Major Amendment	0.75	0.5	0.75	1.5	0.5	0.5	0.25	0.5	0.75	2	4	41	82	164
	Transfer	0.75	0.25	0.25	0	0	0	0	0	0.75	1.5	0.5	0	0	0
Minor Sewage Facility < 0.05 MGD - Individual Permit	New Permit	0.75	0.25	0.5	0.5	0.5	0.25	0.25	0.5	0.75	1.75	2.5	1	1.75	2.5
	Reissuance Minor Amendment	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	2	3.5	1.5
	Major Amendment	1.25	0.75	1.5	4	0.5	0.5	0.5	0.5	1.25	3	7.75	4	12	31
	Transfer	1	0.75	1	3	0.5	0.5	0.25	0.5	1	2.5	6	197	492.5	1182
Minor Sewage >= 0.05 MGD and < 1.0 MGD - Individual Permit	New Permit	0.75	0.25	0.25	0	0	0	0	0	0.75	1.5	0.5	6	9	3
	Reissuance Minor Amendment	0.75	0.25	0.5	0.5	0.5	0.25	0.25	0.5	0.75	1.75	2.5	2	3.5	5
	Major Amendment	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	4	7	3
	Transfer	1.25	0.75	2	16	1	0.5	0.75	0.75	1.25	3	21.25	4	12	85
Minor Sewage with CSO - Individual Permit	New Permit	1	0.75	1.25	8	1	0.5	0.5	0.75	1	2.5	12.25	153	382.5	1874.25
	Reissuance Minor Amendment	0.75	0.25	0.25	0	0	0	0	0	0.75	1.5	0.5	6	9	3
	Major Amendment	0.75	0.25	0.5	1	0.75	0.25	0.25	0.75	0.75	1.75	3.5	2	3.5	7
	Transfer	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	2	3.5	1.5
Minor Sewage with CSO - Individual Permit	New Permit	1.25	1	8	32	4	0.5	1	1	1.25	3	47	0	0	0
	Reissuance Minor Amendment	1	1	6	24	4	0.5	0.5	1	1	2.5	36.5	5	12.5	182.5
	Major Amendment	0.75	0.25	1	0	0	0	0	0	0.75	1.5	1.25	1	1.5	1.25
	Transfer	0.75	0.25	6	8	1	0.25	0.25	0.25	0.75	1.75	16.5	0	0	0
		0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	0	0	0

Fee Category	Applicat- ion / Fee Type	Task 1 Time (hrs)	Task 2 Time (hrs)	Task 3 Time (hrs)	Task 4 Time (hrs)	Task 5 Time (hrs)	Task 6 Time (hrs)	Task 7 Time (hrs)	Task 8 Time (hrs)	Task 9 Time (hrs)	Total Admin Time / Applicat -ion (hrs)	Total Staff Time / Applicat- ion (hrs)	No. Applicat- ions or Requests Expected / Year	Total Admin Hours Needed / Year	Total Staff Hours Needed / Year
Major Sewage >= 1.0 MGD and < 5.0 MGD – Individual Permit	New Permit	1.5	1.5	16	40	8	0.5	2	2	1.5	3.5	69.5	1	3.5	69.5
	Reissuance	1.25	1.5	8	24 <sup>b</sup>	8	0.5	1.5	2	1.25	3	45	39	117	1755
	Minor Amendment	0.75	0.25	0.5	0	0	0	0	0	0.75	1.5	0.75	6	9	4.5
	Major Amendment	0.75	0.25	1	12	2	0.25	0.25	0.25	1	0.75	1.75	3	5.25	49.5
	Transfer	0.75	0.25	0	0	0	0.25	0.25	0	0.5	0.75	1.75	1	1.75	0.75
Major Sewage >= 5.0 MGD – Individual Permit	New Permit	1.5	1.5	24	64	8	0.5	2.5	2	1.5	3.5	102	0	0	0
	Reissuance	1.25	1.5	16	40	8	0.5	2	2	1.25	3	69.5	10	30	695
	Minor Amendment	0.75	0.25	0.5	0	0	0	0	0	0.75	1.5	0.75	2	3	1.5
	Major Amendment	0.75	0.25	2	16	2	0.25	0.25	0.25	1	0.75	1.75	2	3.5	43
	Transfer	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	1	1.75	0.75
Major Sewage with CSO – Individual Permit	New Permit	1.5	2	40	80	16	0.5	4	2	1.5	3.5	144	0	0	0
	Reissuance	1.25	2	24	48	16	0.5	2	2	1.25	3	94	14	42	1316
	Minor Amendment	0.75	0.25	0.5	0	0	0	0	0	0.75	1.5	0.75	1	1.5	0.75
	Major Amendment	0.75	0.25	24	16	2	0.25	0.25	1	0.75	1.75	43.5	1	1.75	43.5
	Transfer	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	0	0	0
Minor IW Facility not covered by ELG – Individual Permit	New Permit	2	1.5	16	32	8	0.5	2	2	2	4.5	61.5	6	27	369
	Reissuance	1.5	1.5	8	16	8	0.5	1	2	1.5	3.5	36.5	121	423.5	4416.5
	Minor Amendment	0.75	0.25	0.25	0	0	0	0	0	0.75	1.5	0.5	3	4.5	1.5
	Major Amendment	0.75	0.25	1	8	2	0.25	0.25	1	0.75	1.75	12.5	3	5.25	37.5
	Transfer	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	4	7	3
Minor IW Facility covered by ELG – Individual Permit	New Permit	2	2	32	40	12	0.5	4	2	2	4.5	92	1	4.5	92
	Reissuance	1.5	2	16	24	12	0.5	2	2	1.5	3.5	58	50	175	2900
	Minor Amendment	0.75	0.25	0.5	0	0	0	0	0	0.75	1.5	0.75	2	3	1.5
	Major Amendment	0.75	0.25	2	16	2	0.25	0.25	1	0.75	1.75	21.5	2	3.5	43
	Transfer	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	2	3.5	1.5

Fee Category	Applicat- ion / Fee Type	Task 1 Time (hrs)	Task 2 Time (hrs)	Task 3 Time (hrs)	Task 4 Time (hrs)	Task 5 Time (hrs)	Task 6 Time (hrs)	Task 7 Time (hrs)	Task 8 Time (hrs)	Task 9 Time (hrs)	Total Admin Time / Applicat -ion (hrs)	Total Staff Time / Applicat- ion (hrs)	No. Applicat- ions or Requests Expected /Year	Total Admin Hours Needed /Year	Total Staff Hours Needed /Year
Major IW Facility < 250 MGD – Individual Permit	New Permit	2	2.5	64	120	32	0.5	8	2	2	4.5	228.5	0	0	0
	Reissuance	1.5	2.5	32	80	32	0.5	4	2	1.5	3.5	152.5	19	66.5	2897.5
	Minor Amendment	0.75	0.25	0.5	0	0	0	0	0	0.75	1.5	0.75	2	3	1.5
	Major Amendment	0.75	0.25	24	24	2	0.25	1	1	0.75	1.75	52.25	1	1.75	52.25
	Transfer	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	1	1.75	0.75
Major IW Facility >= 250 MGD – Individual Permit	New Permit	2	3	128	240	64	0.5	16	2	2	4.5	453	0	0	0
	Reissuance	1.5	3	64	200 <sup>c</sup>	64	0.5	8	2	1.5	3.5	341	2	7	682
	Minor Amendment	0.75	0.25	1	0	0	0	0	0	0.75	1.5	1.25	2	3	2.5
	Major Amendment	0.75	0.5	40	32	2	0.25	1	1	0.75	1.75	76.5	1	1.75	76.5
	Transfer	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	0	0	0
IW Storm- water – Individual Permit	New Permit	2	2	32	24	8	0.5	2	2	2	4.5	70	1	4.5	70
	Reissuance	1.5	2	16	16	8	0.5	1	2	1.5	3.5	45	70	245	3150
	Minor Amendment	0.75	0.25	0.5	0	0	0	0	0	0.75	1.5	0.75	1	1.5	0.75
	Major Amendment	0.75	0.25	8	8	2	0.25	0.25	1	0.75	1.75	19.5	1	1.75	19.5
	Transfer	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	1	1.75	0.75
CAFO – Individual Permit	New Permit	2	2	40	64	16	0.25	8	2	2	4.25	132	2	8.5	264
	Reissuance	1.5	2	24	40	16	0.25	4	2	1.5	3.25	88	25	81.25	2200
	Minor Amendment	0.75	0.25	0.25	0	0	0	0	0	0.75	1.5	0.5	1	1.5	0.5
	Major Amendment	0.75	0.25	24	24	2	0.25	0.25	1	0.75	1.75	51.5	1	1.75	51.5
	Transfer	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	2	3.5	1.5
MS4 – Individual Permit	New Permit	2	4	80	8	6	0.25	8	2	2	4.25	108	5	21.25	540
	Reissuance	1.5	4	80	8	6	0.25	8	2	1.5	3.25	108	225	731.25	24300
	Minor Amendment	0.75	0.25	1	0	0	0	0	0	0.75	1.5	1.25	0	0	0
	Major Amendment	0.75	0.25	40	4	2	0.25	0.25	1	0.75	1.75	47.5	0	0	0
	Transfer	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	0	0	0

Fee Category	Applicat- ion / Fee Type	Task 1 Time (hrs)	Task 2 Time (hrs)	Task 3 Time (hrs)	Task 4 Time (hrs)	Task 5 Time (hrs)	Task 6 Time (hrs)	Task 7 Time (hrs)	Task 8 Time (hrs)	Task 9 Time (hrs)	Total Admin Time / Applicat -ion (hrs)	Total Staff Time / Applicat- ion (hrs)	No. Applicat- ions or Requests Expected / Year	Total Admin Hours Needed / Year	Total Staff Hours Needed / Year
CAAP – Individual Permit	New Permit	2	2	64	64	6	0.25	4	2	2	4.25	142	0	0	0
	Reissuance Minor Amendment	1.5	2	32	32	6	0.25	2	2	1.5	3.25	76	5	16.25	380
	Major Amendment Transfer	0.75	0.25	0.5	0	0	0	0	0	0.75	1.5	0.75	1	1.5	0.75
Pesticides – Individual Permit	Major Amendment	0.75	0.25	16	24	2	0.25	0.25	1	0.75	1.75	43.5	0	0	0
	Transfer	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	0	0	0
	New Permit	2	1.5	8	8	4	0.25	0.25	2	2	4.25	23.75	1	4.25	23.75
PAG-03 IW Storm- water – General Permit	Reissuance Minor Amendment	1.5	1.5	8	8	4	0.25	0.25	2	1.5	3.25	23.75	4	13	95
	Major Amendment Transfer	0.75	0.25	0.25	0	0	0	0	0	0.75	1.5	0.5	2	3	1
	New Permit	0.75	0.25	0.5	1	2	0.25	0.25	1	0.75	1.75	5	0	0	0
PAG-04 SRSTP – General Permit	Transfer	0.75	0.25	0	0	0	0.25	0	0.5	0.75	1.75	0.75	0	0	0
	New Permit	1	0.5	0.5	1	0	0.25	0.5	1	1	2.25	3.5	16	36	56
	Reissuance Amendment	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PAG-04 SFTF – General Permit	Transfer	0.75	0.25	0.25	0.25	0	0	0	0.25	0.75	1.5	1	0	0	0
	New Permit	0.75	0.25	0.5	0	0	0.25	0	0	0.75	1.75	0.75	6	10.5	4.5
	Reissuance Amendment	1	0.25	0.25	1	0	0.25	0.25	1	1	2.25	2.75	20	45	55
PAG-05 GW Remediat- ion - General Permit	Transfer	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	New Permit	0.75	0.25	0	0.25	0	0	0	0.25	0.75	1.5	0.75	0	0	0
	Reissuance Amendment	0.75	0.25	0	0	0	0.25	0	0	0.75	1.75	0.25	3	5.25	0.75
PAG-06 CSO – General Permit	Transfer	1	1	0.5	3	0	0.25	0.25	1	1	2.25	5.75	3	6.75	17.25
	New Permit	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Reissuance Amendment	0.75	0.25	0.25	0.25	0	0	0	0.25	0.75	1.5	1	0	0	0
PAG-06 General Permit	Transfer	0.75	0.25	0	0	0	0.25	0	0	0.75	1.75	0.25	1	1.75	0.25
	New Permit	1	1	1	16	0	0.25	1	1	1	2.25	20	0	0	0
	Reissuance Amendment	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PAG-06 General Permit	Transfer	0.75	0.25	0.5	4	0	0	0	0.25	0.75	1.5	5	0	0	0
	New Permit	0.75	0.25	0	0	0	0.25	0	0	0.75	1.75	0.25	0	0	0
	Reissuance Amendment	0.75	0.25	0	0	0	0.25	0	0	0.75	1.75	0.25	0	0	0

Fee Category	Applicat- ion / Fee Type	Task 1 Time (hrs)	Task 2 Time (hrs)	Task 3 Time (hrs)	Task 4 Time (hrs)	Task 5 Time (hrs)	Task 6 Time (hrs)	Task 7 Time (hrs)	Task 8 Time (hrs)	Task 9 Time (hrs)	Total Admin Time / Applicat -ion (hrs)	Total Staff Time / Applicat -ion (hrs)	No. Applicat- ions or Requests Expected /Year	Total Admin Hours Needed /Year	Total Staff Hours Needed /Year
PAG-10 Hydro- static Testing - General Permit	New Permit	1	1	0.25	4	0	0.25	0.5	1	1	2.25	6.75	10	22.5	67.5
	Reissuance	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	0.25	0	0.25	0	0	0	0.25	0.75	1.5	0.75	0	0	0
	Transfer	0.75	0.25	0	0	0	0.25	0	0	0.75	1.75	0.25	1	1.75	0.25
PAG-11 Aqua- culture - General Permit	New Permit	1	1	0.25	8	0	0.25	0.25	1	1	2.25	10.5	0	0	0
	Reissuance	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	0.25	0	0.25	0	0	0	0.25	0.75	1.5	0.75	0	0	0
	Transfer	0.75	0.25	0	0	0	0.25	0	0	0.75	1.75	0.25	0	0	0
PAG-12 CAFO - General Permit	New Permit	2	2	4	16	0	0.25	4	1	2	4.25	27	4	17	108
	Reissuance	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	0.25	2	4	0	0	0	0.25	0.75	1.5	6.5	2	3	13
	Transfer	0.75	0.25	0	0	0	0.25	0	0	0.75	1.75	0.25	2	3.5	0.5
PAG-13 MS4 - General Permit	New Permit	2	2	4	40	0	0.25	4	1	2	4.25	51	20	85	1020
	Reissuance (Waivers)	0	2	0.25	0	0	0	0	0	0	0	2.25	40	0	90
	Amendment	0.75	0.25	2	8	0	0	0	0.25	0.75	1.5	10.5	0	0	0
	Transfer	0.75	0.25	0	0	0	0.25	0	0	0.75	1.75	0.25	1	1.75	0.25
PAG-15 Pesticides - General Permit	New Permit	1	1	0.25	8	0	0.25	0.25	1	1	2.25	10.5	1	2.25	10.5
	Reissuance	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	0.25	0	0.25	0	0	0	0.25	0.75	1.5	0.75	2	3	1.5
	Transfer	0.75	0.25	0	0	0	0.25	0	0	0.75	1.75	0.25	0	0	0
IW Storm- water - No Exposure Certificat- ion	New	1	1	0.25	0	0	0.25	0.25	0.5	1	2.25	2	15	33.75	30
	Reissuance	0	1	0.25	0	0	0	0	0	0	0	1.25	205	0	256.25
	Amendment	0.75	0.25	0	0	0	0	0	0.25	0.75	1.5	0.5	0	0	0
	Transfer	0.75	0.25	0	0	0	0.25	0	0	0.75	1.75	0.25	2	3.5	0.5

Subtotals: 3,766 52,550

Other Responsibilities				
Task	Task Time (hrs)	No./Year	Admin Hours	Staff Hours
Right to Know Law Requests	0.5	1,000	250	250
Temporary Discharge Authorizations	2	250	100	400
Pre-Application Meetings	2	200	0	400
Preliminary Effluent Limits	16	40	40	600
Other Information Requests	1	500	0	500
Site Visits / Field Work	8	100	0	800

Subtotals: 390 2,950  
 Totals: 4,156 55,500  
 FTEs – NPDES: 2.8 37  
 FTEs – WQM (from Attachment B-2): 0.8 12.3  
 Total NPDES/WQM Permitting FTEs: 3.6 49.3

- Task Descriptions:**
- Task 1 – Administrative (Admin) Up-front Processing
  - Task 2 – Permits Staff (Staff) Completeness Review Time
  - Task 3 – Staff Technical Review
  - Task 4 – Staff Preparation of Fact Sheet
  - Task 5 – Staff Preparation of Draft Permit Documents
  - Task 6 – Admin Preparation of Public Notice(s)
  - Task 7 – Staff Meetings and Client Communications
  - Task 8 – Staff Preparation of Final Permit Documents
  - Task 9 – Admin Back-end Processing

**Note:**

- 1 The Department has SOPs for each type of NPDES permit application it receives, detailing the step by step procedures for processing and reviews. The tasks in this table were derived from the significant procedures within the SOPs. The amount of time necessary to complete each task was based on the experience of the Department staff who developed the SOPs and have implemented the tasks, and considered the complexity of the task. The following examples illustrate how the time estimates were derived based on this consideration (superscripts identified after task hours in the examples correspond to hours listed in the table above):
  - SRSTP Individual Permit, Application Type = Reissuance, Task 4 (Preparation of Fact Sheet) Time = 1.5 hours<sup>a</sup> (average).
  - Time to generate the fact sheet template using the Department's Water Management System (WMS) application = 15 minutes.
  - Time to review relevant SOPs, guidance and regulations to determine appropriate water quality-based and technology-based effluent limits and monitoring requirements = 15 minutes.
  - Time to set up and run water quality-based models for Total Residual Chlorine (TRC), Ammonia-Nitrogen and CBOD5 = 30 minutes.
  - Time to complete the fact sheet with a detailed narrative of how draft permit terms and conditions were developed = 30 minutes.
  - Major Sewage Facility >= 1 MGD and < 5 MGD Individual Permit, Application Type = Reissuance, Task 4 (Preparation of Fact Sheet) Time = 24 hours<sup>b</sup> (average).
  - Time to generate the fact sheet template using the Department's WMS application = 30 minutes.
  - o NOTE – There are more sections to the fact sheet for a Major Sewage Facility compared to an SRSTP.
  - Time to review relevant SOPs, guidance and regulations to determine appropriate water quality-based and technology-based effluent limits and monitoring requirements = 4 hours.

- o **NOTE** – There are significantly more requirements associated with a Major Sewage Facility compared to an SRSTP. Depending on the nature of the wastewater to be received and treated by the facility, this step may take up to 16 hours.
- Time to conduct a reasonable potential (RP) analysis for toxic pollutants detected in facility's discharge (i.e., a determination of whether there is a reasonable potential to cause an excursion from water quality standards in Chapter 93) = 4 hours.
- Time to conduct an RP analysis for Whole Effluent Toxicity = 1 hour.
- Time to set up and run water quality-based models for TRC, Ammonia-Nitrogen, CBOD5, and toxic pollutants = 6 hours.
  - o **NOTE** – The Department's TRC, WQM and PENTOXSD models are typically run for a Major Sewage Facility. The time needed to perform these analyses depends on the complexity of the discharge scenario (e.g., the presence of multiple dischargers in close proximity, the presence of dams downstream of the discharge, etc.).
- Time to evaluate the need for a compliance schedule based on a comparison of Discharge Monitoring Report (DMR) data to proposed effluent limits = 30 minutes.
- Time to complete the fact sheet with a detailed narrative of how draft permit terms and conditions were developed = 8 hours.
- Major Industrial Waste Facility > 250 MGD Individual Permit, Application Type = Reissuance, Task 4 (Preparation of Fact Sheet) Time = 200 hours<sup>c</sup> (average).
  - Time to generate the fact sheet template using the Department's WMS application = 2 hours.
    - o **NOTE** – There are more sections to the fact sheet for a Major Industrial Waste Facility compared to an SRSTP and Major Sewage Facility. There are also typically numerous discharges, which results in more processing time.
  - Time to review relevant SOPs, guidance and regulations to determine appropriate water quality-based and technology-based effluent limits and monitoring requirements = 16 hours.
    - o **NOTE** – There are significantly more requirements associated with a Major Industrial Waste facility compared to an SRSTP and Major Sewage Facility (e.g., review and interpretation of federal technology-based standards and development documents).
  - Time to conduct a reasonable potential (RP) analysis for toxic pollutants detected in facility's discharge(s) = 12 hours.
  - Time to evaluate the use and approval of proposed chemical additives = 16 hours.
  - Time to set up and run water quality-based model for toxic pollutants = 16 hours.
    - o **NOTE** – The Department's PENTOXSD is typically run for a Major Industrial Waste Facility to evaluate effluent limits necessary for multiple discharges. These discharges are often complex discharge scenarios requiring proper selection of input data such as background toxic pollutant data.
  - Time to review and incorporate recommendations from regional and Central Office biologists on 316(a) thermal variance request = 40 hours.
    - o **NOTE** – A 316(a) thermal variance request is typically made by Major Industrial Waste Facilities with flows greater than 250 MGD as part of an application for permit reissuance. The requests are typically reviewed by regional and Central Office biologists, and recommendations are made to permits staff. Permits staff, as part of this step, will generally participate in multiple meetings with biologists to determine the appropriate methods for incorporating these recommendations into a permit.
  - Time to set up and run water quality-based model for thermal discharges = 16 hours.
  - Time to review and incorporate recommendations from regional and Central Office biologists on 316(b) cooling water intake structure requirements = 40 hours.
    - o **NOTE** – Phase II of the federal 316(b) regulations requires that industrial facilities with cooling water intake structures that withdraw a volume of water above certain thresholds for cooling purposes conduct studies to support a decision by the Department on the site-specific Best Technology Available (BTA) for the site. These studies are typically reviewed by regional and Central Office biologists, and recommendations are made to permits staff. Permits staff, as part of this step, will generally participate in multiple meetings with biologists to determine the appropriate methods for incorporating these recommendations into a permit.
  - Time to evaluate the need for a compliance schedule based on a comparison of Discharge Monitoring Report (DMR) data to proposed effluent limits = 2 hours.

- Time to complete the fact sheet with a detailed narrative of how draft permit terms and conditions were developed = 40 hours.
  - o NOTE – Fact sheets for Major Industrial Waste Facilities are commonly 100 pages or more. A strong record including the fact sheet is necessary to withstand scrutiny in the event the permit is appealed by the permittee or a third party.

**ATTACHMENT B-2: WORKLOAD ANALYSIS FOR WQM PERMIT REVIEWS<sup>1</sup>**

Fee Category	Applicat- ion Type	Task 1 Time (hrs)	Task 2 Time (hrs)	Task 3 Time (hrs)	Task 4 Time (hrs)	Task 5 Time (hrs)	Task 6 Time (hrs)	Task 7 Time (hrs)	Task 8 Time (hrs)	Total Admin Time / Applicat- ion (hrs)	Total Staff Time / Applicat- ion (hrs)	No. Expected /Year	Total Admin Hours Needed / Year	Total Staff Hours Needed / Year
Joint Pesticides Permit	New	1	1	2 <sup>a</sup>	1	0.25	0.25	1	1	2.25	5.25	20	45	105
	Renewal	0.75	1	2	1	0.25	0.25	1	0.75	1.75	5.25	50	87.5	262.5
	Amendment	0.75	0.25	1	0.25	0.25	0.25	0.5	0.75	1.75	2.25	20	35	45
	Transfer	0.75	0.25	0	0	0.25	0	0.5	0.75	1.75	0.75	1	1.75	0.75
WQM – Major Sewage Treatment Plants	New	1.5	4	80	16	0.25	16	4	1.5	3.25	120	1	3.25	120
	Renewal	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	2	8	2	0.25	2	2	0.75	1.75	16	15	26.25	240
	Transfer	0.75	0.25	0	0	0.25	0	0.5	0.75	1.75	0.75	3	5.25	2.25
WQM – Major Industrial Waste Treatment Plants	New	1.5	4	80 <sup>b</sup>	24	0.25	24	4	1.5	3.25	136	1	3.25	136
	Renewal	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	2	8	2	0.25	4	2	0.75	1.75	18	4	7	72
	Transfer	0.75	0.25	0	0	0.25	0	0.5	0.75	1.75	0.75	2	3.5	1.5
WQM – Minor and Non- NPDES Sewage Treatment Plants	New	1.5	4	40	8	0.25	8	3	1.5	3.25	63	30	97.5	1890
	Renewal	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	2	8	2	0.25	1	1.5	0.75	1.75	14.5	60	105	870
	Transfer	0.75	0.25	0	0	0.25	0	0.5	0.75	1.75	0.75	20	35	15
WQM – Minor and Non- NPDES Industrial Waste Treatment Plants	New	1.5	4	56	16	0.25	8	3	1.5	3.25	87	6	19.5	522
	Renewal	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	2	8	2	0.25	1	1.5	0.75	1.75	14.5	30	52.5	435
	Transfer	0.75	0.25	0	0	0.25	0	0.5	0.75	1.75	0.75	20	35	15
WQM - SRSTPs	New	1.5	1	24	8	0.25	1	2	1.5	3.25	36	5	16.25	180
	Renewal	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	0.5	8	2	0.25	0.25	1	0.75	1.75	11.75	2	3.5	23.5
	Transfer	0.75	0.25	0	0	0.25	0	0.5	0.75	1.75	0.75	5	8.75	3.75
WQM - Sewer Extensions	New	1.5	1	24	8	0.25	2	2	1.5	3.25	37	5	16.25	185
	Renewal	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	0.5	8	2	0.25	0.5	1	0.75	1.75	12	5	8.75	60
	Transfer	0.75	0.25	0	0	0.25	0	0.5	0.75	1.75	0.75	15	26.25	11.25

Fee Category	Applicat- ion Type	Task 1 Time (hrs)	Task 2 Time (hrs)	Task 3 Time (hrs)	Task 4 Time (hrs)	Task 5 Time (hrs)	Task 6 Time (hrs)	Task 7 Time (hrs)	Task 8 Time (hrs)	Total Admin Time / Applicat- ion (hrs)	Total Staff Time / Applicat- ion (hrs)	No. Expected / Year	Total Admin Hours Needed / Year	Total Staff Hours Needed / Year
WQM - Pump Stations	New	1.5	1	32	8	0.25	4	2	1.5	3.25	47	5	16.25	235
	Renewal	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	0.5	8	2	0.25	0.5	1	0.75	1.75	12	10	17.5	120
	Transfer	0.75	0.25	0	0	0.25	0	0.5	0.75	1.75	0.75	15	26.25	11.25
WQM - Land Application and Reuse of Sewage	New	2	4	240 <sup>c</sup>	40	0.25	24	8	2	4.25	316	1	4.25	316
	Renewal	1.5	4	160	24	0.25	16	8	1.5	3.25	212	25	81.25	5300
	Amendment	0.75	1	8	2	0.25	8	4	0.75	1.75	23	3	5.25	69
	Transfer	0.75	0.25	0	0	0.25	0	0.5	0.75	1.75	0.75	1	1.75	0.75
WQM - Land Application and Reuse of Industrial Waste	New	2	4	240	64	0.25	32	8	2	4.25	348	1	4.25	348
	Renewal	1.5	4	160	40	0.25	24	8	1.5	3.25	236	15	48.75	3540
	Amendment	0.75	1	8	2	0.25	16	4	0.75	1.75	31	4	7	124
	Transfer	0.75	0.25	0	0	0.25	0	0.5	0.75	1.75	0.75	1	1.75	0.75
WQM - Manure Storage and Wastewater Impound- ments	New	1.5	4	40	16	0.25	8	4	1.5	3.25	72	10	32.5	720
	Renewal	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	2	8	2	0.25	2	2	0.75	1.75	16	1	1.75	16
	Transfer	0.75	0.25	0	0	0.25	0	0.5	0.75	1.75	0.75	1	1.75	0.75
WQG-01 for SRSTPs	New	1	1	16	4	0.25	0.5	1	1	2.25	22.5	50	112.5	1125
	Renewal	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	0.25	8	2	0.25	0.25	0.5	0.75	1.75	11	10	17.5	110
	Transfer	0.75	0.25	0	0	0.25	0	0.25	0.75	1.75	0.5	15	26.25	7.5
WQG-02 for Sewers/Pump Stations	New	1	1	16	4	0.25	0.5	1	1	2.25	22.5	50	112.5	1125
	Renewal	0	0	0	0	0	0	0	0	0	0	0	0	0
	Amendment	0.75	0.25	8	2	0.25	0.25	0.5	0.75	1.75	11	10	17.5	110
	Transfer	0.75	0.25	0	0	0.25	0	0.25	0.75	1.75	0.5	15	26.25	7.5
<b>Totals: 1,205 FTEs: 0.8 18,482 12.3</b>														

**Task Descriptions:**  
Task 1 – Administrative (Admin) Up-front Processing  
Task 2 – Permits Staff (Staff) Completeness Review Time  
Task 3 – Staff Technical Review  
Task 4 – Staff Preparation of Internal Review and Recommendations

- Task 5 – Admin Preparation of Public Notice(s)
- Task 6 – Staff Meetings and Client Communications
- Task 7 – Staff Preparation of Final Permit Documents
- Task 8 – Admin Back-end Processing

**Note:**

- 1 The Department has SOPs for each type of WQM permit application it receives, detailing the step by step procedures for processing and reviews. The tasks in this table were derived from the significant procedures within the SOPs. The amount of time necessary to complete each task was based on the experience of the Department staff who developed the SOPs and have implemented the tasks, and considered the complexity of the task. The following examples illustrate how the time estimates were derived based on this consideration (superscripts identified after task hours in the examples correspond to hours listed in the table above):
  - Joint Pesticides Permit, Application Type = New, Task 3 (Technical Review) Time = 2 hours<sup>a</sup> (average).
  - Time to review the proposed location (surface water) and timing of the pesticide application and applicable water quality standards and restrictions or limitations = 1 hour.
    - o **NOTE** – The Department considers issues such as the location of any downstream water supplies and the stocking schedules for the PA Fish and Boat Commission.
  - Time to review the maximum dosage rates proposed by the applicant in comparison to the product label – 1 hour.
  - Major Industrial Waste Treatment Facility Individual WQM Permit, Application Type = New, Task 3 (Technical Review) Time = 80 hours<sup>b</sup> (average).
    - Time to review the configuration of proposed treatment units and processes to verify conformance to published design standards and guidance = 40 hours.
    - Time to conduct research, review the chemical reactions and pollutant removal capabilities, and evaluate the potential for the proposed facility to meet effluent limits established in a draft NPDES permit = 40 hours.
  - Land Application of Sewage Individual WQM Permit, Application Type = New, Task 3 (Technical Review) Time = 240 hours<sup>c</sup> (average).
    - Time to review the configuration of proposed treatment units and processes to verify conformance to published design standards and guidance = 40 hours.
      - o **NOTE** – New proposals for land application of treated sewage would also include the treatment facility.
    - Time to evaluate the potential for the proposed facility to meet effluent limits that would be established in a WQM permit = 40 hours.
    - Time to inspect the proposed land application site and conduct independent review and testing = 80 hours.
      - o **NOTE** – The Department engineers and soils scientists will review physical characteristics of proposed land application sites including but not limited to soils, slopes, distance from surface waters, etc. Test pits may be dug and/or soils may be tested for cation exchange capacity and other parameters to confirm suitability for pollutant remediation.
    - Time to evaluate pollutant loading rates to the land surface and groundwater mounding below the land surface = 80 hours.
      - o **NOTE** – The Department soils scientists and hydrogeologists will evaluate the capability of the crop(s) to be grown at the site to remove pollutants such as nitrogen, and the potential for nitrogen to adversely impact groundwater as a source of drinking water. These professionals will also consider subsurface conditions that would reduce the effectiveness of the soil profile to treat pollutants and maintain a hydrological balance.

### ATTACHMENT B-3: WORKLOAD ANALYSIS FOR MONITORING AND COMPLIANCE (INSPECTION) ACTIVITIES

Facility/Activity Type	Number of Facilities (By Department Office and Totals)								Required Inspection Frequency	Avg No. Inspections / Year	Avg Hours / Inspection <sup>1</sup>
	SERO	NERO	SCRO	NCRO	SWRO	NWRO	Totals	Totals			
Major Sewage & IW Facilities, Individual Permits	59	48	84	43	110	53	397	CEI 1 / 2 FFY unless violations then 1 every FFY	230	24	
Minor Sewage & IW Facilities, Individual Permits (Except SRSTPs/SFTFs)	221	358	588	268	599	395	2429	CEI 1 / 5 FFY (and 5% per year)	500	8	
SRSTPs/SFTFs, Individual Permits	61	31	151	80	127	333	783	CEI 1 / 5 FFY (and 5% per year)	160	6	
Minor Sewage & IW Facilities, General Permits	206	37	279	442	317	1335	2616	CEI, RTPT or ADMIN 1 / 5 FFY	550	4	
CAFOs	13	14	317	72	7	3	426	CEI 1 / 5 FFY	125	8	
Major CSOs	6	16	8	9	23	9	71	CSO 1 / 3 FFY	25	24	
Minor CSOs	1	5	2	1	41	2	52	CSO 1 / 5 FFY	15	16	
MS4s	204	150	207	19	256	30	866	CEI, DAI 1 / 5 FFY	180	16	
IW Stormwater, Individual Permits	70	99	48	23	63	13	316	1 / 5 FFY (and 10% per year)	70	8	
IW Stormwater, General Permits	277	199	438	214	419	247	1794	CEI, ADMIN 1 / 5 FFY	375	6	
WQM Sewage & IW Reuse / Land Application	133	43	56	18	4	4	258	1/year	258	8	
Complaints / Pollution Incidents (at Permitted and Non-Permitted Facilities)									1000 <sup>2</sup>	4	

CEI = Comprehensive Evaluation Inspection  
 RTPT = Routine Partial Inspection (on-site inspection without completing CEI)  
 CSO = Combined Sewer Overflow (Inspection)  
 DAI = Data Audit Inspection  
 ADMIN = Administrative Inspection

Facility/Activity Type	Other Compliance Monitoring Activities											Total Admin Hours Needed / Year <sup>7</sup>	Total Staff Hours Needed / Year
	No. DMRs <sup>3</sup>	DMR Review (hrs)	No. Annual Reports	Annual Report Review (hrs)	No. Referrals <sup>4</sup>	Referrals (hrs)	No. Meetings <sup>5</sup>	Meetings (hrs)	No. Permits Reviewed <sup>6</sup>	Permits Reviewed (hrs)			
Major Sewage & IW Facilities, Individual Permits	5000	1	300	4	40	4	8	4	80	8	1080	12552	
Minor Sewage & IW Facilities, Individual Permits (Except SRSTPs/SFTFs)	24300	0.75	1000	2	243	4	49	4	490	4	500	27353	
SRSTPs/SFTFs, Individual Permits	2200	0.5	600	1	78	4	16	4	160	4	150	3676	
Minor Sewage & IW Facilities, General Permits	800	0.5	2500	1	262	4	26	4	0	0	500	6252	
CAFOs	0	0	426	4	43	4	5	4	20	6	80	3016	
Major CSOs	0	0	71	4	7	4	2	4	0	0	15	920	
Minor CSOs	0	0	52	2	5	4	1	4	0	0	10	368	
MS4s	0	0	866	4	87	4	10	4	50	4	170	6932	
IW Stormwater, Individual Permits	2900	0.75	316	2	32	4	6	4	65	4	70	3779	
IW Stormwater, General Permits	3600	0.5	1794	2	180	4	18	4	0	0	360	8430	
WCM Sewage & IW Reuse / Land Application	3100	0.75	258	4	26	4	5	4	0	0	50	5545	
Complaints / Pollution Incidents												4000	

Total: 2,985  
Inspector FTEs: 2

**NOTES:**

- The average number of hours per inspection includes preparation time, travel time, sample collection and data management activities, as applicable.
- It is estimated from eFACTS/CTS that on average the Department receives 1,000 calls/year relating to water pollution; some of these calls are referred to other parties but the majority are investigated.
- The number of DMRs per year per facility depends on facility type; some submit 12, others submit 1. An average number of DMRs per facility type was used.
- Assumes that each year 10% of facilities are in non-compliance; an enforcement referral involves preparing documentation for compliance specialists. Inspectors may also prepare enforcement documents.
- The Department estimates that meetings relating to compliance or enforcement, outside of inspections, occur at a rate of 2% per year for permittees with individual permits and 1% per year for permittees with general permits.
- Inspectors review and comment on draft individual permits. Time reviewing final individual and general permits is considered as part of inspection preparation and is not considered here. New permits are not considered.

## ATTACHMENT B-4: WORKLOAD ANALYSIS FOR ENFORCEMENT-RELATED ACTIVITIES

### Effluent Violations

Region	No. Facilities Submitting DMRs	No. Effluent Violations Expected / Year <sup>1</sup>	Avg Compliance Specialist Time / Violation (hrs) <sup>2</sup>	Total Staff Hours Needed / Year
SERO	1000	900	1	900
NERO	800	360	1	360
SCRO	1500	920	1	920
NCRO	1000	390	1	390
SWRO	1400	1520	1	1520
NWRO	700	1250	1	1250
<b>Subtotal:</b>				<b>5,340</b>

### Late/Expired Permit Renewal Applications

Region	Avg No. Late Applications / Year <sup>3</sup>	Avg Compliance Specialist Time / Violation	Avg No. Expired Permits with No Application / Year <sup>4</sup>	Avg Compliance Specialist Time / Violation	Total Staff Hours Needed / Year
SERO	271	4	4	16	1,100
NERO	358	4	16	16	1,496
SCRO	348	4	25	16	1,492
NCRO	118	4	0	16	472
SWRO	264	4	35	16	1,196
NWRO	127	4	1	16	512
<b>Subtotal:</b>					<b>6,268</b>

### Violations Determined Through Inspection

Region	Avg No. Inspection Violations / Year <sup>5</sup>	Avg Compliance Specialist Time / Violation <sup>6</sup>	Total Staff Hours Needed / Year
SERO	493	4	1,972
NERO	243	4	972
SCRO	407	4	1,628
NCRO	213	4	852
SWRO	348	4	1,392
NWRO	133	4	532
<b>Subtotal:</b>			<b>7,348</b>
<b>Total:</b>			<b>18,956</b>
<b>Compliance Specialist FTEs:</b>			<b>13</b>

#### NOTES:

- Effluent violations as reported through the Department's eDMR system were evaluated over the past two calendar years (2016-2017). The number of facilities reporting violations was adjusted based on the ratio of total facilities required to submit DMRs to the actual number of facilities using eDMR (eventually all facilities will use eDMR but not everyone has been registered to date). The expected number of facilities that would be reporting violations electronically (based on the ratio previously described) was multiplied by the average annual violations reported to provide an estimate of the total violations that would be reported if all facilities were using eDMR. This is likely commensurate with the total number of violations being reported currently, both electronically and on paper, and varies by region.
- This value represents the time it takes a compliance specialist to review each violation, document it in an enforcement action document, and correspond or meet with the violator to resolve the violation.
- These figures represent the number of late applications submitted by the regulated community during 2017, as well as the number of facilities who failed to submit a renewal application. Both events require compliance actions, including but not limited to issuance of violation notices, correspondence with the permittee, and possibly civil penalties. An average of 4 hours per incident is estimated to be needed for compliance specialists to take these actions.
- The average number of expired permits without receipt of renewal applications is shown for 2017. These events require research, correspondence and where necessary enforcement including civil penalties when it is determined that a discharge is occurring without a permit.

- 5 These figures represent the average annual number of violations (not related to effluent or permit applications) determined through inspections over the period 2013-2017.
- 6 The average amount of time spent on non-effluent and non-application violations is estimated as 4 hrs/violation. These violations require additional time to resolve as compared to effluent violations.

**ATTACHMENT B-5: WORKLOAD ANALYSIS FOR SUPPORTING ACTIVITIES RELATED TO FUNCTIONS OF SOILS SCIENTISTS AND HYDROGEOLOGISTS**

**Soils Scientists**

**Permitting Support**

Category	Application Type	No. Expected / Year	Soils Scientist Review Time (hrs)	Total Staff Hours Needed / Year
WQM - Land Application and Reuse of Sewage	New	1	80	80
	Renewal	25	40	1000
	Amendment	3	16	48
	Transfer	1	0	0
WQM - Land Application and Reuse of Industrial Waste	New	1	80	80
	Renewal	15	40	600
	Amendment	4	24	96
	Transfer	1	0	0

**Subtotal: 1,904**

**Inspection Support**

Facility/Activity Type	No. Inspections / Year	Soils Scientist Inspection Time (hrs)	Total Staff Hours Needed / Year
WQM Sewage & IW Reuse / Land Application	258	8	2,064

**Subtotal: 2,064**

**Total: 3,968  
Soils Scientist FTEs: 3**

**Hydrogeologists**

**Permitting Support**

Category	Application Type	No. Expected / Year	Hydro Review Time (hrs)	Total Staff Hours Needed / Year
WQM - Land Application and Reuse of Sewage	New	1	80	80
	Renewal	25	40	1000
	Amendment	3	16	48
	Transfer	1	0	0
WQM - Land Application and Reuse of Industrial Waste	New	1	80	80
	Renewal	15	40	600
	Amendment	4	24	96
	Transfer	1	0	0
PAG-05 Groundwater Remediation - General Permit	New	3	24	72
	Renewal	0	8	0
	Amendment	0	8	0
	Transfer	1	0	0

**Subtotal: 1,976**

**Inspection Support**

<b>Facility/Activity Type</b>	<b>No. Reports / Year</b>	<b>Hydro Review Time (hrs)</b>	<b>Total Staff Hours Needed / Year</b>
PAG-05 Annual Report Reviews	70	8	560

**Subtotal: 560**

**Total: 2,464**  
**Hydrogeologist FTEs: 2**

**ATTACHMENT B-6: WORKLOAD ANALYSIS FOR SURFACE WATER ASSESSMENT ACTIVITIES**

Task	Annual Hours per Task by Region							Totals
	SERO	NERO	SCRO	NCRO	SWRO	NWRO	Totals	
Aquatic Life Use Monitoring & Assessments <sup>1</sup>	1,863	2,051	3,200	2,635	2,643	2,485	14,877	
Lake Trophic State Index (TSI)-Lake Assessments <sup>1</sup>	450	867	230	850	83	570	3,050	
Recreational Use Monitoring & Assessment*	150	175	163	167	263	175	1,092	
303(d) revisioning & TMDL incremental improvement	38	245	165	38	90	38	613	
Fish Tissue Sampling	236	300	210	728	300	438	2,212	
NPDES permit reviews including 316 a/b and Site-Specific Criteria/Chemical Additives	100	450	700	264	700	225	2,439	
401 Certification & Dredging Permits	38	38	250	38	250	38	650	
Pesticide Permits - Individual and Joint	300	456	451	38	83	50	1,377	
Water Quality Network - Stream & Lake Whole Effluent Toxicity Testing and Reviews	216	339	99	270	45	288	1,257	
Continuous Instream Monitoring (CIM)	35	90	20	20	24	20	209	
Point of First Use Surveys	1,724	75	495	100	295	100	2,789	
Compliance Cause & Effect Surveys	250	345	341	38	325	38	1,336	
Stream Surveys - Fish, Mussels, etc.	400	400	193	227	400	667	2,287	
Misc. Program Support	100	200	128	300	1,050	675	2,453	
Litigation Support	150	150	150	150	150	150	900	
Supervisory Administrative	50	50	50	50	50	50	300	
	100	100	100	100	100	100	600	
<b>Totals:</b>	<b>6,199</b>	<b>6,331</b>	<b>6,943</b>	<b>6,011</b>	<b>6,849</b>	<b>6,105</b>	<b>38,437</b>	
<b>Biologist FTEs<sup>2</sup>:</b>	<b>4</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>26</b>	

**NOTES:**

- 1 Regional workload for stream monitoring and assessment varies by region due to uneven distribution of stream miles, significant lakes and lake acres. Other work tasks vary considerably by region. For example, mussel surveys are necessary in the SWRO and NWRO for permit issuance but rarely occur in other regions.
- 2 Includes one supervisory biologist per region.

## ATTACHMENT B-7: NEW POSITIONS REQUIRED FOR CLEAN WATER PROGRAM AND JUSTIFICATION

As a result of the workload analysis documented in Attachments B-1 through B-6, the Department determined that 38 new positions are required for its regional offices to carry out all required responsibilities under Chapters 91 and 92a. The following table presents the current and proposed staffing levels for the Clean Water Program in the Department's six regional offices. Where the term, "NPDES/WQM Current" is used, it means the current position's focus is on implementation of the NPDES and/or WQM programs under Chapters 91 and 92a. The regional offices also implement activities in other areas, including but not limited to sewage planning, vector management, and project finance management. This analysis did not consider these existing positions, but for the purpose of showing a comprehensive view of staffing levels, these positions are reflected by the statement, "Other Current." Highlighted rows reflect the number of staff the Department determined are necessary to carry out its responsibilities under Chapters 91 and 92a, by region (considering the volume of work that must be done by region). The column for "New - 91/92a Fees" reflects the number of positions, by job classification, that the Department would seek to create as a result of the revised fee regulations. For example, the Department currently has 47 engineer positions across Pennsylvania that focus on the review of NPDES and WQM permit applications, and the Department determined that it requires two additional positions to fulfill all of its permitting responsibilities in an effective manner.

Position	No. of Staff by Region						Totals	New - 91/92a Fees
	SERO	NERO	SCRO	NCRO	SWRO	NWRO		
Engineers - NPDES/WQM Current	8	6	11	5	13	4	47	
Engineers - Other Current	1	3	1	0	1	1	7	
Engineers - NPDES/WQM Required	8	7	12	5	13	4	49	2
WQ Specialists - NPDES/WQM Current	7	6	10	5	8	5	41	
WQ Specialists - NPDES/WQM Required	8	7	15	6	11	8	55	14
Sewage Planning Specialists - Total Current	5	4	7	3	5	4	28	
Sewage Planning Supervisors - Total Current	1	1	0	0	1	1	4	
Soil Scientists - NPDES/WQM Current	0	0	0	0	0	0	0	
Soil Scientists - Other Current	1	2	2	2	1	0	8	
Soil Scientists - NPDES/WQM Required	1	1	1	0	0	0	3	3
Biologists - NPDES/WQM Current	2	2	2	2	1	1	10	
Biologists - Other Current	2	0	1	0	0	0	3	
Biologists - NPDES/WQM Required	3	3	4	3	4	3	20	10
Biologist Supervisors - Total Current	1	1	1	0	1	1	5	
Biologist Supervisors - Total Required	1	1	1	1	1	1	6	1
Compliance Specialists - Total Current	3	0	2	0	1	0	6	
Compliance Specialists - Total Required	3	2	3	1	3	1	13	7
Hydrogeologists - NPDES/WQM Current	0	0	1	0	0	0	1	
Hydrogeologists - Other Current	1	1	2	1	0	0	5	

Position	No. of Staff by Region						Totals	New - 91/92a Fees
	SERO	NERO	SCRO	NCRO	SWRO	NWRO		
Hydrogeologists - NPDES/WQM Required	0	0	1	0	1	0	2	1
EG/EE Managers - Total Current	3	3	4	3	3	3	19	
EG/EE Managers - Total Required	3	3	4	3	3	3	19	0
EP Managers - Total Current	1	1	1	1	1	1	6	
EP Managers - Total Required	1	1	1	1	1	1	6	0
<b>Program Totals - Current:</b>	<b>36</b>	<b>30</b>	<b>45</b>	<b>22</b>	<b>36</b>	<b>21</b>	<b>190</b>	<b>38</b>
<b>Program Totals - Required:</b>	<b>39</b>	<b>36</b>	<b>55</b>	<b>26</b>	<b>45</b>	<b>27</b>	<b>228</b>	
<b>NPDES/WQM Staff Totals - Current:</b>	<b>21</b>	<b>15</b>	<b>27</b>	<b>12</b>	<b>24</b>	<b>11</b>	<b>110</b>	
<b>NPDES/WQM Staff Totals - Required:</b>	<b>24</b>	<b>21</b>	<b>37</b>	<b>16</b>	<b>33</b>	<b>17</b>	<b>148</b>	

The Department also determined that additional positions are necessary in the Bureau of Clean Water to improve the administration of the Clean Water Program. A workload analysis similar to Attachments B-1 through B-6 cannot be performed for these positions because the Bureau of Clean Water does not generally issue permits and conduct inspections. The Bureau of Clean Water positions, instead, guide and direct the activities of the Department's regional offices. The Bureau of Clean Water evaluated all of its responsibilities to determine where it currently lacks resources to effectively guide regional activities, respond to questions and concerns posed by the public and regulated community, develop policies, guidance, and regulations, provide adequate training, and interface with federal and state agencies. The table below summarizes the new positions in the Bureau of Clean Water that would be funded by the revised regulations.

Position	Division / Section	Description of Duties
1. Sr. Civil Engineer General	NPDES Permitting / Stormwater Construction	Provide training and guidance to delegated county conservation districts on implementation of the Chapter 102 NPDES program.
2. Sr. Civil Engineer General	NPDES Permitting / Stormwater Construction	Review the latest erosion and sediment control and post-construction stormwater management technologies and maintain Department guidance documents to include these technologies. This position would also serve as a liaison with other programs such as Oil & Gas and Mining.
3. Environmental Engineer	NPDES Permitting / MS4	Develop technical guidance and training materials related to IDD&E requirements of MS4 permits and provide technical assistance to the division and regional offices for determining pollutant loads and load reductions. This position would also serve as an in-house expert on land-based pollutant loading models.
4. Water Program Specialist	NPDES Permitting / MS4	Assume lead role in reconstituting an Act 167 statewide program, including development of policies, guidance and training materials for municipalities, counties and Department staff in order to implement the requirements of Act 167.
5. Water Program Specialist	NPDES Permitting / MS4	Develop technical guidance and training materials related to MS4 public involvement, housekeeping, and ordinances. This position would also recommend MS4 and Act 167 policies that better align with Chapter 102 implementation.

Position	Division / Section	Description of Duties
6. Environmental Engineer Manager	NPDES Permitting / NPDES	Oversee work conducted by the NPDES Section and supervise its staff.
7. Environmental Engineer	NPDES Permitting / NPDES	Develop and update internal, procedural guidance for the Clean Water Program, including Standard Operating Procedures (SOPs). This position would also serve as an in-house expert on administrative functions and tasks, including data management and federal regulations.
8. Environmental Engineer	NPDES Permitting / NPDES	Develop guidance, policies, and general permits with an emphasis on the use of pesticides, discharges from fish hatcheries and agriculture.
9. Environmental Engineer	NPDES Permitting / NPDES	Develop guidance, policies, and general permits with an emphasis on sewage treatment facilities and industrial waste.
10. Water Program Specialist	Municipal Facilities / Planning	Develop guidance and improve capabilities for public access to information concerning sewage plans for municipalities.
11. Environmental Engineer	Municipal Facilities / Planning	Develop guidance relating to implementation of Chapters 71, 72, and 73 to support the sewage planning process which is a prerequisite for NPDES permits.
12. Environmental Engineer	Municipal Facilities / Facilities Permits	Develop guidance relating to Water Quality Management (WQM) permitting.
13. Environmental Engineer	Municipal Facilities / Facilities Permits	Develop guidance to support the wasteload management program under Chapter 94, which protects waters of the Commonwealth from inadequately treated wastewater discharges.
14. Civil Engineer Consultant	Municipal Facilities	Develop guidance related to design standards for sewage and industrial wastewater treatment facilities, reuse of wastewater, and land application of wastewater.
15. Water Program Specialist	Operations / Data Systems	Develops guidance for and implements procedures relating to management of the Department's electronic Discharge Monitoring Report (eDMR) system and fee collection program.
16. Water Program Specialist	Operations / Wastewater Operations	Coordinates and provides support for technical and instructional activities for the Wastewater Outreach Assistance Provider Program, which is an important program for assisting wastewater treatment facilities.
17. Water Program Specialist	Operations / Wastewater Operations	Develops guidance for the MS4 inspection program.
18. Environmental Program Manager	Water Quality	Oversees the activities of four sections that administer Department programs relating to water quality standards, water quality assessments, surface water monitoring, and TMDL development.
19. Water Program Specialist	Water Quality / TMDL	Develop and implement TMDLs and Alternative Restoration Plans (ARPs). The position would evaluate data and coordinate with regional offices, federal agencies, local government and others to set priorities for the development of new TMDLs and the implementation of existing TMDLs via NPDES permits and nonpoint source (NPS) grant programs.
20. Biologist	Water Quality / Water Quality Standards	Assists in the development of surface water triennial review packages for water quality standards and stream designations.
21. Water Program Specialist	Water Quality / Water Quality Standards	Develop guidance for and assist regional offices with the review of Clean Water Act Section 316(a) thermal variances and Section 316(b) cooling water intake structure proposals.
22. Water Program Specialist	Program Support / Training	Plans, coordinates and implements statewide training to improve the regulated community's understanding of NPDES permits and compliance with the permits.

Position	Division / Section	Description of Duties
23. Water Program Specialist	Program Support / GIS Support	Provides geographic information system (GIS) and data management capabilities to the Bureau of Clean Water to improve the public's understanding of the Department's water quality standards and TMDLs.
24. Water Program Specialist	Program Support / GIS Support	Provides geographic information system (GIS) and data management capabilities to the Bureau of Clean Water to improve the public's understanding of the Department's NPDES permitting processes and implementation of water quality standards.
25. Water Program Specialist	Program Support / GIS Support	Provides geographic information system (GIS) and data management capabilities to the Bureau of Clean Water to improve the public's understanding of the Department's stormwater management programs.

In summary, the Department determined that the statewide Clean Water Program requires a total of 63 additional positions (38 at regional offices and 25 in the Bureau of Clean Water) to adequately fulfill its responsibilities to the public, regulated community, and federal agencies. The Department would need to increase fees by approximately \$8 million per year compared to existing fee revenues to generate sufficient revenue to accommodate 63 additional positions. The amount of \$8 million was determined by adding the costs of each new position, using the salary, benefits, and indirect costs associated with the appropriate pay grade for the position, and assuming that each position would be at a step 10 level (i.e., mid-range of the Commonwealth's pay scale).



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
INSTRUCTIONS FOR APPLICATION FOR PERMIT AMENDMENT**

Please read these instructions before completing the Application for Permit Amendment (3800-PM-BCW0027b).

**GENERAL**

**To Obtain DEP Application Packages.** To expedite the processing of the applicant's request, the Department of Environmental Protection (DEP) requests that the applicant use the most up-to-date application package available. The most recent version of this package can be obtained by contacting the appropriate DEP office, or through our website noted below. This package, as well as other DEP-wide and program-specific permit application packages, is available in Microsoft Word format at this website. Applicants can download the appropriate form to a personal computer, complete the form electronically and print the document for submittal to DEP using the following steps:

- Type in DEP's website address: [www.dep.pa.gov](http://www.dep.pa.gov)
- Select: Businesses
- Select: Water
- Select: Bureau of Clean Water
- Select: Wastewater Management
- Select: NPDES and WQM Permitting Programs

**FOLLOWING SUBMISSION OF YOUR APPLICATION, CHECK DEP'S WEBSITE TO MONITOR THE STATUS OF YOUR APPLICATION**

In general, DEP will not notify you if the Application is considered complete and technically adequate. You may view the status of your application as follows:

- Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)
- Select: Data and Tools
- Select: eFACTS
- Select: Authorization Search and search for the record using the permit number. If unknown, you will need to search using other criteria. If necessary, contact DEP's HelpDesk for assistance at 717-705-3768.

**General Instructions.** This package is designed to assist the applicant in completing the permit amendment application package. Type or print clearly when completing the application. If information needed is more than space allows, attach additional sheets as necessary. If a question is not applicable to you or your project, write NA in the appropriate field.

**Who may use the Permit Amendment Application -** The amendment application form (3800-PM-BCW0027b) may be used by anyone holding an individual National Pollutant Discharge Elimination System (NPDES) permit who wishes to amend the permit for any reason (including a change in the name of the permittee, without a change in ownership or operation).

**Where to file the Permit Amendment Application.** Three (3) copies of the completed form are to be submitted to the appropriate DEP regional office (see instructions below).

## BASIC INFORMATION

**Type of Amendment Requested.** Select one of the following choices on the application:

- 1) **Minor Amendment.** Select this box if the amendment request is considered "Minor". A Minor Amendment may be issued for the following types of requests:
- Correction of typographical error(s);
  - Increase in monitoring requirements;
  - Change in interim compliance dates by no more than 120 days;
  - Deletion of an outfall from the permit;
  - Change of a construction schedule for a discharger that is a new source;
  - Incorporation of an approved pretreatment program into an existing permit; or
  - For pesticides, a change in the pesticide use pattern for an authorized treatment area; a change in the pesticide (active ingredient) that will be used for a treatment area; or an increase in the total amount (dosage) of pesticide that will be used in a treatment area.

Changes in ownership or operational control are considered Minor Amendments under 25 Pa. Code 92a.2; however, current and proposed permittees are asked to complete the Application for NPDES or WQM Permit Transfer (3800-PM-BCW0041b) rather than the Application for Permit Amendment.

- 2) **Major Amendment.** Select this box if the amendment request is considered "Major". A Major Amendment is any amendment to an NPDES permit that is not a Minor Amendment, i.e., not listed above. The following are examples of requests that would be considered Major Amendments:
- Production or flow modifications that may result in changes to existing permit limits;
  - The addition or elimination of parameters, limits, and site-specific permit conditions;
  - The addition of new discharge points;
  - The modification of an interim compliance date by more than 120 days;
  - The modification of a final compliance date to achieve permit limits; and
  - New influent pollutant loading or increased influent pollutant loading.

Note – DEP may initiate permit amendments in some cases – for example, to correct errors in permits. No application form is required for such DEP-initiated amendments.

If the applicant is not clear on which type of amendment should be requested, contact DEP's Central Office at 717-787-8184 for assistance.

**Existing Permit Information.** Enter the existing NPDES permit number, the effective date of the permit and the expiration date of the permit. Note— DEP cannot amend a permit that has expired.

**Facility Information.** Enter the name of the facility covered by the NPDES permit, and the municipality and county where the facility is located.

**Facility Type / Fee Category.** Check the box next to the description of the facility type and fee category that describes the facility. This information will be present in the permit and/or the annual fee invoices transmitted to the permittee. If unknown, contact DEP's Central Office at 717-787-8184 or the regional office that issued the permit.

### AMENDMENT INFORMATION

In the space provided, write a detailed explanation of the request for amendment being made. If additional space is required, attach additional pages or include the information in a cover letter to the application.

**Important Note:** this amendment application is made available as a convenience so that the applicant can bypass completion of the lengthier individual NPDES permit applications. However, there are elements of the individual NPDES permit applications that may still need to be completed and submitted as part of the amendment application. For example, the addition of a new process wastewater stream and outfall may necessitate the completion of Analysis Results Tables contained in the individual permit application to estimate discharge concentrations. A general recommendation is that for industrial waste facilities and sewage facilities that are required to complete the "Major Sewage Facility" application (3800-PM-BCW0009b), check with the regional office that issued your permit to determine what, if any, modules or tables from the individual NPDES permit applications may need to be completed and submitted.

### CLIENT/OPERATOR INFORMATION

**DEP Client ID#.** DEP-wide unique identification number assigned by DEP to the client after client information is entered into DEP's computer system. This one number identifies the client regardless of the program with which the client is working. This identification number will be identified on future correspondence from DEP as well as on client information available on our DEP Web site. When replying to DEP, inclusion of this number will make it easier to process your request in a timely manner. If known, enter the Client ID#. Otherwise, skip to the next request for information.

**Client Type/Code.** Enter the code that represents the type of client acting as the responsible authority for the permitted activity.

Government		Non-Government		Individual	
AUTH	Authority	ASSOR	Association/Organization	INDIV	Individual
CNTY	County	LLC	Ltd. Liability Company		
FED	Federal Agency	LLP	Ltd. Liability Partnership		
MUNI	Municipality	NPACO	Non-Pennsylvania Corporation		
NONPG	Non-PA Govt	OTHER	Other (Non-Govt)		
OTHG	Other (Govt)	PACOR	Pennsylvania Corporation		
SCHDI	School District	PARTG	Partnership - General		
STATE	State Agency	PARTL	Partnership - Limited		
		SOLEP	Sole Proprietorship		

**Note:** If two individuals names are listed as the NOIS clients, the Client Type/Code of "Partnership-General" should be used.

**Organization Name or Registered Fictitious Name.** Clients other than individuals must provide the name under which they conduct the activity or business for which the permit or other authorization will be issued.

Individuals should complete the "Organization Name" if they conduct their business or activity under a name other than their own (for example, "Jones Construction Company," rather than "Mary Jones").

For partnerships, list the business name of the partnership as it appears on legal partnership papers.

If the applicant is an individual(s) or partnership, also provide the appropriate information on the individual name lines.

**Employer ID#.** Also referred to as "Federal Tax ID#." The Employer ID# (EIN) aids DEP in identifying the organization and prevents duplicate data entry from occurring. This information is required.

**Dun & Bradstreet ID#.** If known, supply the applicant's Dun & Bradstreet Identification Number. This information is optional.

**Individual Last Name, First Name, MI, Suffix, Social Security Number.** This information, with the exception of the SSN, must be provided for applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. The SSN is not accessible by the public or other government agencies.

**Additional Individual Last Name, First Name, MI, Suffix, Social Security Number.** This information, with the exception of the SSN, must be provided for additional applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. The SSN is not accessible by the public or other government agencies.

**Mailing Address.** The mailing address of the client identified above (this should *not* include locational data that is not appropriate for a mail piece). In addition to the street number and name, PO Box#, RR#, Box#, or Highway Contract# designations, use any appropriate designation and number to further define the mailing address of the applicant.

**City, State, ZIP+4, Country.** Enter an appropriate city, borough or town designation (do not enter a township designation in this area). Do *not* use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code. If other than USA, provide country.

**Client Contact Information.** Clients that are organizations must provide the name of a person representing the client (organization). This client contact must be an employee of the organization and must be located at the mailing address of the client and may receive correspondence on behalf of the client. Include the individual's name, title, daytime phone number and e-mail address. DEP will use this contact information for maintaining client data. This individual should be a high-level employee such as CEO, VP, Operations Manager, etc. or someone capable of answering informational questions regarding the organization such as EIN, fictitious name ownership, address data, related organizations, corporate changes, etc. Project contact information should be entered in the Site Contact found in the Site Information section.

### COMPLIANCE HISTORY REVIEW

Check the appropriate box to indicate whether the facility owner or operator is in violation of any DEP regulation(s), permit(s), order(s) or schedule(s) of compliance at this or ANY OTHER facility. If the answer is "No," no further information is needed in this section. If the answer is "Yes," list each permit, order or compliance schedule and provide compliance status of the permitted facility or activity. If needed, use additional sheets to provide ALL information.

### CERTIFICATION

The applicant must certify that the information contained in the Permit Amendment Form is true, accurate and complete and agree to abide by the terms and conditions of the NPDES Permit.

**The Permit Amendment Application shall be signed as follows:**

*For individually owned operations* - the owner of the facility must sign the application.

*For a Corporation* - by a responsible corporate officer. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the form originates.

*For a Partnership or Sole Proprietorship* - by a general partner or the proprietor, respectively.

*For a Municipality, State, Federal or other public agency* - by either a principal executive officer, ranking elected official or other authorized employee. For purposes of this form, a principal executive officer of a federal agency includes the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

## CHECKLIST

Complete and submit the checklist (3800-PM-BCW0027c) with your permit amendment application package. There are different requirements for Major and Minor Amendments, for example:

- **General Information Form (GIF)** (1300-PM-BIT0001). Submission of this form is required for Major Amendments only.
- **Fee.** Enclose a check or money order made payable to "Commonwealth of Pennsylvania". The fee amounts are as follows:
  - **Minor Amendments:** \$50 for SRSTPs with individual NPDES permits, \$100 for SFTFs with individual NPDES permits, and \$200 for all other facilities with individual NPDES permits.
  - **Major Amendments:** the same amount listed in 25 Pa. Code 92a.6223(b) for permit-reissuance annual fees. This is also generally the same amount that permittees pay annually under 25 Pa. Code 92a.62(b). If you have questions, contact DEP Central Office at 717-787-8184 or the DEP regional office that issued your permit.
- **Act 14 Notification.** Provide proof of written notice to the municipality and county in which the facility is located. Include a copy of the notices as well as proof of receipt (e.g., certified mail label with signatures). This is required for Major Amendments only. A sample Act 14 notification letter (3850-PM-BCW0402) is available on DEP's eLibrary website.

## DEP OFFICES

A listing of DEP's regional offices can be found on DEP's website ([www.dep.pa.gov](http://www.dep.pa.gov), select **Regional Resources**).

## DOCUMENT REVISION HISTORY

Date	Revision Reason
November 2016	Updated pathway to find documents on website; Included reference to Sample Act 14 Notification Letter; Updated document number and references to document numbers.

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) APPLICATION FOR INDIVIDUAL PERMIT TO DISCHARGE INDUSTRIAL WASTEWATER INSTRUCTIONS

### GENERAL INFORMATION

**NOTE: FAILURE TO COMPLY WITH THESE INSTRUCTIONS AND SUBMIT ALL REQUIRED INFORMATION MAY RESULT IN DENIAL OF THE APPLICATION.**

Applicants should use the most recent versions of applications as posted on DEP's website. The most recent version of the Application for Individual Permit to Discharge Industrial Wastewater can be obtained through DEP's website as noted below. A complete application package includes the application form, the General Information Form (GIF), and all other attachments identified on the checklist for this application. Applicants can download the appropriate form to a computer, complete the form electronically and print the document for submission to DEP. The application and checklist can be obtained as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
Select: Businesses  
Select: Water  
Select: Bureau of Clean Water  
Select: Wastewater Management  
Select: NPDES and WQM Permitting Programs

The GIF form can be obtained as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
Select: Businesses  
Select: Permits, Licensing and Certification  
Select: Department-Wide Permit/Authorization Packages  
Select: [General Information Form \(GIF\)](#)

**FOLLOWING SUBMISSION OF YOUR APPLICATION, CHECK DEP'S WEBSITE TO MONITOR THE STATUS OF YOUR APPLICATION.** In general, DEP will not notify you if the application is considered complete and technically adequate. You may view the status of your application as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
Select: Data and Tools  
Select: Tools  
Select: eFACTS  
Select: Authorization Search and search for the record using the permit number. If unknown, you will need to search using other criteria. If necessary, contact DEP's Help Desk for assistance at 717.705.3768.

**General Instructions.** These instructions are intended to assist the applicant in completing the application form identified above. Type or print clearly when completing the form. Attach additional sheets as necessary to complete all questions. If a question is not applicable to the project, write "N/A" in the appropriate field or otherwise leave blank as instructed.

**Who Must Apply for NPDES Permits?** Persons who operate facilities or conduct activities that discharge pollutants into surface waters of the Commonwealth (including dry streams, ditches and storm sewers).

**Who Can Use This Form?** This form must be used by new or existing manufacturing, commercial or other facilities which discharge or propose to discharge industrial wastewater, alone or in combination with stormwater discharges, to surface waters of the Commonwealth and do not qualify for coverage under an NPDES General Permit. Note that

permittees that wish to amend their existing individual NPDES permit must use DEP's NPDES Application for Permit Amendment form (3800-PM-BCW0027b).

**Where to File Applications.** Three (3) copies of all application materials should be submitted to the DEP regional office that covers the county where the facility is located. A list of counties and DEP regional offices can be viewed at DEP's website (go to [www.dep.pa.gov](http://www.dep.pa.gov) and select Regional Resources). If the facility is located in Erie County, a fourth copy of the application should be submitted to the DEP regional office.

If the facility discharges to a stream in the Delaware River Basin (i.e., directly to the Delaware River or its tributaries), send one complete copy of the application to the Delaware River Basin Commission (DRBC) at:

Delaware River Basin Commission  
25 State Police Drive  
P.O. Box 7360  
West Trenton, NJ 08628-0360  
Phone: 609.883.9500

**When to File Applications.** Unless permission has been granted by DEP for submission at a later date, applications must be filed at least 180 days **BEFORE** your present NPDES permit expires or 180 days **PRIOR TO** start up and commencement of discharge for new facilities.

**Application Fee.** The required application fee payable to "Commonwealth of Pennsylvania" must accompany the application. See the table below for the appropriate application fee for new permits. No fees apply for reissuance of existing permits. The check should not be more than 10 days old. Any federal or state agency or independent state commission that provides funding to DEP for the implementation of the NPDES program through terms and conditions of a mutual agreement may be exempt from the fees.

Minor facility not covered by an ELG	\$4,000 for new; \$500 for reissuance
Minor facility covered by an ELG	\$3,000 for new; \$1,500 for reissuance
Major facility < 250 MGD	\$10,000 for new; \$5,000 for reissuance
Major facility ≥ 250 MGD	\$50,000 for new; \$25,000 for reissuance
Concentrated Aquatic Animal Production (CAAP) Facility	\$1,500 for new; \$750 for reissuance
IW-Stormwater	\$2,000 for new; \$1,000 for reissuance

For fees based on flow, determine the facility's total design flow by summing the annual average design flows for all effluent discharge points (outfalls). If you need assistance in determining the appropriate application fee, you may contact DEP's Central Office at 717.787.6744. If your application has been denied previously and you are resubmitting your application, the application fee must be included with the resubmission.

**Public Notification of Permit Application.** Act 14, which amended the Commonwealth's Administrative Code (effective April 17, 1984), requires every applicant for a new, amended, or renewed NPDES permit to give written notice to each municipality and county in which the facility is located. The written notices must be received by municipalities and counties at least 30 days before DEP action on a permit application. A sample Act 14 notification letter (3850-PM-BCW0402) is available on eLibrary.

Please submit with your application:

1. A copy of your correspondence notifying your intentions to the municipality(ies) and the county(ies) in which the permitted activity will occur.
2. Evidence that the municipality(ies) and county(ies) have received your notification. Acceptable forms of this evidence include certified mail receipt or written acknowledgment of the notification from the municipality(ies) and county(ies).

Failure to provide a copy of your notification correspondence and evidence of municipal and county receipt of your notification with the application may result in denial of your application.

**Local Newspaper Notice.** When applying for an NPDES permit for a new industrial waste discharge, or when an NPDES renewal application involves a substantial change in location, quantity or quality of the industrial waste

discharge, public notice of intent to discharge is required by Section 307 of the Pennsylvania Clean Streams Law. The applicant is required to publish notice of intent to apply for an NPDES permit in a newspaper of general circulation in the county where the facility is located. The notice must be published once per week for four consecutive weeks. Acceptable evidence of publication is a notarized copy of the notice and statement of publication dates or separate clippings of each notice with the date line intact. This evidence should accompany the application.

**Public Access to Application.** Note that any information submitted to DEP which goes beyond that required by this form may be claimed as confidential, but claims for information which are effluent data will be denied. If a claim of confidentiality is not asserted at the time of submitting the information, DEP may make the information public without further notice. Claims of confidentiality will be handled in accordance with the U.S. Environmental Protection Agency's (EPA's) business confidentiality regulations at 40 CFR Part 2 and DEP's regulations at 25 Pa. Code § 92a.8.

**Other permits and/or approvals.** Where necessary, the applicant shall be responsible to apply for and obtain other permits and/or approvals. DEP's General Information Form (GIF) (1300-PM-BIT0001) must be attached to the application and must indicate other permits that are necessary for the project, as applicable.

### COMPLETING THE APPLICATION

These instructions use the term "applicant" to mean someone who submits an application for a new or renewed permit. Where the term "permittee" is used, it refers only to someone who submits an application for a renewed permit.

If known, enter Client ID, Site ID, APS ID and Facility ID. These are identification numbers specific to the applicant, facility, and the most recent NPDES permit issued to the applicant. If unknown, leave these fields blank.

### GENERAL INFORMATION

1. Enter the Applicant/Operator Name as it appears on the GIF in the Client section (Organization Name or Registered Fictitious Name).
2. Check the appropriate box to indicate whether the application is for a new permit or renewal of an existing permit. If new, specify the anticipated discharge date. If a renewal, list the current NPDES permit number, the expiration date of the current NPDES in effect, the permit renewal application due date (i.e., 180 days before the expiration date unless DEP has granted permission to submit the application at a later date), all Water Quality Management (WQM) permit numbers issued to the applicant for construction of or modification to treatment facilities, and the dates the WQM permits were issued (attach separate sheets if necessary). If not applicable, leave blank.

**NOTE** - Applicants should not use this form for requests for permit amendments or permit transfers. DEP's Application for Permit Amendment form (3800-PM-BCW0027b) and Application for NPDES or WQM Permit Transfer form (3800-PM-BCW0041b), respectively, should be used for such requests.

3. Check the box for "Yes" if the facility's self-monitoring data is being submitted to DEP using the electronic Discharge Monitoring Report (eDMR) system ([www.dep.pa.gov/edmr](http://www.dep.pa.gov/edmr)), otherwise check the box for "No." If the eDMR system is being used, specify the start date for use of the system.
4. Check the appropriate box for the facility fee category. Contact DEP's Central Office at 717.787.6744 if you need assistance.
5. Check the appropriate box to specify whether the applicant is considered a "small business" under EPA's definition in 40 CFR Part 122. A small business has gross total annual sales averaging less than \$100,000 per year (in second quarter 1980 dollars).
6. Indicate whether there is an on-site sewage treatment facility (Yes or No). If Yes is selected, report whether the facility is operated by operator(s) certified in compliance with the Water and Wastewater Systems Operators Certification Act (63 P.S. §§1001-1015.1) (Yes or No).

7. Briefly describe the nature of the business or operations resulting in discharge(s). To ensure that DEP has a complete understanding of the nature of your operations and discharge(s), the applicant is encouraged to provide a detailed description in a separate attachment.
8. List all applicable standard industrial classification (SIC) and North American Industry Classification System (NAICS) codes with their descriptions. For each code, indicate (Yes or No) whether the code is considered the "primary" code. For example, if Codes 99998 and 99999 apply to the facility, but the operation can be best categorized under Code 99999, indicate "Yes" in the "Primary?" column for Code 99999.

#### **OTHER ENVIRONMENTAL PERMITS**

Identify all other environmental permits issued to the facility, which are currently effective or which the applicant is seeking for the facility. Report the type of permit, the agency that issued the permit and the date the permit was issued. Report all permits issued under the following environmental programs:

- Hazardous Waste Management program under RCRA.
- UIC program under the Safe Drinking Water Act.
- NPDES program under the Clean Water Act.
- Prevention of Significant Deterioration (PSD) program under the Clean Air Act.
- Nonattainment program under the Clean Air Act.
- National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.
- Dredge or fill permits under section 404 of the Clean Water Act.
- Other relevant environmental permits, including DEP-issued permits.

#### **DISCHARGE INFORMATION**

1. Indicate that the following is attached to the application:
  - A site plan (to scale is preferred) identifying significant site features including discharge points (outfalls), surface waters, treatment facilities and other structures. If there are stormwater discharges associated with the site, the site plan should delineate the drainage areas to each stormwater discharge.
  - A USGS topographic map that extends at least one mile beyond the property boundaries of the facility, identifying treatment facilities, intake structures, and outfalls. Also identify all springs and surface water bodies in the area, all drinking water wells within ¼ mile of the facility, all hazardous waste management facilities, and wells where fluids are injected underground which are associated with the facility for which the NPDES permit is being requested. If a topographic map is not available use a map that depicts surface waters within the one mile boundary.
  - A line drawing illustrating the flow of water and wastewater through the facility(ies), with a water balance. The line drawing should show the route taken by water in the facility from withdrawal to discharge. Show all sources of intake water and operations contributing wastewater, including process and production areas, sanitary flows, cooling water and stormwater runoff. This drawing does not have to be to scale, however, the relative locations of each operation contributing wastewater should be considered. The line drawing may serve as the process flow diagram requested later in the application.

The line drawing should present:

- Each wastewater source, with design flows or, if not applicable, average monthly flows.
- Points of introduction for chemical additives.
- Location(s) of sampling points used to complete the Analysis Results Tables.
- All significant losses of water to products and atmosphere, discharges to surface waters and to publicly owned or other wastewater treatment facilities.

Actual measurements should be used whenever available, otherwise use a best professional judgment.

2. Indicate the Total Hardness (mg/L as CaCO<sub>3</sub>) upstream of the outfall(s) that receives process wastewater. This information should be obtained by collecting at least one upstream (background) sample for Total Hardness but

may also be obtained using EPA's STORET database (<http://www.epa.gov/storet>) or by other methods. Long-term average values are preferred, if available. If the facility discharges process wastewater through multiple outfalls to the same receiving stream only one value needs to be reported. If the facility discharges process wastewater to multiple receiving streams attach an additional sheet to the application indicating the upstream Total Hardness for each stream that receives process wastewater. Indicate the basis for the Total Hardness reported. Total Hardness is an important parameter used by DEP to determine the need for effluent limitations for toxic pollutants.

3. List all outfalls and internal monitoring points (IMPs). If outfall numbers were previously assigned in a permit, use those numbers or, if a new discharge, number sequentially starting with "001." For each outfall list latitude and longitude coordinates, name of the receiving waters, the Chapter 93 classification ("Ch. 93 Class.") of the receiving waters (e.g., WWF, HQ-CWF, etc.). In addition, check the appropriate boxes if the receiving waters are "impaired" (i.e., not attaining water quality standards or existing uses) and if there is an approved Total Maximum Daily Load (TMDL) for the receiving waters.

Chapter 93 designated use classifications for Pennsylvania's waters are available at [www.pacode.com](http://www.pacode.com), select Title 25 and Chapter 93. Applicants should also check to see whether the existing use of the water body is different from the designated use in Chapter 93. To review existing uses, go to DEP's website, [www.dep.pa.gov](http://www.dep.pa.gov), select Businesses – Water – Bureau of Clean Water – Water Quality Standards – Statewide Existing Use Classification. If the water body is not listed, the existing use is the same as the designated use.

The following resources are available to determine whether or not an outfall discharges to a water body that is impaired and/or has an approved TMDL:

- DEP's latest published Integrated Water Quality Monitoring and Assessment Report ([www.dep.pa.gov](http://www.dep.pa.gov), select "Water", select "The Bureau of Clean Water", and select "Water Quality Standards"), which may be used to determine impairments;
- DEP's website at <http://www.ahs.dep.pa.gov/TMDL>, which may be used to review approved TMDLs; and
- DEP's eMAP application (<http://www.dep.state.pa.us/eMapPA/>), which may be used to determine both impairments and TMDLs.

Attach additional sheets as necessary to report all outfalls and IMPs. You may attach your own sheet(s) provided it contains all information requested in the application.

4. List all outfalls and IMPs in the same order as in question 2 above, and check the appropriate box to characterize each discharge. Also report the design flow, average monthly flow and maximum daily flow discharged to each outfall and IMP.

The discharge characterization terms are defined as follows:

- **Process** – Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product. Process wastewater also includes any type of discharge which is covered by an Effluent Limitation Guideline (ELG) regulation published by EPA (see 40 CFR Parts 405 – 471). Process wastewater does *not* normally include sanitary wastewater and non-contact cooling water (NCCW), unless such wastewaters are covered by an ELG regulation.
- **Non-Process** – Wastewater from a facility that is not process water. This generally includes NCCW, boiler blowdown, test waters, laboratory wastes, housekeeping wastes, or other groundwater or surface waters not used during manufacturing or processing.
- **Stormwater** – Water that is the result of a precipitation event (i.e. stormwater runoff, snowmelt runoff, and surface runoff and drainage). Outfalls that receive any stormwater contribution must complete **Module 1** of the application.
- **Sewage** – Sanitary wastewater.

- **Groundwater** – Water that is the result of a groundwater remediation activity. This category may also include contaminated seeps or springs that originate from groundwater. If this box is checked and the permit application is for a groundwater remediation activity, complete **Module 2**.
- **AAPF** – Wastewater discharged from an aquatic animal production facility (AAPF). Complete **Module 3**.
- **Combined** – Check this box if there is more than one type of discharge at an outfall or IMP. For example, if Outfall 001 receives process wastewater, sewage and stormwater, check the box for "Combined" as well as the boxes for "Process", "Sewage" and "Stormwater".

The following definitions should be used to determine values reported for flows:

- **Design Flow** – The rate of flow, in million gallons per day (MGD), which the treatment facility, equipment or other system is intended to discharge when fully operational and utilized. For a treatment facility the design flow is typically determined by the size of treatment units or processes that are designed to achieve specific wastewater treatment objectives. For other equipment or systems the design flow is generally the maximum flow the system is capable of discharging. For example, if effluent flow is based on a pumping rate, the capacity of the pump determines the design flow. For IMPs located at the end of a production process, the design flow is typically the flow associated with maximum production.

For outfalls that receive stormwater only, and for other discharges such as groundwater seeps that are not under the control of the applicant, the design flow should be reported as zero ("0"). This field may be left blank where the design flow is unknown and for batch discharges.

- **Average Flow During Production / Operation** – The monthly average flow, in MGD, over the past two years prior to the submission of the application during production or operation. This value can be determined by summing the individual flows recorded over the past two years and dividing by the number of results (not including results of "no discharge" or zero, unless there has not been a discharge in the past two years). For example, if a facility operates five days per week, the average flow during the days of operation (rather than the full week) should be reported.
- **Maximum Flow During Production / Operation** – The maximum daily flow, in MGD, over the past two years prior to submission of the application during production or operation. If flow has been measured more frequently than 1/day, report the maximum average daily flow over this period.

For new discharges, at least one projected flow value must be provided.

Attach additional sheets as necessary to report all outfalls and IMPs. You may attach your own sheet(s) provided it contains all information requested in the application.

5. List all outfalls and IMPs in the same order as in questions 2 and 3 above. The following provides clarification on the information that should be recorded in each column:

- **Wastewater or Stormwater Description** – Provide a detailed explanation of all sources contributing to an outfall or IMP. For example, an outfall that receives process wastewater, sewage and stormwater may be explained as follows:

Outfall / IMP No.	Wastewater or Stormwater Description
001	Outfall 001 receives effluent from the industrial waste treatment plant, effluent from the sewage treatment plant and stormwater from the loading dock area. See Site Plan for stormwater drainage area.

- **Discharge Type** – DEP recommends one of the following terms to describe each outfall or IMP:
  - "Continuous" – The discharge is designed to discharge to the receiving water continuously and normally operates in all months of the year.

- "Continuous – Intermittent" – The discharge is designed to discharge to the receiving water continuously, but the discharge normally occurs only during some months of the year, depending on the season or whether a production line is running, for example. Specify the season, months of the year, or production schedule when the discharge normally occurs in the Discharge Type field or as an attachment.
- "Batch" – The discharge is dependent on a system that treats wastewater in batches and, because there is no effluent equalization, discharges to the receiving water only periodically. The discharge normally operates in all months of the year.
- "Batch – Intermittent" – The discharge is dependent on a system that treats wastewater in batches and, because there is no effluent equalization, discharges to the receiving water only periodically. The discharge normally occurs only in some months of the year, depending on the season or whether a production line is running, for example. Specify the season, months of the year, or production schedule when the discharge normally occurs in the Discharge Type field or as an attachment.
- "Emergency Only" – There is not normally a discharge from the outfall, but the applicant wishes for the outfall to be authorized in the permit in the event of an emergency or other unusual condition.

If one of the recommended terms does not adequately describe the nature of the discharge, the applicant may choose their own so long as it is clear, or the applicant may clarify the nature of the discharge in an attachment. For example, clarification can be made that the discharge is "continuous during summer months, intermittent the remainder of the year."

If there is effluent equalization that results in a uniform discharge flow to the receiving water, then list the discharge as one of the continuous-type discharges even if the treatment system treats wastewater in batches.

- **Frequency** – For all discharges, report the total hours per day and the number of days per week that the discharge normally occurs, based on average operational data over the past two years (or for new discharges as designed).
- **Batch Discharges** – For discharges classified as "Batch" or "Batch – Intermittent" (and do not have effluent equalization), report the average number of discharge cycles or events per day, the length of each discharge cycle, and the discharge rate in MGD (flow rate for each discharge event). For example, an industrial facility with a sequencing batch reactor (SBR) treatment system that has a design flow of 1 MGD may be operated to have three discharges per day, with each discharge one hour in duration. In this example the table may be completed as follows:

Discharge Type	Frequency		Batch Discharges		
	Hours / Day	Days / Week	No. Discharge Cycles/Day	Length of Discharge Cycle (Hrs)	Batch Discharge Rate (MGD)
Batch	3	7	3	1	8

Note that the discharge rate (8 MGD) is greater than the design flow (1 MGD) because the discharge event is less than 24 hours.

Applicants may also choose to characterize each outfall or IMP by source description. For example, instead of characterizing process wastewater, sewage and stormwater in the same row of the table, three separate rows could be used.

Attach additional sheets as necessary to report all outfalls and IMPs. You may attach your own sheet(s) provided it contains all information requested in the application.

**TREATMENT FACILITY INFORMATION**

One Treatment Facility Information section should be completed for each existing or anticipated treatment facility on-site. For example, if a site includes an industrial waste treatment facility, a sewage treatment facility, and facilities designed to treat stormwater, three Treatment Facility Information sheets should accompany the application.

Record a unique name for each treatment facility. Also indicate the outfall or IMP that receives effluent from the facility.

1. Provide a narrative description of the treatment facilities and processes. For example, "Process wastewater and non-contact cooling water enter the sedimentation basin, followed by multi-media filtration and chemical precipitation. The effluent is neutralized and then discharged to Outfall 001." If the line drawing requested in the Discharge Information section of the application provides sufficient detail to visually represent the treatment facility, a process flow diagram is not necessary (otherwise attach a process flow diagram to the application).
2. List each treatment unit sequentially from the head of the plant to the last unit prior to discharge. For each treatment unit, report the method for handling and disposing solid or liquid residue collected in the unit.
3. If facility upgrades are anticipated in the next five years, describe the anticipated upgrades.
4. Identify all chemicals that have been used for wastewater treatment over the past two years. Wastewater treatment chemicals are those that are used in a wastewater treatment plant for the purpose of maintaining compliance with the permit and are not "chemical additives." Examples include chemicals introduced to precipitate metals from a waste stream and chlorine used for disinfection to meet compliance with effluent limitations for bacteria. Report the chemical name, the purpose for its usage, the maximum usage rate for the chemical and the units associated with the usage rate over the past two years. Check the box in the "Acrylamide?" column if the chemical contains acrylamide or polyacrylamide. In the Purpose field, explain the intended purpose for usage of the chemicals.
5. List any additional proposed wastewater treatment chemicals that are anticipated in the next five years. If no chemicals are anticipated beyond those identified in question 4, this section may remain blank.

Use additional sheets as necessary. For new facilities, a Water Quality Management (WQM) permit application must be submitted and a WQM permit must be obtained by the applicant prior to construction.

### **CHEMICAL ADDITIVES**

Chemical additives are defined as "chemical products (including products of disassociation and degradation, collectively "products") introduced into a waste stream that is used for cleaning, disinfecting, or maintenance and which may be detected in effluent discharged to waters of the Commonwealth. The term generally excludes chemicals used for neutralization of waste streams, the production of goods, and treatment of wastewater." Examples of chemical additives include biocides used at power generating facilities, oxygen scavengers, corrosion inhibitors, and any other chemical not expressly used as a wastewater treatment chemical.

In general, DEP will not specify usage rate limitations for chemical additives in permits. The maximum safe usage rate will generally be determined by the applicant, and following permit issuance the permittee must ensure actual usage rates do not exceed the maximum safe usage rate. This approach consists of two steps:

- The applicant must ensure that the chemical additive it wishes to use is identified on DEP's Approved List of Chemical Additives ("Approved List"); this list is available as an Excel spreadsheet on DEP's website at [www.dep.pa.gov/chemicaladditives](http://www.dep.pa.gov/chemicaladditives). The Approved List establishes whole product aquatic life and human health effect levels that should be used in DEP's PENTOXSD model to determine water quality based effluent limitations. These limitations may then be converted into usage rates. See the Standard Operating Procedure (SOP) for Chemical Additives and the Instructions to the Approved List, available at [www.dep.pa.gov/chemicaladditives](http://www.dep.pa.gov/chemicaladditives). The first step is to ensure the chemical additive is on DEP's Approved List. If it is not, then the applicant or permittee should submit a New Chemical Additive Request form (3800-FM-BPNPSM0486) to DEP's Central Office.
- After the chemical additive is on the Approved List, the applicant or permittee should complete and submit the Chemical Additives Notification form (3800-FM-BPNPSM0487) to the appropriate DEP regional office.

This form should include all modeling and calculations performed in order to establish the maximum safe usage rate.

DEP may also establish effluent limitations in the permit for chemical additives if the whole product can be measured analytically and if DEP determines there is reasonable potential to exceed aquatic life or human health effect levels.

1. Identify all chemical additives that have been introduced to any on-site waste stream (i.e., process wastewaters, non-process wastewaters or other wastewaters or stormwater that are discharged) over the past two years. Specify the name of the chemical additive, the outfall or IMP number associated with usage of the chemical additive, the purpose for introducing the chemical additive, the average usage frequency, and the maximum usage rate and units over the past two years.
2. Identify all chemical additives that the applicant is seeking approval to use upon permit issuance, completing the same information as requested for question 1.
3. List the same chemical additives as in question 2. Check the box if the additive is, at the time the application is completed, on DEP's Approved List. Check the box if a Chemical Additives Notification form ("Notification Form") is attached to the application. A Notification Form must be attached (or otherwise submitted during DEP's review, if not on DEP's Approved List) if the applicant or permittee wishes to use an additive upon permit issuance, unless a Notification form had been submitted previously for the additive and there are no changes proposed. Check the box if a Notification Form had been previously submitted to DEP, and if so, specify the date of submission. If an EPA-approved or other method exists to analyze the concentration of the whole chemical additive product, list the method, otherwise this field may remain blank.

Use additional sheets as necessary. If no chemical additives are proposed, enter "Not Applicable" or "N/A" in the first line of each table.

#### **PRODUCTION DATA FOR EFFLUENT LIMITATION GUIDELINES**

This section should be completed for each production line subject to an effluent limitation guideline (ELG) regulation published by EPA in 40 CFR, Chapter I, Subchapter N. Fill out a separate sheet for each Subpart and production line.

1. Identify the production line and a brief process description.
2. List the applicable ELG and Subpart.
3. Check the appropriate box to indicate whether the production is considered a new source subject to new source performance standards.
4. List the outfall or IMP to which the wastewater from production discharges.
5. Report the units of production measurement for the ELG. For example, lbs of BOD5 input, 1,000 lbs of product, megawatt hour(s) of electrical energy consumed in the smelting process, etc.
6. Report the design production capacity for the production line, i.e., the maximum production capacity. Report this value in the same units specified in question 5.
7. For existing facilities only, complete the table providing the following information for the five most recent calendar production years. Report all production values in the same units specified in question 5. Enter the appropriate years in the Production Years columns.
  - Total Annual Production – the total production value for the calendar year.
  - Maximum Production – the maximum production value for any month in the calendar year.
  - Max Monthly Production – the month in which the maximum production occurred in the calendar year.
  - Avg. Annual Production – the total production value for the calendar year, divided by the number of days of production (reported as production result / day).
  - Avg. Production Hours/Day – the average number of hours per day that production occurred during the calendar year.

- Avg. Production Days/Month – the average number of days per month that production occurred during the calendar year.
  - Avg. Annual Water Usage (MGD) – the total water usage for production during the calendar year, divided by the number of days of production and reported in MGD.
  - Avg. Annual Wastewater Flow (MGD) – the total wastewater produced as a result of production during the calendar year, divided by the number of days of production and reported in MGD.
8. For existing facilities only, calculate and report the average annual production over the past five calendar years, and specify the units of production.
  9. Project the average annual production for the next five calendar years, and specify the units of production.
  10. Explain the basis for the anticipated average annual production for the next five years (i.e., if production is expected to exceed or be less than current levels of production, explain the reason(s)).
  11. Attach any additional information that would be useful to DEP in determining technology-based effluent limitations under the federal ELG or for considering certain waivers available in the regulations.

#### **ANTI-DEGRADATION**

If the applicant is proposing a new, additional or increased discharge to High Quality (HQ) or Exceptional Value (EV) waters, or has an existing discharge to HQ or EV waters and is seeking a permit for the first time, Module 4 (Anti-Degradation Module) must be attached to the application. In addition, for HQ waters only, if the analysis concludes that the new, additional or increased discharge will produce a measurable change in water quality, a social or economic justification (SEJ) must be attached to the application and be approved before DEP can authorize the discharge through a permit. See the instructions to Module 4 and DEP's Water Quality Antidegradation Implementation Guidance (391-0300-002).

1. Check the appropriate box to indicate whether Module 4 is attached to the application.
2. Check the appropriate box to indicate whether an SEJ is attached to the application.

If the applicant is not proposing a new, additional or increased discharge to HQ or EV waters or is not seeking a permit for the first time to discharge into HQ or EV waters, this section may remain blank.

#### **VARIANCES**

If the applicant is requesting a variance authorized under federal regulations at 40 CFR 122.21(m), complete the section below and attach to this application documentation necessary under federal regulations to support the variance request. Examples of variances include thermal variances under Section 316(a) of the Clean Water Act and variances for fundamentally different factors.

1. Provide a description of the variance requested.
2. Specify the federal regulation that authorizes the variance.
3. Check the appropriate box to indicate whether documentation to support the variance is attached to the application.

#### **LABORATORY INFORMATION**

List off-site laboratories used for analytical results reported in the application and the analyses performed.

#### **COMPLIANCE HISTORY REVIEW**

Check appropriate box to indicate whether the facility owner or operator is in violation of any DEP regulation, permit, order or schedule of compliance at this or any other facility at the time the application is submitted to DEP. If the answer is "No," no further information is needed in this section. If the answer is "Yes," list each permit, order, or

compliance schedule and provide compliance status of the permitted facility or activity. If needed, use additional sheets to provide all information.

## POLLUTANT IDENTIFICATION AND ANALYSIS

### 1. Summary of Required Analyses.

This section should be completed for all discharges except 1) those composed entirely of stormwater (sampling results should be reported on Module 1) and 2) discharges from groundwater remediation systems (sampling results should be reported on Module 2). If an outfall or IMP receives stormwater or treated groundwater but also other sources of wastewater, include the outfall or IMP in this section.

Identify all outfalls and IMPs and check the boxes corresponding to the Pollutant Groups which must be analyzed for the outfalls. The Pollutant Group tables are located in pages 11 through 21 of the application. The following rules apply to the selection of Pollutant Groups:

- The box for **Group 1** must be checked for all outfalls and IMPs, including sewage and discharges from aquatic animal production facilities. See the Analysis Results Tables section of these instructions to determine specific Group 1 pollutant requirements for each outfall and IMP.
- The box for **Group 2** must be checked for discharges containing process wastewater if the facility is in one or more industrial categories listed in Table 1 of Attachment A of these instructions and Group 2 is checked or the facility has a process discharge (except discharges associated with aquaculture and groundwater remediation activities) that is not identified in Table 1 of Attachment A.
- The box for **Group 3** must be checked for discharges containing process wastewater if the facility is in one or more industrial categories listed in Table 1 of Attachment A of these instructions and Group 3 is checked (unless the applicant is a small business, in which case Group 3 is optional).
- The box for **Group 4** must be checked for discharges containing process wastewater if the facility is in one or more industrial categories listed in Table 1 of Attachment A of these instructions and Group 4 is checked (unless the applicant is a small business, in which case Group 4 is optional).
- The box for **Group 5** must be checked for discharges containing process wastewater if the facility is in one or more industrial categories listed in Table 1 of Attachment A of these instructions and Group 5 is checked (unless the applicant is a small business, in which case Group 5 is optional).
- The box for **Group 6** must be checked for discharges containing process wastewater if the facility is in one or more industrial categories listed in Table 1 of Attachment A of these instructions and Group 6 is checked (unless the applicant is a small business, in which case Group 6 is optional).
- The box for **Group 7** must be checked if any of the following apply:
  - The facility receives wastewater resulting from oil or natural gas extraction or, during the three years prior to submission of the application, the facility has received oil or natural gas wastewaters (either hauled-in or through indirect discharges) and those wastewaters discharge to the identified outfall. For example, if Outfall 001 receives effluent from an industrial waste treatment plant which received natural gas wastewaters in the past three years, and Outfall 002 is a NCCW discharge, Group 7 only needs to be completed for Outfall 001.
  - An ELG that is applicable to the discharge contains pollutant(s) that are not listed in any Pollutant Group or otherwise the applicant is not required to monitor the pollutant(s) in Pollutant Groups 2 through 6. Check the box for Group 7 and list all additional pollutants in the column for "Other Pollutants Analyzed."
  - A discharge is to waters that are impaired (as listed in the Discharge Information section) and the pollutant(s) causing the impairment are not listed in any Pollutant Group or otherwise the applicant is not required to monitor the pollutant(s) in Pollutant Groups 2 through 6. Check the box for Group 7 and list all additional pollutants in the column for "Other Pollutants Analyzed."

- The permittee has monitored pollutant(s) under its existing permit that are not listed in any Pollutant Group or otherwise the permittee is not required to monitor the pollutant(s) in Pollutant Groups 2 through 6 Check the box for Group 7 and list all additional pollutants in the column for "Other Pollutants Analyzed.
  - If Table 1 of Attachment A does not specify analysis of a Pollutant Group but the applicant nonetheless has reason to suspect that one or more pollutants in a Pollutant Group may be detected in a discharge, the applicant must report data for the pollutants. DEP may request, during the application review, that additional pollutants and/or Pollutant Groups be analyzed if DEP has reason to suspect the presence of such pollutants in any discharge.
  - If Table 1 of Attachment A specifies analysis for a Pollutant Group and an existing facility believes, based on recent information, there is no likelihood for any pollutant within a Pollutant Group to be detected in a discharge, the permittee may submit a justification and supporting information to DEP's Bureau of Clean Water prior to submitting the application with a request that analysis for a Pollutant Group be omitted from the application. This does not apply to Pollutant Group 1. If DEP's Bureau of Clean Water authorizes, in writing, a reduction to the monitoring requirements specified in these instructions, the permittee may omit results for one or more Pollutant Groups from the submitted application and DEP will consider the application complete. The Bureau of Clean Water can be contacted at (717) 787-8774 or by mail at 400 Market Street, Harrisburg, PA 17105-8774.
  - If there are multiple outfalls that discharge effluent of the same type or having similar characteristics at a facility, the permittee may choose one outfall or IMP to represent the effluent quality at similar outfalls or IMPs. If this is done, the permittee must attach documentation to the application to support this decision.
  - Small businesses (i.e., a business that has gross total annual sales averaging less than \$100,000 per year (in second quarter 1980 dollars)) are not required to complete Pollutant Groups 3 through 6. DEP may request documentation to support a small business exemption.
2. Any applicant that meets either of the criteria below must report qualitative data, at a minimum, for 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD):
- Uses or manufactures 2,4,5-trichlorophenoxy acetic acid (2,4,5,-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); O, O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel); 2,4,5-trichlorophenol (TCP); or hexachlorophene (HCP); or
  - Knows or has reason to believe that TCDD is or may be present in an effluent.

Check the box whether screening is required for TCDD. Provide the method used and describe the results of tests conducted.

3. Other Potentially Toxic Pollutants Known or Expected to be Present in the Discharge.

a. GC/MS "Five Peaks" Pollutants.

Report all organic compounds that were identified by the method(s) used to analyze Pollutant Groups 3 through 6, but are not included in the Pollutant Groups in the application. For each method used for organics analyses (for example EPA Method 624 or 625), and for each effluent analysis conducted, identify and quantify, to the extent possible, the five highest peaks for pollutants not included in the Analysis Results Table(s). For all identified pollutants, report the following:

- The Pollutant Group number (3, 4, 5 or 6).
- The chemical substance or compound name.
- The Quantitation Limit (QL) for the pollutant, if available.
- The average and maximum effluent concentration of detected concentrations.
- The number of samples in which the pollutant was detected and the number of analyses conducted for the pollutant (e.g., if the pollutant was detected in one of three samples, enter "1 / 3").

b. Other Potential Pollutants.

If the applicant is aware of the presence of other pollutants in the effluent not reported elsewhere in the application or in Pollutant Group 7 ("Additional Parameters"), identify the name(s) of the chemical substance or compound, the reason or suspected reason for its presence in the effluent, the average effluent concentration of the pollutant based on effluent sampling data (if available), and whether the pollutant is known or suspected to be present.

If additional peaks were not available for one or more Pollutant Groups with the method used, check the box and explain why the method was selected.

4. Optional Site-Specific Data.

Attachment B provides a list of the optional site-specific data that can be submitted with the application to help ensure that the permit effluent limitations developed for the permit will provide an appropriate level of stream protection. Also included is a brief discussion of what the parameter is, how it is used, why it is important, and the default value that will be used if sufficient data are not available. For a more complete discussion, please refer to EPA's Technical Support Document for Water Quality-Based Toxics Control, March 1991, available on EPA's website. Collection of any of the information discussed in Attachment A must be done in accordance with protocols obtained from or approved by DEP.

**WHOLE EFFLUENT TOXICITY**

1. If Whole Effluent Toxicity (WET) testing is required by the existing permit, summarize the results of all Whole Effluent Toxicity (WET) tests completed in the last five years in the table provided or leave the table blank and attach a separate sheet with these results. In addition, attach to the application the four most recent WET test reports if the reports have not been previously submitted to DEP. If WET testing is not required by the existing permit, this section may remain blank.

DEP's WET program is summarized on DEP's website at [www.dep.pa.gov/wett](http://www.dep.pa.gov/wett). DEP will be issuing new and renewed permits with WET requirements that differ from requirements in the past. A major component of the approach will be a new method to evaluate whether effluents are or are not "toxic." This method is provided in DEP's WET Analysis Spreadsheet, which is available for use by permittees and WET laboratories on DEP's website. In lieu of using the traditional endpoint statistics such as No Observable Effect Concentration (NOEC) and Lethal Concentration – 50% (LC<sub>50</sub>), the critical dilution (Target Instream Waste Concentration or TIWC) will be compared statistically to the control condition to determine whether the test "passes" (is not toxic) or "fails" (is toxic).

NOTE – The generation of NOEC and LC<sub>50</sub> statistics for tests may still be required by WET laboratories to meet laboratory accreditation standards under 25 Pa. Code Chapter 252, but the WET Analysis Spreadsheet will be used to evaluate whether effluents are or are not toxic.

Use of DEP's WET Analysis Spreadsheet to determine test outcomes and for reporting test results to DEP is not required unless specified in the NPDES permit. Where required by the permit, the permittee will submit a complete WET Analysis Spreadsheet printout (or electronic file) with the permit renewal application containing the TIWC vs. control comparison for 16 (chronic tests) or 8 (acute tests) endpoints, for the four most recent WET tests. Submission of the completed WET Analysis Spreadsheet with the application, if not required by the permit, is optional.

Identify the outfall number tested for WET. Check the box(es) corresponding to the type of tests completed (Acute and/or Chronic). Report the dilution series used for the tests, in % effluent. Identify the Target Instream Waste Concentration (TIWC) that is used to determine whether a test passes or fails (this may be identified in the permit, otherwise, for Chronic tests, the TIWC should be the third dilution).

Follow these instructions for completing the WET results table in the application:

- Enter the date the WET test was initiated.

- For Ceriodaphnia species, report the Survival NOEC (% effluent), Reproduction NOEC (% effluent) and LC<sub>50</sub> (% effluent), as appropriate for the type of test completed. In addition, indicate whether the test is considered a "Pass" or "Fail." If the permittee has used the WET Analysis Spreadsheet to determine this result, report the Pass or Fail result as indicated by the Spreadsheet (and attach the Spreadsheet to the application). If the permittee has not used the WET Analysis Spreadsheet, then the Pass/Fail result is derived from a comparison between the NOEC or LC<sub>50</sub> and the TIWC that is specific to the discharge. If the TIWC is unknown, contact the regional office that issued the permit or DEP Central Office for assistance.
- For Pimephales species, report the Survival NOEC (% effluent), Growth NOEC (% effluent) and LC<sub>50</sub> (% effluent), as appropriate for the type of test completed. In addition, indicate whether the test is considered a "Pass" or "Fail" as described above.

**NOTE** – The species and endpoints identified in the table are the most common in use. If other species and endpoints are used, leave the table blank and submit a separate sheet with results for the applicable species and endpoints.

2. If the permittee is currently developing or has, during the permit term, completed a Phase I or II Toxicity Reduction Evaluation, provide a brief description on the status of the efforts and the results (attach additional sheets as necessary).

### **PREPAREDNESS, PREVENTION AND CONTINGENCY (PPC) PLAN**

The permittee may optionally attach its PPC Plan or related plan such as a Spill Prevention, Control and Countermeasure (SPCC) Plan to the application. This information may be useful to DEP in completing its review of the application. If the PPC Plan or related plan is not attached, DEP may request submission of the Plan during the application review.

Regardless if the PPC Plan is or is not attached, complete the table by describing the type(s) of Plan(s) the facility currently has. Check the box if the Plan is attached to the application. Report the latest update made to the Plan(s). Applicants are encouraged to submit large plans in electronic format on CD or other media in lieu of paper.

### **COOLING WATER INTAKE STRUCTURES**

1. All permittees must indicate if cooling water is used at the facility. If no, skip the remainder of this section.
2. Indicate the source of cooling water. If the facility does not maintain and operate a cooling water intake structure (CWIS) skip the remainder of this section.
3. Under Section 316(b) of the Clean Water Act and its implementing regulations, DEP will be required to make a determination of best technology available (BTA) to reduce impingement and entrainment mortality for facilities that maintain and operate a cooling water intake structure(s) (CWIS). All facilities that use CWISs must submit information in this section to aid in a BTA determination. In addition, facilities that meet the regulatory definition of a new or existing facility with cooling water intake structures must provide additional specific information. **Module 5** of this application must be submitted by facilities that meet the following criteria:

A new facility has applicable 316(b) requirements if it (see 40 CFR § 125.81):

- Is a point source that uses or proposes to use a cooling water intake structure;
- Has at least one cooling water intake structure that uses at least 25% of the water it withdraws for cooling purposes as measured on an average monthly basis; and
- Has a design intake flow greater than 2 MGD.

An exception is facilities that employ cooling water intake structures in the offshore and coastal subcategories of the oil and gas extraction point source category as defined under 40 CFR Part 435.

An existing facility has applicable 316(b) requirements if it (see 40 CFR § 125.91):

- Is a point source;

- Uses or proposes to use cooling water intake structures with a total design intake flow of 2 MGD or more to withdraw cooling water from waters of the United States;
- Uses at least 25 percent of water withdrawn exclusively for cooling purposes, measured on an actual intake flow basis (for definition, see 40 CFR § 125.92).

Facilities that do not meet the definition above will be given a BTA determination on a best professional judgment (BPJ) basis under 40 CFR § 125.90(b). The information in this section will aid DEP in that determination, but additional information may be required.

Indicate whether the facility is considered a new or existing facility as defined above and in the federal regulations or if the facility withdraws less than 2 MGD or uses less than 25 percent of the water withdrawn for cooling.

4. If the facility meets the definition of a new or existing facility, Module 5 should be attached to the application. Indicate if Module 5 is attached.

**NOTE:** Permittees should submit all available information in Module 5 for applications submitted prior to July 14, 2018. For applications submitted on or after July 14, 2018, all information in Module 5 is required.

5. Indicate the number of CWISs at the facility.
6. Assign each CWIS an ID number (e.g. 1, 2, 3). For each CWIS, indicate the design intake flow (DIF), in MGD; the actual intake flow (AIF), in MGD (existing facilities only); the current (for existing facilities) or projected (for new facilities) maximum flow-through screen velocity in feet per second (fps), if applicable; the percentage of intake water used for cooling; and the percentage of cooling water withdrawn from the mean annual flow of the water body.
7. For each CWIS, check the appropriate box to indicate the location type associated with the structure. The options are Intake Canal; Embayment, Bank or Cove; Submerged Offshore Intake; Near-Shore Submerged Intake; and Shoreline Submerged Intake.
8. For each CWIS, check the appropriate box to indicate the current (for existing facilities) or projected (for new facilities) impingement control technology. The options are No Controls; Modified Traveling Screens; Passive Intake; Barrier Net; Fish Diversion or Avoidance; and Other Technology.
9. For each CWIS, check the appropriate box to indicate the current (for existing facilities) or projected (for new facilities) entrainment control technology. The options are No Controls; Traveling Screens with Fine Mesh; Far Offshore Intake; Passive Screens with Fine Mesh; Closed-Cycle Recirculating System; and Other Technology.

### **ANALYSIS RESULTS TABLES**

**NOTE** – If the required testing is not complete, DEP will not consider your application to be complete, and may deny the application and retain the permit application fee. You should therefore begin testing as soon as possible to obtain results for the application well before the permit application due date, 180 days prior to the permit expiration date (unless permission has been granted by DEP to submit the application at a later date).

### **Required Analyses – Effluent**

The Pollution Identification and Analysis section and Table 1 of Attachment A of the application instructions provide direction on the selection of Pollutant Groups and additional parameters for analysis. Except as noted below (and unless permission is granted by DEP's Bureau of Clean Water prior to submission of the application for a reduced number of analyses), a **minimum of three (3) effluent analyses** must be completed for each pollutant at each outfall and IMP identified in the Pollution Identification and Analysis section. At minimum sampling events should occur a week apart.

Exceptions to the rule that a minimum of three analyses must be completed are as follows:

- Facilities that discharge only non-process wastewater not regulated by an ELG or new source performance standard can, in lieu of completing three analyses for all Group 1 pollutants, complete three analyses for the

following pollutants: 5-Day Biochemical Oxygen Demand (BOD5), Total Suspended Solids (TSS), Total Dissolved Solids (TDS), Fecal Coliform (if believed present or if sanitary waste is or will be discharged), Total Residual Chlorine (TRC) (if chlorine is used), Oil and Grease, Chemical Oxygen Demand (COD) (if non-contact cooling water is or will be discharged), Total Organic Carbon (TOC) (if non-contact cooling water is or will be discharged), Ammonia-Nitrogen, pH, and Temperature (winter and summer).

- If Group 7 is required because 1) ELG pollutants are not identified elsewhere in Pollutant Groups or analyses of the relevant Pollutant Groups is not required, 2) the discharge is to impaired waters and the pollutants causing impairment are not identified elsewhere in Pollutant Groups or analyses of the relevant Pollutant Groups is not required, or 3) pollutants being monitored under an existing permit are not identified elsewhere in Pollutant Groups, and the facility has not received oil and gas wastewaters in the past three years, the pollutants Gross Alpha, Total Beta, Radium 226/228, Total Strontium, Total Uranium and Osmotic Pressure are not required.

New dischargers should, wherever possible, report projected effluent concentrations based on pilot studies or effluent from similar facilities. Where this is not possible, new dischargers should use literature values, engineering studies and best professional judgment to estimate effluent concentrations.

#### Required Analyses – Treatment Facility Influent

If the facility has an industrial waste treatment facility, a **minimum of one (1) influent analysis** must be completed for each pollutant in the Pollutant Groups selected for the corresponding outfall receiving wastewater treated by the facility.

#### Intake Sampling

Analyses for pollutants contained in surface water intakes that supply water for facility operations are not required. However, if the applicant wishes to demonstrate eligibility for a "net" effluent limitation for one or more pollutants (i.e., an effluent limitation adjusted by subtracting the average level of the pollutant(s) present in intake water), sampling may be performed. NPDES regulations allow net limitations in certain situations.

#### Sample Type

All samples collected for the application must be 24-hour composite samples, with the exception of pH, Temperature, Cyanide, Total Phenols, Total Residual Chlorine, Oil and Grease, Fecal Coliform and Volatile Organics (Pollutant Group 3), which must be collected as grab samples. In addition, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period of greater than 24 hours.

All samples and reported results must be representative of the proposed or existing discharge. For example, if a new process is placed online that alters effluent chemistry after the collection of effluent samples for a permit renewal application, the permittee should collect and analyze additional samples as necessary to ensure the data reported to DEP are representative of current operations.

#### Completing the Analysis Results Tables

The Analysis Results Tables are identified on pages 11 through 21 of the application. The following guidelines apply to completing the Tables:

- For pollutants that are analyzed by the permittee under an existing permit at a frequency of 1/month or more frequent, summarize the results of all samples collected for the one year period preceding the date the permit application is prepared.
- For pollutants that are analyzed by the permittee under an existing permit at a frequency of less than 1/month, and for pollutants that are not identified in Part A limits tables in the permit, summarize the results of all samples collected for the two year period preceding the date the permit application is prepared.
- Enter the name of the applicant at the top of each Table.

- Check the appropriate box to indicate whether the Table summarizes results for effluent (enter the Outfall or IMP Number), treatment facility influent, intake (optional), background (upstream of outfall) (optional) or new discharge. If intake is selected, specify the source or location of the sample(s). If background is selected, indicate the location where samples were collected (e.g., "50 feet upstream of Outfall 001"). If the values in the table apply to a new discharge (projected data), check the box for effluent or influent AND the box for New Discharge, and indicate the basis for the projected data (e.g., data from pilot facilities, comparable information for an existing facility, etc.).
- Report results in terms of the concentration units listed with the name of the pollutant. For example, Temperature is listed with units of degrees Fahrenheit (°F). If the results were obtained in degrees Celsius, the applicant is responsible for converting the results to °F. It is critical that the applicant ensure that results are reported with the correct units associated with the pollutant as listed in the Pollutant Group Tables.
- Mass loading data, in lbs/day, must be calculated using the concentration result in units of milligrams per liter (mg/L) multiplied by the average flow on the day of sampling and multiplied by a conversion factor of 8.34. Use influent flow data for influent mass loading results, if available, and effluent flow data for effluent mass loading results. If the concentration must be reported in micrograms per liter (µg/L), the applicant should convert the concentration to mg/L for the calculation of mass loading.
- DEP's "Discharge Monitoring Reports Overview and Summary" guidance (3800-BK-DEP3047), available on DEP's website, contains DEP's expectations on data reporting. While the guidance is specific to Discharge Monitoring Reports (DMRs), the principles concerning calculations are the same for permit applications. The applicant is encouraged to review this guidance when preparing the Analysis Results Tables.
- Follow DEP's guidance (3800-BK-DEP3047 and 3800-FS-DEP4262) when calculating statistical values containing data sets with "non-detect" results. Use the Quantitation Limit (QL) value for "non-detect" results, and if at least one "non-detect" result exists in a data set, average statistical values should contain the less than (<) symbol.
- The following column headings apply to the Pollutant Group 1 Table and provides guidance on reporting appropriate data:
  - **Min/Max Daily Value** – Report the maximum concentration and mass loading value obtained for the listed pollutant in the past year (if analyses have been completed 1/month or more frequent) or past two years (if analyses have been completed less frequently than 1/month), unless the name of the pollutant specifically has the word "Minimum" (i.e., pH). Where "XXX" is listed in the table, data are not required.
  - **Max Avg Monthly Value** – Report the highest average monthly concentration and mass loading value obtained for the listed pollutant in the past year (if analyses have been completed 1/month or more frequent) or past two years (if analyses have been completed less frequently than 1/month).
  - **Long-Term Avg Value** – Report the average of all results obtained over the past year (if analyses have been completed 1/month or more frequent) or past two years (if analyses have been completed less frequently than 1/month). It is possible that the Long-Term Avg Value reported is the same as the Max Avg Monthly Value reported if, for example, three effluent samples were collected for the application in the same month and no other analyses were conducted for the pollutant in the past two years.
  - **No. Analyses** – For each pollutant, report the total number of analyses conducted that were used to derive the reported statistical values.
  - **No. "Non-Detect" Results** – For each pollutant, report the total number of analyses conducted in which the laboratory reported a "non-detect" result, i.e., a result qualified by the less than (<) symbol, in which the laboratory could not quantify a concentration at or above the QL for the method used.
  - **QL Used** – For each pollutant, report the QL used by the laboratory in the same units of measurement as indicated with the parameter. QL is also sometimes referred to as the "reporting limit." See 25 Pa. Code § 252.1 for the definition of Quantitation Limit. If multiple QLs were used, report the average QL.

**NOTE** – It is critical that applicants and their laboratories use the best available technology to achieve the lowest possible QL for effluent analysis, particularly for parameters that are not usually tested for Discharge Monitoring Reports (i.e., Pollutant Groups 2 – 7). DEP recommends applicants and their laboratories achieve the “Target QLs” contained in Attachment C of these instructions. Failure to achieve the Target QLs may result in DEP requesting additional sampling for the application or otherwise assuming that the pollutant is present in the effluent. The Target QLs in Attachment C are intended to meet the requirements of EPA’s “Sufficiently Sensitive Methods” rule (79 FR 49001). Where a laboratory’s QL is greater than the Target QL in Attachment C, but the Method Detection Limit (MDL) is at or below the Target QL, DEP will accept estimated values (“J” values) at the Target QL (e.g., “< 0.5 µg/L J”).

- **Method Used** – For each parameter, report the method used for the analyses as listed in 40 CFR Part 136 or other approved methods.
- Additional guidance on sampling and analytical methods is presented in **Attachment D**.

### **OTHER TOXIC POLLUANTS AND HAZARDOUS SUBSTANCES TABLE**

List any pollutants in Table 2 of Attachment A that you believe to be present and explain why you believe them to be present. No analysis is required, but if you have analytical data, you must report it. DEP may, however, request new analyses be conducted during the application review.

Check the appropriate box to indicate whether the applicant is seeking a hazardous substance spill reporting exemption. Under 40 CFR § 117.12, certain discharges of hazardous substances (see Table 3 of Attachment A) may be exempted from the requirements of Section 311 of the Clean Water Act. A discharge of a particular substance may be exempted if the origin, source, and amount of the discharged substance(s) are identified in the NPDES permit application or in the permit, if the permit contains a requirement for treatment of the discharge, and if the treatment is in place. If the applicant is requesting an exemption, attach the following information to the application:

- The substance and the amount of each substance listed in Attachment A, Table 3 that may be discharged.
- The origin and source of the discharge of the substance.
- The treatment which is to be provided for the discharge.

### **CERTIFICATION AND SIGNATURE OF THE APPLICANT**

The applicant must certify that the information contained in the application is true, accurate and complete.

The application **must** be signed as follows (no exceptions or delegations may be authorized):

*For individually owned operations* – The owner of the facility must sign the application.

*For a Corporation* – A responsible corporate officer must sign the application. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the application form originates.

*For a Partnership or Sole Proprietorship* – A general partner or the proprietor, respectively, must sign the application.

*For a Municipality, State, Federal or Other Public Agency* – Either a principal executive officer or ranking elected official must sign the application. For purposes of this the application, a principal executive officer of a federal agency includes:

- The chief executive officer of the agency, or
- A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

**NOTE:** DEP does not require specific assignments or delegation of authority to responsible corporate officers identified. DEP will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified DEP to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals. The Clean Water Act provides for severe penalties for submitting false information on the application form.

### CHECKLIST

To assist the applicant in ensuring the application is complete, a checklist has been developed (3800-PM-BCW0008c). **This checklist should be completed and submitted with the complete application.**

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ATTACHMENT A

TABLE 1  
TESTING REQUIREMENTS FOR REQUIRED ANALYSIS  
POLLUTANT GROUPS BY INDUSTRIAL CATEGORY

INDUSTRY CATEGORY GENERATING PROCESS WASTEWATER	GROUP 1	GROUP 2 Metals	GROUP 3 Volatile	GROUP 4 Acids	GROUP 5 Base/ Neutral	GROUP 6 Pesticide	GROUP 7 Oil & Gas/Other
Aluminum Forming	X	X	X	X	X		
Asbestos Mfg.	X	X					
Battery Mfg.	X	X	X		X		
Builders Paper & Board Mills	X		X	X	X	X	
Carbon Black Mfg.	X	X	X	X	X	X	
Cement Mfg.	X	X					
Centralized Waste Treatment	X	X	X	X	X	X	X*
Coal Mining	X	X	X	X	X	X	
Coil Coating & Can Making	X	X	X	X	X		
Copper Forming	X	X	X	X	X		
Dairy Products	X	X					
Electrical and Electronic Comp.	X	X	X	X	X	X	
Electroplating	X	X	X	X	X		
Explosives Mfg.	X	X		X	X		
Feedlots	X						
Ferroalloy Mfg.	X	X					
Fertilizer Mfg.	X	X					
Fruits and Vegetables Processing	X						
Glass Mfg.	X	X			X		
Grain Mills	X						
Gum & Wood Products	X	X	X	X	X	X	
Ink Formulating	X	X	X	X	X		
Inorganic Chemicals Mfg.	X	X	X	X	X		
Iron & Steel Mfg.	X	X	X	X	X		
Leather Tanning & Finishing	X	X	X	X	X	X	
Meat Products	X						
Mechanical Products Mfg.	X	X	X	X	X		
Metal Finishing	X	X	X	X	X		
Metal Products & Machinery	X	X	X	X	X		
Metal Molding & Casting – Except:	X	X	X	X	X		
Nickel, Tin, and Titanium Casting	X						
Mineral Mining & Processing	X	X					
Nonferrous Metals Forming	X	X					
Nonferrous Metals Mfg.	X	X	X	X	X	X	
Oil & Gas Extraction	X	X					X
Ore Mining & Dressing – Except:	X	X	X	X	X	X	
Organic Chemicals Mfg.	X	X	X	X	X	X	
Paint Formulating	X	X	X	X	X	X	
Paving & Roofing	X	X	X	X	X		
Pesticides Chemicals Mfg.	X	X	X	X	X	X	

INDUSTRY CATEGORY GENERATING PROCESS WASTEWATER	GROUP 1	GROUP 2 Metals	GROUP 3 Volatile	GROUP 4 Acids	GROUP 5 Base/ Neutral	GROUP 6 Pesticide	GROUP 7 Oil & Gas/Other
Petroleum Refining	X	X	X	X	X		
Pharmaceutical Mfg.	X		X	X	X		
Phosphate Mfg.	X	X					
Photographic Processing	X	X	X	X	X	X	
Plastics Molding and Forming	X		X				
Plastics & Synthetic Materials Manufacturing	X	X	X	X	X	X	
Porcelain Enameling	X	X	X		X	X	
Pulp, Paper, & Paperboard	X	X	X	X	X	X	
Rubber Mfg.	X	X	X	X	X		
Seafood Processing	X						
Soap & Detergent Mfg.	X	X	X	X	X		
Steam Electric Power – Except:	X	X	X	X	X		
Once Through Cooling Water	X	X	X	X			
Sugar Processing	X						
Textile Mills	X	X	X	X	X	X	
Timber Products Processing	X	X	X	X	X	X	
Landfill Leachate (Ash)	X	X					
Landfill Leachate (Municipal/Residual)	X	X	X	X	X	X	
Potable Water Treatment	X	X					
Other types of process discharges	X	X					X*

\* If facility has received oil and gas wastewaters within the past three years. Group 7 pollutants are required for any facility that has received oil and gas wastewaters within the past three years.

**TABLE 2  
 ASBESTOS AND CERTAIN HAZARDOUS SUBSTANCES  
 REQUIRING IDENTIFICATION IF EXPECTED TO BE PRESENT**

Asbestos	Kelthane
Acetaldehyde	Kepone
Allyl alcohol	Malathion
Allyl chloride	Mercaptodimethur
Amyl acetate	Methoxychlor
Aniline	Methyl mercaptan
Benzonitrile	Methyl methacrylate
Benzyl chloride	Methyl parathion
Butyl acetate	Mevinphos
Butylamine	Mexacarbate
Captan	Monoethyl amine
Carbaryl	Monomethyl amine
Carbofuran	Naled
Carbon disulfide	Napthenic acid
Chlorpyrifos	Nitrotoluene
Coumaphos	Parathion
Cresol	Phenolsulfanate
Crotonaldehyde	Phosgene
Cyclohexane	Propargite
2,4-D (2,4-Dichlorophenoxyacetic acid)	Propylene oxide
Diazinon	Pyrethrins
Dicamba	Quinoline
Dichlobenil	Resorcinol
Dichlone	Strontium
2,2-Dichloropropionic acid	Strychnine
Dichlorvos	Styrene
Diethyl amine	2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)
Dimethyl amine	TDE (Tetrachlorodiphenyl ethane)
Dinitrobenzene	2,4,5-TP 2-(2,4,5-Trichlorophenoxy) (propanoic acid)
Diquat	Trichlorofan
Disulfoton	Triethanolamine dodecylbenzenesulfonate
Diuron	Triethylamine
Epichlorohydrin	Trimethylamine
Ethion	Uranium
Ethylene diamine	Vanadium
Ethylene dibromide	Vinyl acetate
Formaldehyde	Xylene
Furfural	Xylenol
Guthion	Zirconium
Isoprene	
Isopropanolamine dodecylbenzenesulfonate	

**TABLE 3  
REPORTABLE HAZARDOUS SUBSTANCES**

	<b>Substance</b>
1.	Acetaldehyde
2.	Acetic acid
3.	Acetic anhydride
4.	Acetone cyanohydrin
5.	Acetyl bromide
6.	Acetyl chloride
7.	Acrolein
8.	Acrylonitrile
9.	Adipic acid
10.	Aldrin
11.	Allyl alcohol
12.	Allyl chloride
13.	Aluminum sulfate
14.	Ammonia
15.	Ammonium acetate
16.	Ammonium benzoate
17.	Ammonium bicarbonate
18.	Ammonium bichromate
19.	Ammonium bifluoride
20.	Ammonium bisulfite
21.	Ammonium carbamate
22.	Ammonium carbonate
23.	Ammonium chloride
24.	Ammonium chromate
25.	Ammonium citrate
26.	Ammonium fluoroborate
27.	Ammonium fluoride
28.	Ammonium hydroxide
29.	Ammonium oxalate
30.	Ammonium silicofluoride
31.	Ammonium sulfamate
32.	Ammonium sulfide
33.	Ammonium sulfite
34.	Ammonium tartrate
35.	Ammonium thiocyanate
36.	Ammonium thiosulfate
37.	Amyl acetate
38.	Aniline
39.	Antimony pentachloride
40.	Antimony potassium tartrate
41.	Antimony tribromide
42.	Antimony trichloride
43.	Antimony trifluoride
44.	Antimony trioxide
45.	Arsenic disulfide
46.	Arsenic pentoxide
47.	Arsenic trichloride
48.	Arsenic trioxide
49.	Arsenic trisulfide
50.	Barium cyanide
51.	Benzene
52.	Benzoic acid
53.	Benzonitrile
54.	Benzoyl chloride
55.	Benzyl chloride

	<b>Substance</b>
56.	Beryllium chloride
57.	Beryllium fluoride
58.	Beryllium nitrate
59.	Butyl acetate
60.	n-Butyl phthalate
61.	Butylamine
62.	Butyric acid
63.	Cadmium acetate
64.	Cadmium bromide
65.	Cadmium chloride
66.	Calcium arsenate
67.	Calcium arsenite
68.	Calcium carbide
69.	Calcium chromate
70.	Calcium cyanide
71.	Calcium dodecylbenzenesulfonate
72.	Calcium hypochlorite
73.	Captan
74.	Carbaryl
75.	Carbofuran
76.	Carbon disulfide
77.	Carbon tetrachloride
78.	Chlordane
79.	Chlorine
80.	Chlorobenzene
81.	Chloroform
82.	Chloropyrifos
83.	Chlorosulfonic acid
84.	Chromic acetate
85.	Chromic acid
86.	Chromic sulfate
87.	Chromous chloride
88.	Cobaltous bromide
89.	Cobaltous formate
90.	Cobaltous sulfamate
91.	Coumaphos
92.	Cresol
93.	Crotonaldehyde
94.	Cupric acetate
95.	Cupric acetoarsenite
96.	Cupric chloride
97.	Cupric nitrate
98.	Cupric oxalate
99.	Cupric sulfate
100.	Cupric sulfate ammoniated
101.	Cupric tartrate
102.	Cyanogen chloride
103.	Cyclohexane
104.	2,4-D acid (2,4-Dichloro-phenoxyacetic acid)
105.	2,4-D esters (2,4-Dichloro-phenoxyacetic acid esters)
106.	DDT
107.	Diazinon
108.	Dicamba

	<b>Substance</b>
109.	Dichlobenil
110.	Dichlone
111.	Dichlorobenzene
112.	Dichloropropane
113.	Dichloropropene
114.	Dichloropropene-dichloropropane mix
115.	2,2-Dichloropropionic acid
116.	Dichlorvos
117.	Dieldrin
118.	Diethylamine
119.	Dimethylamine
120.	Dinitrobenzene
121.	Dinitrophenol
122.	Dinitrotoluene
123.	Diquat
124.	Disulfoton
125.	Diuron
126.	Dodecylbenzenesulfonic acid
127.	Endosulfan
128.	Endrin
129.	Epichlorohydrin
130.	Ethion
131.	Ethylbenzene
132.	Ethylenediamine
133.	Ethylene dibromide
134.	Ethylene dichloride
135.	Ethylene diaminetetracetic acid (EDTA)
136.	Ferric ammonium citrate
137.	Ferric ammonium oxalate
138.	Ferric chloride
139.	Ferric fluoride
140.	Ferric nitrate
141.	Ferric sulfate
142.	Ferrous ammonium sulfate
143.	Ferrous chloride
144.	Ferrous sulfate
145.	Formaldehyde
146.	Formic acid
147.	Fumaric acid
148.	Furfural
149.	Guthion
150.	Heptachlor
151.	Hexachlorocyclo-pentadiene
152.	Hydrochloric acid
153.	Hydrofluoric acid
154.	Hydrogen cyanide
155.	Hydrogen sulfite
156.	Isoprene
157.	Isopropanolamine dodecylbenzenesulfonate
158.	Kelthane
159.	Kepone
160.	Lead acetate

**TABLE 3 (Continued)  
REPORTABLE HAZARDOUS SUBSTANCES**

	<b>Substance</b>
161.	Lead arsenate
162.	Lead chloride
163.	Lead fluoborate
164.	Lead flouride
165.	Lead iodide
166.	Lead nitrate
167.	Lead stearate
168.	Lead sulfate
169.	Lead sulfide
170.	Lead thiocyanate
171.	Lindane
172.	Lithium chromate
173.	Malathion
174.	Maleic acid
175.	Maleic anhydride
176.	Mercaptodimethur
177.	Mercuric cyanide
178.	Mercuric nitrate
179.	Mercuric sulfate
180.	Mercuric thiocyanate
181.	Mercurous nitrate
182.	Methoxychlor
183.	Methyl mercaptan
184.	Methyl methacrylate
185.	Methyl parathion
186.	Mevinphos
187.	Mexacarbate
188.	Monoethylamine
189.	Monomethylamine
190.	Naled
191.	Napthalene
192.	Napthenic acid
193.	Nickel ammonium sulfate
194.	Nickel chloride
195.	Nickel hydroxide
196.	Nickel nitrate
197.	Nickel sulfate
198.	Nitric acid
199.	Nitrobenzene
200.	Nitrogen dioxide
201.	Nitrophenol
202.	Nitrotoluene
203.	Paraformaldehyde
204.	Parathion
205.	Pentachlorophenol
206.	Phenol
207.	Phosgene
208.	Phosphoric acid
209.	Phosphorus
210.	Phosphorus oxychloride
211.	Phosphorus pentasulfide
212.	Phosphorus trichloride
213.	Polychlorinated biphenyls (PCB)
214.	Potassium arsenate
215.	Potassium arsenite

	<b>Substance</b>
216.	Potassium bichromate
217.	Potassium chromate
218.	Potassium cyanide
219.	Potassium hydroxide
220.	Potassium permanganate
221.	Propargite
222.	Propionic acid
223.	Propionic anhydride
224.	Propylene oxide
225.	Pyrethrins
226.	Quinoline
227.	Resorcinol
228.	Selenium oxide
229.	Silver nitrate
230.	Sodium
231.	Sodium arsenate
232.	Sodium arsenite
233.	Sodium bichromate
234.	Sodium bifluoride
235.	Sodium bisulfite
236.	Sodium chromate
237.	Sodium cyanide
238.	Sodium dodecylbenzenesulfonate
239.	Sodium fluoride
240.	Sodium hydrosulfide
241.	Sodium hydroxide
242.	Sodium hypochlorite
243.	Sodium methylate
244.	Sodium nitrite
245.	Sodium phosphate (dibasic)
246.	Sodium phosphate (tribasic)
247.	Sodium selenite
248.	Strontium chromate
249.	Strychnine
250.	Styrene
251.	Sulfuric acid
252.	Sulfur monochloride
253.	2,4,5-T acid (2,4,5-Trichloro-phenoxyacetic acid)
254.	2,4,5-T amines (2,4,5-Trichloro-phenoxy acetic acid amines)
255.	2,4,5-Testers (2,4,5-Trichloro-phenoxy acetic acid esters)
256.	2,4,5-T salts (2,4,5-Trichloro-phenoxy acetic acid salts)
257.	2,4,5-TP acid (2,4,5-Trichloro-phenoxy propanoic acid)
258.	2,4,5-TP acid esters (2,4,5-Trichloro phenoxy propanoic acid esters)
259.	TDE (Tetrachlorodiphenyl ethane)
260.	Tetraethyl lead
261.	Tetraethyl pyrophosphate
262.	Thallium sulfate
263.	Toluene
264.	Toxaphene

	<b>Substance</b>
265.	Trichlorofon
266.	Trichloroethylene
267.	Trichlorophenol
268.	Triethanolamine dodecylbenzenesulfonate
269.	Triethylamine
270.	Trimethylamine
271.	Uranyl acetate
272.	Uranyl nitrate
273.	Vanadium pentoxide
274.	Vanadyl sulfate
275.	Vinyl acetate
276.	Vinylidene chloride
277.	Xylene
278.	Xylenol
279.	Zinc acetate
280.	Zinc ammonium chloride
281.	Zinc borate
282.	Zinc bromide
283.	Zinc carbonate
284.	Zinc chloride
285.	Zinc cyanide
286.	Zinc fluoride
287.	Zinc formate
288.	Zinc hydrosulfite
289.	Zinc nitrate
290.	Zinc phenolsulfonate
291.	Zinc phosphide
292.	Zinc silicofluoride
293.	Zinc sulfate
294.	Zirconium nitrate
295.	Zirconium potassium flouride
296.	Zirconium sulfate
297.	Zirconium tetrachloride

## ATTACHMENT B

### DISCUSSION OF OPTIONAL SITE-SPECIFIC DATA SUBMISSION REQUIREMENTS

The following is a discussion of the optional data that may be submitted as an attachment to the application to improve confidence in the effluent limitations and monitoring requirements for the permit.

#### COEFFICIENT OF VARIABILITY

The coefficient of variability (CV) is a standard statistical measure of the relative variation of a distribution or set of data, and is defined as the ratio of the standard deviation to the mean. The larger the variation in a set of data, the higher the CV. The magnitude of the CV for effluent data may influence permit effluent limitations in that a higher CV may result in more stringent average monthly effluent limitations. The net effect this relationship has on the average monthly permit limitation is dependent on the number of samples taken and the probability basis selected to test for compliance. Ideally, CV values are calculated with at least 10 analytical results. In the absence of 10 analytical results used to calculate statistics in the Analysis Result Tables by the applicant, DEP generally assumes a value of 0.5.

#### SITE-SPECIFIC MIXING INFORMATION

It may be advantageous for the applicant to submit mixing information that is specific to the discharge and receiving waters. If no mixing information is supplied, DEP will calculate the available dilution stream flow by applying the EPA/DEP ambient mixing model simulating the worst-case scenario of a shoreline discharge without high rate diffusers. As the name implies this model does not consider discharge induced mixing, and therefore provides an estimate of the complete mix time based on ambient mixing only. Maximum criteria compliance times are used by DEP to determine the amount of mixing that takes place with the stream. If the model shows that complete mix takes place within the maximum criteria compliance time, the entire stream flow can be considered available for dilution. If it shows that complete mixing takes longer than the maximum criteria compliance time, only that portion of the stream that mixes with the discharge within that time can be used to provide dilution. If the discharge was modeled using less than the entire stream design flow (a partial mix factor less than 1), and there is reason to believe or data to show that is not the case, it may be to advantageous to submit actual mixing information. Site-specific information may include stream width, depth, slope, velocity or actual mixing study results. The information should be collected when the stream is at or as close as possible to its  $Q_{7-10}$  flow. Submission of site-specific mixing information may also increase the confidence the permit writer has in the resulting effluent limitations and therefore reduce the factor of safety applied. Mixing information may be submitted by attaching additional sheets to the application.

#### BACKGROUND WATER QUALITY

DEP regulations specify that where ambient water quality conditions exceed a water quality criterion, the ambient water quality should be used as the criterion. It needs to be noted here that background and ambient are not necessarily the same. Ambient water quality refers to the quality of water that exists naturally, involving no man-induced effects. Background water quality is the quality that results from the combination of ambient conditions plus pollution from man-induced sources. Background pollutant concentrations are important because they help determine the amount of assimilative capacity that is remaining in the stream for allocation to NPDES dischargers. Background hardness and pH data is important because the toxicity of some pollutants, such as metals and ammonia, is affected by pH and hardness.

If applicant provides or DEP has site-specific stream chemistry data, that data will generally be used to calculate water quality-based effluent limitations. In the absence of stream-specific data, DEP will estimate background concentrations using data from its water quality network, nearby streams where data is available, or other applicable data sources. In the absence of dependable data, DEP may assume that the background concentrations of many pollutants are zero. Also in the absence of dependable data, Total Hardness will be assumed to be 100 mg/L and pH to be 7.0 S.U. In the case where the permittee has data to show that the background water quality as defined by DEP used in the model is an inaccurate estimate of actual field conditions at the design stream flow, it may be advantageous for the discharger to submit additional ambient and/or background water quality stream data. Background water quality results may be submitted on an Analysis Results Table (check appropriate box at the top of the table) for any of the Pollutant Groups.

## **FATE COEFFICIENT**

The fate coefficient determines how rapidly a pollutant is assimilated, dissipated or otherwise leaves the water column. When water quality modeling involves a multiple discharge analysis, DEP applies a first order aggregate fate coefficient to determine whether or not the water quality at a downstream discharge is being affected by an upstream discharge. The fate coefficient used in a multiple discharge analysis may have a direct influence on how stringent the resulting effluent limitations are. DEP assumes the coefficient remains constant throughout the segment, and includes the aggregate effects of all in-stream processes. Estimating the aggregate pollutant fate coefficient used by DEP involves the collection of field data at or near design stream flow conditions and then solving a first order decay mass balance equation for the coefficient. The data requirements consist of in-stream flow and pollutant concentration data at the beginning and end of the segment for which the aggregate fate is to be estimated, flow and concentration data for each pollutant source and/or sink within the segment, and travel time estimates from the beginning of the segment to the end, and from each source/sink to the end of the segment. These data are developed by following a plug of wastewater flow through the stream segments for the area of interest. In a multiple discharge situation, if there is reason to believe or data to show that the fate coefficient used to develop the permit effluent limitation is inaccurate, data may be collected to verify or refute the fate coefficient calculated by DEP. Information on the pollutant fate may be submitted by attaching additional sheets to the application.

## **STREAM VELOCITY**

When no stream velocity data are submitted, DEP calculates a velocity using an equation based upon the slope, drainage area at the point of discharge, design stream flow, and discharge flow. The stream velocity is one of the parameters used in the mixing model to predict the in-stream mixing characteristics. If the model doesn't accurately predict the actual in-stream velocity, the results may show that a discharge doesn't completely mix with the stream within the maximum criteria compliance time. This result will mean that only a portion of the stream design flow can be considered available for dilution of the discharge, which may result in more stringent effluent limitations. In multiple discharge situations, the stream velocity also has a direct impact on whether and to what degree the water quality at a downstream discharge is affected by an upstream discharge (see Fate Coefficient discussion above). Depending on the specific pollutant of concern, if the travel time between the two discharges is not sufficient for complete pollutant decay, a more stringent effluent limitation may be the result. In at least these situations, it may be advantageous to submit site-specific stream velocity measurements or calculations. If taken, they should be measured at or near the design stream flow conditions (i.e.,  $Q_{7-10}$ ,  $Q_c$  flow).

## **DISCHARGE POINT LOCATION**

The stream elevation and River Mile Index (RMI) are used to calculate the slope of the streambed which is used to calculate in-stream velocity. The RMI is the distance from the confluence of the receiving stream to the discharge point. Discharge point location and streambed elevation information may be submitted on attached sheets.

## **SITE-SPECIFIC CRITERIA DEMONSTRATION**

DEP's regulations (Chapters 93 and Statement of Policy at Chapter 16) allow permit applicants, if they so choose, to verify the existing or develop an alternative site-specific water quality criteria. The site-specific criteria demonstrations may result in more or less stringent criteria. Applicants may also conduct site-specific water effects ratio (WER) studies to refine water quality criteria based upon discharge location and receiving waters. If done, applicants must follow DEP and/or EPA protocols in developing site-specific criteria or water effects ratio studies. Site-specific criteria studies may be submitted by attaching additional sheets to the application.

## **CHEMICAL TRANSLATORS FOR METALS**

Metals criteria are established to control the toxic portion of a substance in the water column. Depending upon available data, aquatic life criteria for metals are expressed as either dissolved or total recoverable. As information develops, the chemical identifiers for the toxic portion may be added, changed or refined. The criteria form one of the bases for water quality-based effluent limitations, which are expressed as total recoverable metals.

Chemical translators are used to convert dissolved criteria into effluent limitations which are required by federal regulations to be expressed as total recoverable metal. If no specific data is submitted, the default chemical translator used by DEP is the reciprocal of the conversion factor (specified in Chapter 93) that was used to determine the dissolved criterion. Chemical translator studies must be conducted in accordance with the EPA's latest guidance.

#### **WATER EFFECTS RATIO (WER)**

Persons may request alternate effluent limitations by using site-specific water quality criteria. This is accomplished by performing a site-specific chemical translator study for a dissolved criterion. A water effect ratio (WER) study may also be conducted, based on either total recoverable or dissolved criteria.

A WER is a factor that expresses the difference between the measurements of the toxicity of a substance in laboratory water and the toxicity in the receiving waters. The WER provides a mechanism to account for that portion of a metal which is toxic under certain physical, chemical or biological conditions. At this time, WERs are applicable only to certain metals, which are listed by EPA in *Guidance on the Determination and Use of Water-Effect Ratios for Metals* (February 1994), as amended and updated.

Subject to DEP approval of the testing and its results, DEP will use the WER to establish an alternate site-specific criterion. Final reports on the studies shall be submitted to DEP within 60 days of completion. Upon approval of the study results, DEP will use the chemical translator or WER, or both, to determine revised effluent limitations.

#### **ALTERNATE METHOD DETECTION LIMITS**

In the case where permittees cannot meet a listed MDL, they may be granted case-specific MDLs if they submit complete documentation demonstrating a matrix effect in their particular effluent. Such permittees must follow the procedure for determining MDLs published as Appendix B of 40 CFR Part 136 (relating to guidelines establishing test procedures). DEP's Bureau of Laboratories will evaluate the data.

## ATTACHMENT C

### TARGET QUANTITATION LIMITS (QLs) FOR EFFLUENT ANALYSIS OF POLLUTANT GROUPS

Group 1 Pollutants	Target QL Value	Units
BOD5 (mg/L)	3.0	mg/L
Chemical Oxygen Demand (COD) (mg/L)	-	-
Total Organic Carbon (TOC) (mg/L)	-	-
Total Suspended Solids (TSS) (mg/L)	2.0	mg/L
Ammonia-Nitrogen (mg/L)	0.02	mg/L
Temperature (°F)	-	-
pH (S.U.)	-	-
Fecal Coliform (No./100 mL)	-	-
Oil and Grease (mg/L)	5.0	mg/L
Total Residual Chlorine (TRC) (mg/L)	0.02	mg/L
Total Phosphorus (mg/L)	0.01	mg/L
Total Kjeldahl Nitrogen (TKN) (mg/L)	1.0	mg/L
Nitrite + Nitrate as N (mg/L)	0.05	mg/L
Total Dissolved Solids (TDS) (mg/L)	2.0	mg/L
Color (Pt-Co Units)	-	-
Bromide (mg/l)	0.2	mg/L
Chloride (mg/l)	0.5	mg/L
Sulfate (mg/l)	1.0	mg/L
Sulfide (mg/L)	-	-
Surfactants (mg/L)	-	-
Fluoride (mg/L)	0.2	mg/L
Total Hardness (mg/L)	-	-

Group 2 Pollutants	Target QL Value	Units
Aluminum, Total (µg/L)	10	µg/L
Antimony, Total (µg/L)	2.0	µg/L
Arsenic, Total (µg/L)	3.0	µg/L
Barium, Total (µg/L)	2.0	µg/L
Beryllium, Total (µg/L)	1.0	µg/L
Boron, Total (µg/L)	200	µg/L
Cadmium, Total (µg/L)	0.2	µg/L
Chromium, Total (µg/L)	4.0	µg/L
Chromium, Hexavalent (µg/L)	1.0	µg/L
Cobalt, Total (µg/L)	1.0	µg/L
Copper, Total (µg/L)	4.0	µg/L
Cyanide, Total (µg/L)	10	µg/L
Iron, Total (µg/L)	20	µg/L
Iron, Dissolved (µg/L)	20	µg/L
Lead, Total (µg/L)	1.0	µg/L
Group 2 Pollutants	Target QL Value	Units
Manganese, Total (µg/L)	2.0	µg/L

Mercury, Total (µg/L)	0.2	µg/L
Molybdenum, Total (µg/L)	4.0	µg/L
Nickel, Total (µg/L)	4.0	µg/L
Phenols, Total (µg/L)	5.0	µg/L
Selenium, Total (µg/L)	5.0	µg/L
Silver, Total (µg/L)	0.4	µg/L
Thallium, Total (µg/L)	2.0	µg/L
Zinc, Total (µg/L)	5.0	µg/L

**Group 3 Pollutants**

	<b>Target QL Value</b>	<b>Units</b>
Acrolein (µg/L)	2.0	µg/L
Acrylonitrile (µg/L)	5.0	µg/L
Benzene (µg/L)	0.5	µg/L
Bromoform (µg/L)	0.5	µg/L
Carbon Tetrachloride (µg/L)	0.5	µg/L
Chlorobenzene (µg/L)	0.5	µg/L
Chlorodibromomethane (µg/L)	0.5	µg/L
Chloroethane (µg/L)	0.5	µg/L
2-Chloroethylvinyl Ether (µg/L)	5.0	µg/L
Chloroform (µg/L)	0.5	µg/L
Dichlorobromomethane (µg/L)	0.5	µg/L
1,1-Dichloroethane (µg/L)	0.5	µg/L
1,2-Dichloroethane (µg/L)	0.5	µg/L
1,1-Dichloroethylene (µg/L)	0.5	µg/L
1,2 Dichloropropane (µg/L)	0.5	µg/L
1,3-Dichloropropylene (µg/L)	0.5	µg/L
1,4-Dioxane (µg/L)	10.0	µg/L
Ethylbenzene (µg/L)	0.5	µg/L
Methyl Bromide (µg/L)	0.5	µg/L
Methyl Chloride (µg/L)	0.5	µg/L
Methylene Chloride (µg/L)	0.5	µg/L
1,1,2,2-Tetrachloroethane (µg/L)	0.5	µg/L
Tetrachloroethylene (µg/L)	0.5	µg/L
Toluene (µg/L)	0.5	µg/L
1,2-Trans-Dichloroethylene (µg/L)	0.5	µg/L
1,1,1-Trichloroethane (µg/L)	0.5	µg/L
1,1,2-Trichloroethane (µg/L)	0.5	µg/L
Trichloroethylene (µg/L)	0.5	µg/L
Vinyl Chloride (µg/L)	0.5	µg/L

Group 4 Pollutants	Target QL Value	Units
2-Chlorophenol (µg/L)	10	µg/L
2,4-Dichlorophenol (µg/L)	10	µg/L
2,4-Dimethylphenol (µg/L)	10	µg/L
4,6-Dinitro-o-Cresol (µg/L)	10	µg/L
2,4-Dinitrophenol (µg/L)	10	µg/L
2-Nitrophenol (µg/L)	10	µg/L
4-Nitrophenol (µg/L)	10	µg/L
P-Chloro-m-Cresol (µg/L)	10	µg/L
Pentachlorophenol (µg/L)	10	µg/L
Phenol (µg/L)	10	µg/L
2,4,6-Trichlorophenol (µg/L)	10	µg/L

Group 5 Pollutants	Target QL Value	Units
Acenaphthene (µg/L)	2.5	µg/L
Acenaphthylene (µg/L)	2.5	µg/L
Acrylamide (µg/L)	-	-
Anthracene (µg/L)	2.5	µg/L
Benzidine (µg/L)	50	µg/L
Benzo(a)Anthracene (µg/L)	2.5	µg/L
Benzo(a)Pyrene (µg/L)	2.5	µg/L
3,4-Benzofluoranthene (µg/L)	2.5	µg/L
Benzo(ghi)Perylene (µg/L)	2.5	µg/L
Benzo(k)Fluoranthene (µg/L)	2.5	µg/L
Bis(2-Chloroethoxy)Methane (µg/L)	5.0	µg/L
Bis(2-Chloroethyl)Ether (µg/L)	5.0	µg/L
Bis(2-Chloroisopropyl)Ether (µg/L)	5.0	µg/L
Bis(2-Ethylhexyl)Phthalate (µg/L)	5.0	µg/L
4-Bromophenyl Phenyl Ether (µg/L)	5.0	µg/L
Butyl Benzyl Phthalate (µg/L)	5.0	µg/L
2-Chloronaphthalene (µg/L)	5.0	µg/L
4-Chlorophenyl Phenyl Ether (µg/L)	5.0	µg/L
Chrysene (µg/L)	2.5	µg/L
Dibenzo(a,h)Anthracene (µg/L)	2.5	µg/L
1,2-Dichlorobenzene (µg/L)	0.5	µg/L
1,3- Dichlorobenzene (µg/L)	0.5	µg/L
1,4- Dichlorobenzene (µg/L)	0.5	µg/L
3,3'-Dichlorobenzidine (µg/L)	5.0	µg/L
Diethyl Phthalate (µg/L)	5.0	µg/L
Dimethyl Phthalate (µg/L)	5.0	µg/L
Di-n-Butyl Phthalate (µg/L)	5.0	µg/L
2,4-Dinitrotoluene (µg/L)	5.0	µg/L
2,6-Dinitrotoluene (µg/L)	5.0	µg/L
Di-n-Octyl Phthalate (µg/L)	5.0	µg/L

Group 5 Pollutants	Target QL Value	Units
1,2-Diphenylhydrazine (as Azobenzene) (µg/L)	10	µg/L
Fluoranthene (µg/L)	2.5	µg/L
Fluorene (µg/L)	2.5	µg/L
Hexachlorobenzene (µg/L)	5.0	µg/L
Hexechlorobutadiene (µg/L)	0.5	µg/L
Hexachlorocyclopentadiene (µg/L)	5.0	µg/L
Hexachloroethane (µg/L)	5.0	µg/L
Indeno(1,2,3-cd)Pyrene (µg/L)	2.5	µg/L
Isophorone (µg/L)	5.0	µg/L
Naphthalene (µg/L)	0.5	µg/L
Nitrobenzene (µg/L)	5.0	µg/L
N-Nitroso-di-methylamine (µg/L)	5.0	µg/L
N-Nitroso-di-n-propylamine (µg/L)	5.0	µg/L
N-Nitroso-di-n-phenylamine (µg/L)	5.0	µg/L
Phenanthrene (µg/L)	2.5	µg/L
Pyrene (µg/L)	2.5	µg/L
1,2,4-Trichlorobenzene (µg/L)	0.5	µg/L

Group 6 Pollutants	Target QL Value	Units
Aldrin (µg/L)	0.05	µg/L
Alpha BHC (µg/L)	0.05	µg/L
Beta BHC (µg/L)	0.05	µg/L
Gamma BHC (µg/L)	0.05	µg/L
Delta BHC (µg/L)	0.05	µg/L
Chlordane (µg/L)	1.0	µg/L
4,4'-DDT (µg/L)	0.05	µg/L
4,4'-DDE (µg/L)	0.05	µg/L
4,4'-DDD (µg/L)	0.05	µg/L
Dieldrin (µg/L)	0.05	µg/L
Alpha-Endosulfan (µg/L)	0.05	µg/L
Beta-Endosulfan (µg/L)	0.05	µg/L
Endosulfan Sulfate (µg/L)	0.05	µg/L
Endrin (µg/L)	0.05	µg/L
Endrin Aldehyde (µg/L)	0.05	µg/L
Heptachlor (µg/L)	0.05	µg/L
Heptachlor Epoxide (µg/L)	0.05	µg/L
PCB-1242 (µg/L)	0.25	µg/L
PCB-1254 (µg/L)	0.25	µg/L
PCB-1221 (µg/L)	0.25	µg/L
PCB-1232 (µg/L)	0.25	µg/L
PCB-1248 (µg/L)	0.25	µg/L
PCB-1260 (µg/L)	0.25	µg/L
PCB-1016 (µg/L)	0.25	µg/L
Group 6 Pollutants	Target QL Value	Units
Toxaphene (µg/L)	0.5	µg/L

<b>Group 7 Pollutants</b>	<b>Target QL Value</b>	<b>Units</b>
Gross Alpha (pCi/L)	3	pCi/L
Beta, Total (pCi/L)	4	pCi/L
Radium 226/228, Total (pCi/L)	1	pCi/L
Strontium, Total (µg/L)	10	µg/L
Uranium, Total (µg/L)	2	µg/L
Osmotic Pressure (mOsm/kg)	-	-

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## ATTACHMENT D

### SAMPLING AND ANALYTICAL TESTING INSTRUCTIONS FOR NPDES PERMIT APPLICATIONS

DEP recommends that clean techniques be employed as appropriate in collecting, handling, storing, preparing and analyzing samples. Clean techniques refer to methods that reduce contamination and enable the accurate and precise measurement of substances, and to related issues concerning detection limits, quality control and quality assurance. Clean techniques are those requirements or practices for sample collection and handling necessary to produce reliable analytical data in the microgram per liter ( $\mu\text{g/L}$ ) or part per billion range, or less.

#### SAMPLING:

1. Sample collection should be conducted or supervised by a person trained and experienced in performing wastewater sampling.
2. EPA's regulations 40 CFR 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act", specify the appropriate sample type and quantity requirements. Specific requirements for sample containers, sample preservation, holding times, sizes, etc. relevant to the applicable test methods must also be followed.
3. Each sampling event shall occur at the time representative of normal operation. Normal operation means having all processes which contribute wastewater in normal operation, and with a properly operating treatment facility (where treatment is being provided), which is not experiencing "upset" conditions.
4. Samples should be collected from the center of the flow channel where turbulence is at a maximum, where specified in the present permit, or at any discharge pipe or location adequate for the collection of a representative sample.
5. Sample Type:
  - a. **Grab Samples** – Grab samples must be taken for pH, Temperature, Dissolved Oxygen, Cyanide (Total and Free), Total Phenols, Total Residual Chlorine, Oil and Grease, Fecal Coliform, and Volatile Organic (Pollutant Group 3). A **sampling event** for these pollutants consists of 1 grab sample and 1 analysis.
  - b. **Composite Samples** – An automatic 24-hour composite sample must be taken for each sampling event. **Exceptions** - a minimum of 1 grab sample may be taken for effluents from holding ponds or other impoundments with a retention period of greater than 24 hours. DEP may also waive composite sampling for any outfall for which it is demonstrated that use of an automatic sampler is infeasible and that a composite sample derived from a minimum of 8 grab samples per sample event will be representative of the discharge.
6. Definitions:

A **grab sample** is an individual sample of at least 100 mL collected at a randomly-selected representative time over a period not exceeding 15 minutes.

A **composite sample** is a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters (mL) each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite. If the discharge rate is constant, a constant sample volume can be taken at constant time intervals between samples.

#### ANALYSIS:

Analytical methods promulgated in 40 CFR Part 136 must be used where applicable. If no method has been promulgated by EPA for a particular pollutant, use any suitable method for measuring the level of the pollutant provided that a description of the method or a reference to a published method is attached to the results. The description shall include the sample holding time, preservation technique, and quality control measures.

## DOCUMENT REVISION HISTORY

Date	Revision Reason
October 2017	Removed analytical testing information for Free Cyanide.
August 2017	Updated TQL for Selenium from 7.0 to 5.0 µg/L
November 2016	Updated document number and references to document numbers; added requirement to report upstream Total Hardness; changed requirements for topographic map; changed requirements for analytical testing of TCDD and removed from TQL list; added additional requirements to CWIS section; and clarified that DEP's Bureau of Clean Water is responsible for decisions regarding reduced sampling frequency.
May 2016	Included reference to Sample Act 14 Notification Letter; Clarified when 316(b) CWIS requirements take effect; added requirement for oil & gas extraction industry category to sample for pollutant group 2 metals; Updated Target QL for BOD from 0.2 mg/L to 3.0 mg/L.

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## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) APPLICATION FOR INDIVIDUAL PERMIT TO DISCHARGE INDUSTRIAL STORMWATER

### GENERAL INFORMATION

**NOTE: FAILURE TO COMPLY WITH THESE INSTRUCTIONS AND SUBMIT ALL REQUIRED INFORMATION MAY RESULT IN DENIAL OF THE APPLICATION.**

Applicants should use the most recent versions of applications as posted on the Department of Environmental Protection's (DEP's) website. The most recent version of the Application for Individual Permit to Discharge Industrial Wastewater can be obtained through DEP's website as noted below. A complete application package includes the application form, the General Information Form (GIF), and all other attachments identified on the checklist for this application. Applicants can download the appropriate form to a computer, complete the form electronically and print the document for submission to DEP. The application and checklist can be obtained as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
Select: Businesses  
Select: Water  
Select: Bureau of Clean Water  
Select: Wastewater Management  
Select: NPDES and WQM Permitting Programs

The GIF form can be obtained as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
Select: Businesses  
Select: Permits, Licensing and Certification  
Select: Department-Wide Permit/Authorization Packages  
Select: General Information Form (GIF)

**FOLLOWING SUBMISSION OF YOUR APPLICATION, CHECK DEP'S WEBSITE TO MONITOR THE STATUS OF YOUR APPLICATION.** In general, DEP will not notify you if the application is considered complete and technically adequate. You may view the status of your application as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
Select: Data and Tools  
Select: Tools  
Select: eFACTS  
Select: Authorization Search and search for the record using the permit number. If unknown, you will need to search using other criteria. If necessary, contact DEP's Help Desk for assistance at 717.705.3768.

**General Instructions.** These instructions are intended to assist the applicant in completing the application form identified above. Type or print clearly when completing the form. Attach additional sheets as necessary to complete all questions. If a question is not applicable to the project, write "N/A" in the appropriate field or otherwise leave blank as instructed.

**Who Must Apply for NPDES Permits?** Persons who operate facilities or conduct activities that discharge pollutants into surface waters of the Commonwealth (including dry streams, ditches and storm sewers).

**Who Can Use This Form?** This form should be used by new or existing manufacturing, commercial or other facilities that are required to obtain NPDES permit coverage and discharge or propose to discharge only stormwater associated with industrial activity (see below for exceptions) to surface waters of the Commonwealth and do not qualify for coverage under an NPDES General Permit. Facilities that are required to obtain NPDES permit coverage include facilities with discharges of stormwater associated with industrial activity as defined at 40 CFR 122.26(b)(14) and other facilities that are required by DEP to obtain a permit under Pennsylvania's Clean Streams Law. Note that permittees that wish to amend

their existing individual NPDES permit must use DEP's NPDES Application for Permit Amendment form (3800-PM-BCW0027b).

### Authorized Non-Stormwater Discharges

The following non-stormwater discharges are authorized under individual NPDES permits for stormwater associated with industrial activity. A facility with non-stormwater discharges not identified in the list below should apply for an individual industrial waste NPDES permit.

- Discharges from emergency/unplanned fire-fighting activities;
- Potable water, including water line flushings and fire hydrant flushings, that do not contain measurable concentrations of Total Residual Chlorine (TRC);
- Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors (if treatment through an oil/water separator is provided) and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape water if such water does not contain pesticides, herbicides or fertilizers;
- Pavement wash waters where no detergents or hazardous cleaning products are used, and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities, or any other toxic or hazardous materials;
- Routine external building washdown / power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials; and
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of a facility, but not intentional discharges from the cooling tower.

**Where to File Applications.** Three (3) copies of all application materials should be submitted to the DEP regional office that covers the county where the facility is located. A list of counties and DEP regional offices can be viewed at DEP's website (go to [www.dep.pa.gov](http://www.dep.pa.gov) and select Regional Resources). If the facility is located in Erie County, a fourth copy of the application should be submitted to the DEP regional office.

If the facility discharges to surface waters in the Delaware River Basin (i.e., directly to the Delaware River or its tributaries), send one complete copy of the application to the Delaware River Basin Commission (DRBC) at:

Delaware River Basin Commission  
25 State Police Drive  
P.O. Box 7360  
West Trenton, NJ 08628-0360  
Phone: 609.883.9500

**When to File Applications.** Unless permission has been granted by DEP for submission at a later date, applications must be filed at least 180 days **BEFORE** your present NPDES permit expires or 180 days **PRIOR TO** start up and commencement of discharge for new facilities.

**Application Fee.** The required application fee (~~\$52,000 for new permit, \$1,000 for reissuance~~) payable to "Commonwealth of Pennsylvania" must accompany the application. A fee is not required for applications for reissuance of existing permits. The check should not be more than 10 days old. Any federal or state agency or independent state commission that provides funding to DEP for the implementation of the NPDES program through terms and conditions of a mutual agreement may be exempt from the fees. If you need assistance in determining the appropriate application fee, you may contact DEP's Central Office at 717.787.6744. If your application has been denied previously and you are resubmitting your application, the application fee must be included with the resubmission.

**Public Notification of Permit Application.** Act 14, which amended the Commonwealth's Administrative Code (effective April 17, 1984), requires every applicant for a new, amended, or renewed NPDES permit to give written notice to each municipality and county in which the facility is located. The written notices must be received by municipalities and counties at least 30 days before DEP action on a permit application. A sample Act 14 notification letter (3850-PM-BCW0402) is available on eLibrary.

Please submit with your application:

1. A copy of your correspondence notifying your intentions to the municipality(ies) and the county(ies) in which the permitted activity will occur.
2. Evidence that the municipality(ies) and county(ies) have received your notification. Acceptable forms of this evidence include certified mail receipt or written acknowledgment of the notification from the municipality(ies) and county(ies).

Failure to provide a copy of your notification correspondence and evidence of municipal and county receipt of your notification with the application may result in denial of your application.

**Local Newspaper Notice.** When applying for an NPDES permit for a new industrial stormwater discharge, or when an NPDES renewal application involves a substantial change in location, quantity or quality of the industrial stormwater discharge, public notice of intent to discharge is required by Section 307 of the Pennsylvania Clean Streams Law.

The applicant is required to publish notice of intent to apply for an NPDES permit in a newspaper of general circulation in the county where the facility is located. The notice must be published once per week for four consecutive weeks. Acceptable evidence of publication is a notarized copy of the notice and statement of publication dates or separate clippings of each notice with the date line intact. This evidence should accompany the application.

**Public Access to Application.** Note that any information submitted to DEP which goes beyond that required by this form may be claimed as confidential, but claims for information which are effluent data will be denied. If a claim of confidentiality is not asserted at the time of submitting the information, DEP may make the information public without further notice. Claims of confidentiality will be handled in accordance with the U.S. Environmental Protection Agency's (EPA's) business confidentiality regulations at 40 CFR Part 2 and DEP's regulations at 25 Pa. Code § 92a.8.

**Other permits and/or approvals.** Where necessary, the applicant shall be responsible to apply for and obtain other permits and/or approvals. DEP's General Information Form (GIF) (1300-PM-BIT0001) must be attached to the application and must indicate other permits that are necessary for the project, as applicable.

## COMPLETING THE APPLICATION

These instructions use the term "applicant" to mean someone who submits an application for a new or renewed permit. Where the term "permittee" is used, it refers only to someone who submits an application for a renewed permit.

If known, enter Client ID, Site ID, APS ID and Facility ID. These are identification numbers specific to the applicant, facility, and the most recent NPDES permit issued to the applicant. If unknown, leave these fields blank.

### GENERAL INFORMATION

1. Enter the Applicant/Operator Name as it appears on the GIF in the Client section (Organization Name or Registered Fictitious Name).
2. Check the appropriate box to indicate whether the application is for a new permit or renewal of an existing permit. If new, specify the anticipated discharge date. If a renewal, list the current NPDES permit number, the expiration date of the current NPDES in effect, the permit renewal application due date (i.e., 180 days before the expiration date unless DEP has granted permission to submit the application at a later date), all Water Quality Management (WQM) permit numbers issued to the applicant for construction of or modification to treatment facilities, and the dates the WQM permits were issued (attach separate sheets if necessary). If not applicable, leave blank.

**NOTE** - Applicants should not use this form for requests for permit amendments or permit transfers. DEP's Application for Permit Amendment form (3800-PM-BCW0027b) and Application for NPDES or WQM Permit Transfer form (3800-PM-BCW0041b), respectively, should be used for such requests.

3. Check the box for "Yes" if the facility's self-monitoring data is being submitted to DEP using the electronic Discharge Monitoring Report (eDMR) system ([www.dep.pa.gov/edmr](http://www.dep.pa.gov/edmr)), otherwise check the box for "No." If the eDMR system is being used, specify the start date for use of the system.
4. Briefly describe the nature of the business or operations that may come into contact with stormwater. To ensure that DEP has a complete understanding of the nature of your operations and discharge(s), the applicant is encouraged to provide a detailed description in a separate attachment.

5. List the Effluent Guideline Limitation(s) (ELG(s)) and Subpart published by EPA in 40 CFR, Chapter I, Subchapter N, that are applicable to the facility's stormwater discharges. If there are no applicable ELG(s), this section may remain blank.
6. List all applicable standard industrial classification (SIC) and North American Industry Classification System (NAICS) codes with their descriptions. For each code, indicate (Yes or No) whether the code is considered the "primary" code. For example, if Codes 99998 and 99999 apply to the facility, but the operation can be best categorized under Code 99999, indicate "Yes" in the "Primary?" column for Code 99999.

### **OTHER ENVIRONMENTAL PERMITS**

Identify all other environmental permits issued to the facility, which are currently effective or which the applicant is seeking for the facility. Report the type of permit, the agency that issued the permit and the date the permit was issued. Report all permits issued under the following environmental programs:

- Hazardous Waste Management program under RCRA.
- UIC program under the Safe Drinking Water Act.
- NPDES program under the Clean Water Act.
- Prevention of Significant Deterioration (PSD) program under the Clean Air Act.
- Nonattainment program under the Clean Air Act.
- National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.
- Dredge or fill permits under section 404 of the Clean Water Act.
- Other relevant environmental permits, including DEP-issued permits.

### **FACILITY AND DISCHARGE INFORMATION**

1. **Site Plan & Map.** Attach a site plan that identifies structures, facilities, outdoor raw material, product and waste storage areas, drainage areas, discharge points (outfalls) associated with industrial activity, property boundaries and waters of the Commonwealth. Also attach a topographic or aerial map with facilities and outfalls identified. For discharges to storm sewers, identify both the location of the discharge to the storm sewer as well as the location where the storm sewer outlets to surface waters. DEP's eMAP application ([www.depgis.state.pa.us/emappa](http://www.depgis.state.pa.us/emappa)) or other websites with topographic/aerial maps may be used.
2. **Site Area.** Report the total area of the site in square feet (sf) and the percent pervious and impervious surfaces.
3. **Facility Latitude and Longitude.** Provide the latitude and longitude coordinates at the geographic center of the facility or site. Indicate the Horizontal Reference Datum used to determine the coordinates by checking the box for North American Datum of 1927 ("NAD of 1927"), North American Datum of 1983 ("NAD of 1983"), World Geodetic System of 1984 ("WGS of 1984") or "Unknown".
4. **PPC Plan.** The permittee may optionally attach its PPC Plan or related plan such as a Spill Prevention, Control and Countermeasure (SPCC) Plan to the application. This information may be useful to DEP in completing its review of the application. If the PPC Plan or related plan is not attached, DEP may request submission of the Plan during the application review.

Regardless if a Plan is or is not attached, complete the table by describing the type(s) of Plan(s) the facility currently has. Check the box if the Plan is attached to the application. Report the latest update made to the Plan(s). Applicants are encouraged to submit large plans in electronic format on CD or other media in lieu of paper.

**NOTE** – The Plan(s) should be developed consistent with DEP's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" and its Stormwater Addendum (DEP ID No. 400-2200-001). Submission of a "Stormwater Pollution Prevention Plan" or "Spill Prevention, Control, and Countermeasure Plan" that has been completed to satisfy another regulatory program is acceptable if it is consistent with DEP guidance.

**NOTE** – DEP may accept electronic PPC Plan submissions. Contact the appropriate DEP regional office for instructions prior to submission of your application if your preference is to submit the PPC Plan electronically.

5. **Non-Stormwater Discharges.** Identify and describe all non-stormwater discharges that are expected to occur during the 5 years following permit coverage. List each type of non-stormwater discharge anticipated, the outfall that is expected to receive the discharge, and the expected frequency and volume of discharges. If no non-stormwater discharges are anticipated in the five years following coverage or approval, check the appropriate box.
6. **Inspection and Maintenance.** For new discharges, describe the frequency at which outfalls will be inspected and any planned maintenance activities. For existing discharges, report current practices for outfall inspections and routine maintenance. Also identify whether on-site personnel or contractors perform these activities.
7. **Outfall Locations and Receiving Waters Table.**

- **Outfall No. –** Provide a 3-digit identification number (numeric only) for each outfall (discharge point) discharging stormwater associated with industrial activity from the facility, starting with 001 and continuing with 002, 003, etc. If there are more outfalls than space allows, attach an additional sheet.

**NOTE –** Outfalls should include all engineered structures, drainageways and areas of concentrated flow where runoff leaves a site.

- **Latitude / Longitude –** Report the latitude and longitude coordinates for the outfall (end of pipe, channel or other conveyance, prior to mixing with receiving waters), using the same method as for No. 3, above.
  - **Name of Receiving Waters –** Specify the name of the receiving waters for each outfall, as specified in 25 Pa. Code Chapter 93 or as otherwise known locally.
  - **Ch. 93 Class. –** Report the existing use of the receiving waters under Chapter 93. Existing uses (e.g., HQ-CWF) may differ from designated uses (e.g., CWF). The applicant should consult DEP's existing use website and if an existing use is listed for the receiving waters, it should be reported on the application (visit [www.dep.pa.gov](http://www.dep.pa.gov), select "Businesses", "Water", "Bureau of Clean Water", "Water Quality Standards", and "Statewide Existing Use Classifications"). If no existing use is available on DEP's website, the designated use under Chapter 93 is the existing use. Designated uses can be searched on-line by visiting [www.pacode.com](http://www.pacode.com) (Title 25, Chapter 93) or [www.depgis.state.pa.us/emappa](http://www.depgis.state.pa.us/emappa).
  - **Impaired?** Check the box if the receiving waters are "impaired" (i.e., not attaining water quality standards or existing uses) according to DEP's latest published Integrated Water Quality Monitoring and Assessment Report ("Integrated Report") (visit [www.dep.pa.gov](http://www.dep.pa.gov), select "Businesses", "Water", "The Bureau of Clean Water", "Water Quality Standards", and "Integrated Water Quality Report").
  - **TMDL?** Check the box if there is an approved Total Maximum Daily Load (TMDL) for the receiving waters. DEP's website includes a listing of all approved TMDLs ([www.ahs.dep.pa.gov/TMDL](http://www.ahs.dep.pa.gov/TMDL)). Additionally, DEP's eMAP application ([www.depgis.state.pa.us/emappa](http://www.depgis.state.pa.us/emappa)) may be used to determine both impairments and TMDLs.
8. **Discharges to Storm Sewers.** Check the appropriate box to indicate whether any of the outfalls / IMPs identified in No. 7 above discharge to a storm sewer system (Yes or No). If Yes, indicate whether the storm sewer is also a municipal separate storm sewer system (MS4) (Yes or No), identify the name of the storm sewer owner/operator and list all outfall numbers that discharge to the storm sewer. If unsure whether the storm sewer is also classified as an MS4, contact the municipality in which the facility is located. If there are no discharges to storm sewers, check the box for "No", leave the MS4 question blank and enter, "N/A" for the remaining questions.

**NOTE –** For new discharges to MS4s, the applicant must provide, as an attachment to the application, evidence that the owner/operator of the MS4 has received notification of the applicant's intent to discharge into the MS4 as well as the actual notification to the MS4. An example of evidence would be a copy of the return receipt for registered mail.

Attach additional sheets as necessary to report all outfalls. You may attach your own sheet(s) provided it contains all information requested in this table

## 9. Drainage Area Description Table

- **Outfall / IMP No.** – List all the outfalls / IMPs in the same order as the Outfalls Locations and Receiving Waters Table.
- **Drainage Area (ft<sup>2</sup>)** – Report the total drainage area, in square feet, in which stormwater runoff may flow to the outfall.
- **% Impervious** – Indicate the percentage of the drainage area is impervious. For the purpose of this application, impervious surfaces are those where stormwater runs off at rates significantly higher than background rates and include paved areas, building roofs, parking lots, and roadways.
- **Description of Materials/Activities in Drainage Area Exposed to Precipitation** – Identify all materials in the drainage area that may be exposed to precipitation. Identify materials used for production, tanks or containers and their contents, vehicular maintenance activities, product storage, etc. The applicant should report sufficient information to allow DEP to understand why the applicant considers two or more outfalls to be similar in nature, if applicable.
- **No Exposure?** – Check the box if the applicant certifies there are no industrial sources of pollutants in the drainage area of the outfall and the applicant believes there is no potential for pollution. This may assist DEP in determining whether or not stormwater monitoring requirements in the permit are necessary.

**NOTE** – In order for this box to be checked, the applicant must generally provide a storm resistant shelter to protect industrial materials from exposure to rain, snow, snow melt and runoff. However, a storm resistant shelter is not required for drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak (“sealed” means banded or otherwise secured and without operational taps or valves); adequately maintained vehicles used in material handling; and final products, other than products that would be mobilized in storm water discharge (e.g., rock salt). Discharges from salt storage and distribution sites are not generally considered No Exposure unless material storage and handling activities are not exposed to precipitation.

**NOTE** – if the applicant selects this box and then conditions change following issuance of the permit, the applicant is responsible for notifying DEP of the changed conditions.

## 10. Sampling and Treatment Table

- **Outfall / IMP No.** – List all the outfalls / IMPs in the same order as the Outfalls Locations and Receiving Waters Table.
- **Sampling Completed?** – Check the box if sampling was completed for the application and the Stormwater Sampling Results section is attached for the outfall. Sampling must be completed for every outfall unless a representative outfall is designated.
- **Representative Outfall No.** – If the Sampling Completed? box is not checked, report the Outfall No(s) that the applicant has sampled as representative of the reported outfall. Representative outfalls cannot be used to verify that pollutant concentrations are commensurate with No Exposure conditions.
- **Treatment?** – Check the box if the applicant has or is proposing any structural (e.g., oil water separator) or non-structural (e.g., wetlands) treatment technology designed to reduce pollutants in stormwater discharged to the outfall.
- **Description of BMPs in Drainage Area to Control Pollutants in Stormwater** – Describe any treatment or BMPs proposed or in place for stormwater and any other proposed (for new facilities) or existing (for existing facilities) best management practices (BMPs) intended to control pollutants in stormwater runoff. Examples of BMPs including routine inspection and cleanup activities, ponds, swales or other features intended to promote infiltration, etc.

- **PCSM?** – Check the box if there are post-construction stormwater management facilities within the drainage area to the outfall that were installed to comply with DEP's Chapter 102 Erosion and Sedimentation Control regulations. Information on Chapter 102 regulations and PCSM facilities can be found by visiting DEP's website and selecting "Businesses", "Water", "Bureau of Clean Water", "Stormwater Management", and "Construction Stormwater".

**11. Leaks or Spills.** If there have been leaks or spills on-site within the past five years that have reached stormwater outfall(s) (i.e., have been discharged to the receiving waters), identify the outfall(s) receiving the leaks or spills, the substance(s) released, measures taken to remediate the incident(s) and preventative measure(s) taken to reduce the possibility of future incidents. Attach additional sheets as necessary.

### **STORMWATER SAMPLING RESULTS**

For existing discharges only, attach a completed Stormwater Sampling Results section to the application for each stormwater outfall that was sampled.

**NOTE – stormwater must be sampled for all stormwater outfalls identified in question 9, above, where the applicant checked the box for No Exposure?**, in order to verify that pollutant concentrations are commensurate with No Exposure conditions.

In general, DEP considers the following benchmark values to be indicative of No Exposure conditions; these values may also be used by DEP to evaluate non-degrading stormwater discharges for anti-degradation purposes.

- Pollutants with water quality criteria in 25 Pa. Code Chapter 93:  $\leq$  most stringent water quality standard
- Oil and Grease (mg/L):  $\leq 5.0$
- BOD5 (mg/L):  $\leq 10$
- COD (mg/L):  $\leq 30$
- TSS (mg/L)  $\leq 30$
- Total Nitrogen (mg/L):  $\leq 2.0$
- Total Phosphorus (mg/L):  $\leq 1.0$
- pH (S.U.): 6.0 to 9.0

### **Stormwater Sampling Guidance**

The collection of the samples for the reported analyses should be supervised by a person experienced in performing sampling of industrial stormwater discharges. Any specific requirements contained in the applicable analytical methods should be followed for sample containers, sample preservation, holding times, the collection of duplicate samples, etc. Where applicable, samples should be collected from the center of the flow channel, where turbulence is at a maximum, at a site specified in your present permit, or at any site adequate for the collection of a representative sample.

For all pollutants the applicant must, at a minimum, analyze grab samples taken during the first 30 minutes (or as soon thereafter as practicable) of the discharge. For pollutants other than pH, Temperature, Cyanide, Total Phenols, Total Residual Chlorine, Oil and Grease, and Fecal Coliform it is preferred the applicant analyze both a grab sample collected during the first 30 minutes (or as soon thereafter as practicable) of the discharge and a flow-weighted composite sample.

All samples must be collected from the discharge resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area. **Grab samples must be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable), and flow-weighted composite samples shall be taken for the entire event or for the first three hours of the event.**

For the purpose of these instructions, grab and composite samples are defined as follows:

**Grab sample:** An individual sample of at least 100 milliliters collected during the first thirty minutes (or as soon thereafter as practicable) of the discharge. This sample is to be analyzed separately from the composite sample.

**Flow-weighted composite sample:** A flow-weighted composite sample may be taken with a continuous sampler that proportions the amount of sample collected with the flow rate or as a combination of a minimum of three sample aliquots

taken in each hour of discharge for the entire event or for the first three hours of the event, with each aliquot being at least 100 milliliters and collected with a minimum period of fifteen minutes between aliquot collections. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

Data from samples taken in the past may be used, provided that all data requirements are met, sampling was done no more than three years before submission, and all data are representative of the present discharge.

#### Completing the Stormwater Sampling Results Table

1. You must report at least one analysis for each pollutant listed. As noted above, flow-weighted composite sample results are optional. Report the average and maximum concentrations of grab and flow-weighted composite samples for each listed pollutant, as applicable, in the units provided (e.g., mg/L, S.U., etc.). Follow DEP's guidance (3800-BK-DEP3047 and 3800-FS-DEP4262) when calculating statistical values containing data sets with "non-detect" results. Use the Quantitation Limit (QL) value for "non-detect" results, and if at least one "non-detect" result exists in a data set, average statistical values should contain the less than (<) symbol. If only one sample result for each pollutant is available, report the result in both the average and maximum columns under the appropriate sample type. Identify the number of storm events where samples were collected to determine the results. Identify the laboratory's QL for the pollutants.
2. In the table provided, list all pollutants contained within an Effluent Limitation Guideline (ELG) that is applicable to the facility's production, not identified in question 1. Also list all pollutants listed in the facility's existing NPDES permit for the stormwater outfall, and any other pollutants that are considered the cause of impairment to waters receiving stormwater discharges from the outfall. To determine if a stream is impaired use DEP's latest published Integrated Water Quality Monitoring and Assessment Report ([www.dep.pa.gov](http://www.dep.pa.gov), select "Water", select "The Bureau of Clean Water", and select "Water Quality Standards") or DEP's eMAP application (<http://www.dep.state.pa.us/eMapPA/>). Provide the results of at least one analysis for every pollutant listed. Specify the units with your results (e.g., mg/L).
3. In the table provided, list all pollutants contained in Pollutant Groups 1 through 7, as identified in Attachment A, which are not identified in questions 1 or 2 of the Stormwater Sampling Results section but the applicant knows or has reason to believe are present in the stormwater discharge. Provide at least one result for each pollutant known or believed to be present. Base your determination that a pollutant is present in or absent from your discharge on your knowledge of your raw materials, material management practices, maintenance chemicals, history of spills and releases, intermediate and final products and byproducts, and any previous analyses known to you of your effluent or similar effluent.
4. Provide the information requested below for the storm event(s) that resulted in the maximum values reported in questions 1, 2 and 3 for the flow-weighted composite sample (or grab sample if flow-weighted composite sampling was not completed). If multiple storm events resulted in maximum values, report each event separately.
  - Identify the storm event date.
  - Record the duration of the storm event in minutes.
  - Report the total rainfall amount, in inches, for the storm event in which sample(s) were collected.
  - Identify the number of hours from the end of the previous measurable storm event of 0.1 inch to the beginning of the storm event in which sample(s) were collected.
  - Optionally, specify the flow rate, in gallons per minute (GPM), measured at the outfall during the storm event.
  - Optionally, report the calculated volume of stormwater discharged from the outfall(s) during the storm event.

#### ANTI-DEGRADATION

If the applicant is proposing a new, additional or increased discharge to High Quality (HQ) or Exceptional Value (EV) waters, or has an existing discharge to HQ or EV waters and is seeking a permit for the first time, **Module 1 (Anti-Degradation Module)** must be attached to the application. In addition, for HQ waters only, if the analysis concludes that the new, additional or increased discharge will produce a measurable change in water quality, a social or economic justification (SEJ) must be attached to the application and be approved before DEP can authorize the discharge through a permit. See the instructions to Module 1 and DEP's Water Quality Antidegradation Implementation Guidance (391-0300-002).

1. Check the appropriate box to indicate whether Module 1 is attached to the application.
2. Check the appropriate box to indicate whether an SEJ is attached to the application.

If the applicant is not proposing a new, additional or increased discharge to HQ or EV waters or is not seeking a permit for the first time to discharge into HQ or EV waters, this section may remain blank.

### **COOLING WATER INTAKE STRUCTURES**

1. Indicate if cooling water is used at the facility. If no, skip the remainder of this section.
2. Indicate if the facility operates a cooling water intake structure. If no, skip the remainder of this section.
3. Under Section 316(b) of the Clean Water Act and its implementing regulations, DEP will be required to make a determination of best technology available (BTA) to reduce impingement and entrainment mortality for facilities that maintain and operate a cooling water intake structure(s) (CWIS). Facilities that meet the regulatory definition of a new or existing facility with cooling water intake structures must provide additional specific information. **If a facility meets the regulatory definition of a new or existing facility below, the permittee cannot use this application and must submit the Individual NPDES Permit Application for Industrial Waste Facilities (3800-PM-BCW0008).**

A new facility has applicable 316(b) requirements if it (see 40 CFR § 125.81):

- Is a point source that uses or proposes to use a cooling water intake structure;
- Has at least one cooling water intake structure that uses at least 25% of the water it withdraws for cooling purposes as measured on an average monthly basis; and
- Has a design intake flow greater than 2 MGD.

An existing facility has applicable 316(b) requirements if it (see 40 CFR § 125.91):

- Is a point source;
- Uses or proposes to use cooling water intake structures with a total design intake flow of 2 MGD or more to withdraw cooling water from waters of the United States;
- Uses at least 25 percent of water withdrawn exclusively for cooling purposes, measured on an actual intake flow basis (for definition, see 40 CFR § 125.92).

Facilities that do not meet the definition above may be issued a BTA determination on a best professional judgment (BPJ) basis under 40 CFR § 125.90(b). Additional information may be required.

Indicate whether the facility meets the definition of a new or existing facility. If yes, the permittee is not eligible to use this application and should submit the Individual NPDES Permit Application for Industrial Waste Facilities (3800-PM-BCW0008).

### **STORMWATER TREATMENT CHEMICALS**

List any chemicals used to treat the stormwater that are anticipated to be used in the next five years. If no chemicals are anticipated, this section may remain blank.

### **LABORATORY INFORMATION**

List off-site laboratories used for analytical results reported in the application and the analyses performed.

### **COMPLIANCE HISTORY REVIEW**

Check appropriate box to indicate whether the facility owner or operator is in violation of any DEP regulation, permit, order or schedule of compliance at this or any other facility at the time the application is submitted to DEP. If the answer is "No," no further information is needed in this section. If the answer is "Yes," list each permit, order, or compliance schedule and provide compliance status of the permitted facility or activity. If needed, use additional sheets to provide all information.

### **CERTIFICATION AND SIGNATURE OF THE APPLICANT**

The applicant must certify that the information contained in the application is true, accurate and complete.

**The application must be signed as follows (no exceptions or delegations may be authorized):**

*For individually owned operations* – The owner of the facility must sign the application.

*For a Corporation* – A responsible corporate officer must sign the application. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the application form originates.

*For a Partnership or Sole Proprietorship* – A general partner or the proprietor, respectively, must sign the application.

*For a Municipality, State, Federal or Other Public Agency* – Either a principal executive officer or ranking elected official must sign the application. For purposes of this the application, a principal executive officer of a federal agency includes:

- The chief executive officer of the agency, or
- A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

**NOTE:** DEP does not require specific assignments or delegation of authority to responsible corporate officers identified. DEP will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified DEP to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals. The Clean Water Act provides for severe penalties for submitting false information on the application form.

## CHECKLIST

To assist the applicant in ensuring the application is complete, a checklist has been developed (3800-PM-BCW0403C). This checklist should be completed and submitted with the complete application.

**ATTACHMENT A**  
**POLLUTANT GROUP ANALYSIS TABLES**

POLLUTANT GROUP 1 PARAMETERS (mg/L)	POLLUTANT GROUP 2 PARAMETERS (µg/L)	POLLUTANT GROUP 3 PARAMETERS (µg/L)	POLLUTANT GROUP 4 PARAMETERS (µg/L)	POLLUTANT GROUP 5 PARAMETERS (µg/L)
BODs COD TOC TSS Ammonia-Nitrogen Temperature (Winter) (°F) Temperature (Summer) (°F) pH – Minimum (S.U.) pH – Maximum (S.U.) Fecal Coliform (No./100 mL) Oil and Grease TRC Total Phosphorus TKN Nitrite + Nitrate-Nitrogen Total Dissolved Solids Color (Pt-Co Units)	Aluminum, Total Antimony, Total Arsenic, Total Barium, Total Beryllium, Total Boron, Total Cadmium, Total Chromium, Total Chromium, Hexavalent Cobalt, Total Copper, Total Cyanide, Total Iron, Total Iron, Dissolved Lead, Total Manganese, Total Mercury, Total Molybdenum, Total Nickel, Total Phenols, Total Selenium, Total Silver, Total Thallium, Total Zinc, Total	Acrolein Acrylonitrile Benzene Bromoform Carbon Tetrachloride Chlorobenzene Chlorodibromomethane Chloroethane 2-Chloroethylvinyl Ether Chloroform Dichlorobromomethane 1,1-Dichloroethane 1,2-Dichloroethane 1,1-Dichloroethylene 1,2 Dichloropropane 1,3-Dichloropropylene 1,4-Dioxane Ethylbenzene Methyl Bromide Methyl Chloride Methylene Chloride 1,1,2,2-Tetrachloroethane Tetrachloroethylene Toluene 1,2-Trans-Dichloroethylene 1,1,1-Trichloroethane 1,1,2-Trichloroethane Trichloroethylene Vinyl Chloride	2-Chlorophenol 2,4-Dichlorophenol 2,4-Dimethylphenol 4,6-Dinitro-o-Cresol 2,4-Dinitrophenol 2-Nitrophenol 4-Nitrophenol P-Chloro-m-Cresol Pentachlorophenol Phenol 2,4,6-Trichlorophenol	Acenaphthene Acenaphthylene Acrylamide Anthracene Benzidine Benzo(a)Anthracene Benzo(a)Pyrene 3,4-Benzo-fluoranthene Benzo(g,h,i)Perylene Benzo(k)Fluoranthene Bis(2-Chloro-ethoxy)Methane Bis(2-Chloroethyl)Ether Bis(2-Chloro-isopropyl)Ether Bis(2-Ethylhexyl)Phthalate 4-Bromophenyl Phenyl Ether Butyl Benzyl Phthalate 2-Chloronaphthalene 4-Chlorophenyl Phenyl Ether Chrysene Dibenzo(a,h)Anthracene 1,2-Dichlorobenzene 1,3- Dichlorobenzene 1,4- Dichlorobenzene 3,3'-Dichlorobenzidine Diethyl Phthalate Dimethyl Phthalate Di-n-Butyl Phthalate 2,4-Dinitrotoluene 2,6-Dinitrotoluene Di-n-Octyl Phthalate

POLLUTANT GROUP 5 PARAMETERS (µg/L), (CONT'D)	POLLUTANT GROUP 6 PARAMETERS (µg/L)	POLLUTANT GROUP 7 PARAMETERS
Hexachlorocyclopentadiene Hexachloroethane Indeno(1,2,3-cd)Pyrene Isophorone Naphthalene Nitrobenzene N-Nitroso-di-methylamine N-Nitroso-di-n-p-propylamine N-Nitroso-di-n-phenylamine Phenanthrene Pyrene 1,2,4-Trichlorobenzene Bis(2-Chloro-isopropyl)Ether Bis(2-Ethylhexyl)Phthalate 4-Bromophenyl Phenyl Ether Butyl Benzyl Phthalate 2-Chloronaphthalene 4-Chlorophenyl Phenyl Ether Chrysene Dibenzo(a,h)Anthracene 1,2-Dichlorobenzene 1,3-Dichlorobenzene 1,4-Dichlorobenzene 3,3'-Dichlorobenzidine Diethyl Phthalate Dimethyl Phthalate Di-n-Butyl Phthalate 2,4-Dinitrotoluene 2,6-Dinitrotoluene Di-n-Octyl Phthalate 1,2-Diphenylhydrazine (as Azobenzene) Fluoranthene Fluorene Hexachlorobenzene Hexachlorobutadiene Hexachlorocyclopentadiene	Aldrin Alpha BHC Beta BHC Gamma BHC Delta BHC Chlordane 4,4'-DDT 4,4'-DDE 4,4'-DDD Dieldrin Alpha-Endosulfan Beta-Endosulfan Endosulfan Sulfate Endrin Endrin Aldehyde Heptachlor Heptachlor Epoxide PCB -1242 PCB -1254 PCB-1221 PCB-1232 PCB-1248 PCB-1260 PCB-1016 Toxaphene 2,3,7,8-Tetrachlorodibenzo-p-Dioxin	Gross Alpha (pCi/L) Beta, Total (pCi/L) Radium 226/228, Total (pCi/L) Strontium, Total (µg/L) Uranium, Total (µg/L) Osmotic Pressure (µmhos/cm)



## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) APPLICATION FOR INDIVIDUAL PERMIT TO DISCHARGE SEWAGE EFFLUENT FOR MAJOR SEWAGE FACILITIES INSTRUCTIONS

### GENERAL INFORMATION

**NOTE: FAILURE TO COMPLY WITH THESE INSTRUCTIONS AND SUBMIT ALL REQUIRED INFORMATION MAY RESULT IN DENIAL OF THE APPLICATION.**

The Department of Environmental Protection (DEP) requests that applicants use the most recent versions of applications as posted on DEP's website. The most recent version of the Application for Individual Permit to Discharge Sewage Effluent for Major Sewage Facilities can be obtained through DEP's website as noted below. A complete application package includes the application form, the General Information Form (GIF), and all other attachments identified on the checklist for this application. Applicants can download the appropriate form to a computer, complete the form electronically and print the document for submission to DEP. The application and checklist can be obtained as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
 Select: Businesses  
 Select: Water  
 Select: Bureau of Clean Water  
 Select: Wastewater Management  
 Select: NPDES and WQM Permitting Programs

The GIF form can be obtained as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
 Select: Businesses  
 Select: Other Programs  
 Select: Permits, Licensing and Certification  
 Select: Department-Wide Permit/Authorization Packages  
 Select: General Information Form (GIF)

**FOLLOWING SUBMISSION OF YOUR APPLICATION, CHECK DEP'S WEBSITE TO MONITOR THE STATUS OF YOUR APPLICATION.** In general, DEP will not notify you if the application is considered complete and technically adequate. You may view the status of your application as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
 Select: Data and Tools  
 Select: Tools  
 Select: eFACTS  
 Select: Authorization Search and search for the record using the permit number. If unknown, you will need to search using other criteria. If necessary, contact DEP's Help Desk for assistance at 717.705.3768.

**General Instructions.** These instructions are intended to assist the applicant in completing the application form identified above. Type or print clearly when completing the form. Attach additional sheets as necessary to complete all questions. If a question is not applicable to the project, write N/A in the appropriate field.

**Who Must Apply for NPDES Permits?** Persons who operate facilities or conduct activities that discharge pollutants into surface waters of the Commonwealth (including dry streams, ditches and storm sewers).

**NOTE –** Where a POTW is operated by a non-municipal entity under an agreement, both the POTW and non-municipal entity should apply for the permit.

**Who Can Use This Form?** This form should be used by major sewage treatment facilities that, at the time the application is completed, have an average annual design flow greater than or equal to 1.0 million gallons per day (MGD), and/or have a service population greater than or equal to 10,000.

**Where to File Applications.** Three (3) copies of all application materials should be submitted to the DEP regional office that covers the county where the facility is located. A list of counties and DEP regional offices can be viewed at DEP's website (go to [www.dep.pa.gov](http://www.dep.pa.gov) and select Regional Resources). If the facility is located in Erie County, a fourth copy of the application should be submitted to the DEP regional office.

If the facility discharges to a stream in the Delaware River Basin (i.e., directly to the Delaware River or its tributaries), send one complete copy of the application to the Delaware River Basin Commission (DRBC) at:

Delaware River Basin Commission  
25 State Police Drive  
P.O. Box 7360  
West Trenton, NJ 08628-0360  
Phone: 609.883.9500

If the facility is located in Allegheny County, send one complete copy of the application to the Allegheny County Health Department at:

Allegheny County Health Department  
Frank B. Clack Health Center  
Water Pollution Control Program  
Building #5  
40th Street & Penn Avenue  
Pittsburgh, PA 15224  
Phone: 412.578.8040

**When to File Applications.** Unless permission has been granted by DEP for submission at a later date, applications must be filed at least 180 days **BEFORE** your present NPDES permit expires or 180 days **PRIOR TO** start up and commencement of discharge for new facilities.

**Application Fee.** The required application fee payable to "Commonwealth of Pennsylvania" must accompany the application. See the table below for the appropriate application fee. A fee is not required for reissuance of existing permits. The check should not be more than 10 days old. Any federal or state agency or independent state commission that provides funding to DEP for the implementation of the NPDES program through terms and conditions of a mutual agreement may be exempt from the fees.

Major facility $\geq$ 1 MGD and $<$ 5 MGD	\$72,500 for new; \$1,250 for reissuance
Major facility $\geq$ 5 MGD	\$105,000 for new; \$2,500 for reissuance
Major facility with CSO	\$150,000 for new; \$5,000 for reissuance

For fees based on flow, determine the facility's total design flow by summing the annual average design flows for all effluent discharge points (outfalls). If you need assistance in determining the appropriate application fee, you may contact DEP's Central Office at 717.787.6744. If your application has been denied previously and you are resubmitting your application, the application fee must be included with the resubmission.

**Public Notification of Permit Application and Public Access to Application Information.** Act 14, which amended the Commonwealth's Administrative Code (effective April 17, 1984), requires every applicant for a new, amended, or renewed NPDES permit to give written notice to each municipality and county in which the facility is located. The written notices must be received by municipalities and counties at least 30 days before DEP action on a permit application. A sample Act 14 notification letter (3850-PM-BCW0402) is available on DEP's eLibrary website.

Please submit with your application:

1. A copy of your correspondence notifying your intentions to the municipality(ies) and the county(ies) in which the permitted activity will occur.

2. Evidence that the municipality(ies) and county(ies) have received your notification. Acceptable forms of this evidence include certified mail receipt or written acknowledgment of the notification from the municipality(ies) and county(ies).

Failure to provide a copy of your notification correspondence and evidence of municipal and county receipt of your notification with the application may result in denial of your application.

Note that any information submitted to DEP which goes beyond that required by this form may be claimed as confidential, but claims for information which are effluent data will be denied. If a claim of confidentiality is not asserted at the time of submitting the information, DEP may make the information public without further notice. Claims of confidentiality will be handled in accordance with EPA's business confidentiality regulations in 40 CFR Part 2.

**Other permits and/or approvals.** Where necessary, the applicant shall be responsible to apply for and obtain other permits and/or approvals. DEP's General Information Form (GIF) (1300-PM-BIT0001) must be attached to the application and must indicate other permits that are necessary for the project, as applicable.

### COMPLETING THE APPLICATION

If known, enter Client ID, Site ID, APS ID and Facility ID. These are identification numbers specific to the applicant, facility, and the most recent NPDES permit issued to the applicant. If unknown, leave these fields blank.

#### GENERAL INFORMATION

1. Enter the Applicant/Operator Name as it appears on the GIF in the Client section (Organization Name or Registered Fictitious Name).
2. Check the appropriate box to indicate whether the application is for a new permit or renewal of an existing permit. If a renewal, list the current NPDES permit number, the expiration date of the current NPDES in effect, the permit renewal application due date (i.e., 180 days before the expiration date unless DEP has granted permission to submit the application at a later date), the most recent Water Quality Management (WQM) permit number issued to the applicant for construction of or modification to sewage treatment facilities, and the date the WQM permit was issued.
3. Identify whether the facility is operated by operator(s) certified in compliance with the Water and Wastewater Systems Operators Certification Act. If Yes, indicate the number of certified operators available to the facility.
4. Check the appropriate box for the facility fee category. Contact DEP's Central Office at 717.787.6744 if you need assistance.
5. Check the box for "Yes" if the facility's self-monitoring data is being submitted to DEP using the electronic Discharge Monitoring Report (eDMR) system ([www.dep.pa.gov/edmr](http://www.dep.pa.gov/edmr)), otherwise check the box for "No." If the eDMR system is being used, specify the start date for use of the system.
6. Check the box for "Yes" if the facility is considered a Publicly Owned Treatment Works (POTW). A POTW is a treatment works as defined by section 212 of the Clean Water Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

#### TRIBUTARY INFORMATION

If the sewage treatment facility is a POTW or otherwise provides sewage treatment service to municipal customers, identify the name(s) of municipalities served, the percentage of flow derived from the municipalities (on a design basis), the percentage by length of each type of sewer system (combined or separate) and the population served. The total percentage of flow (Flow Contribution (%) column) should equal 100 percent. If the facility is not a POTW or does not provide service to municipal customers, this section may remain blank. The total of the "separate" and "combined"

entries should be 100 percent for each municipality. If there are no combined sewers in the collection system, the column for "combined" should remain blank.

### **TOPOGRAPHIC AND DISCHARGE INFORMATION**

1. Attach to the application a USGS topographic map that extends at least one mile beyond the property boundaries of the treatment plant identifying the treatment facility, discharge locations, sewer service area, wells where fluids from the treatment plant are injected underground, sewage sludge management facilities, and locations at which hazardous waste enters the treatment plant. If a topographic map is not available use a map that depicts that surface waters within the one mile boundary. Also attach a site plan or sketch of the treatment facility that shows the treatment facility area, storm sewers, and all process and stormwater discharge location(s).
2. Indicate whether there are bypasses or overflows of raw or partially treated sewage within the sewage collection system or treatment facility. If yes, provide the following information on a separate sheet:
  - a. Physical location of bypass or overflow (e.g., Market Street pump station) and latitude/longitude coordinates.
  - b. Under what condition(s) do bypasses or overflows occur?
  - c. How frequently has a bypass or overflow occurred in the last 5 years?
  - d. What are the plans to eliminate the bypass or overflow?
3. List all sewage effluent and other non-stormwater discharge points (process outfalls). If outfall numbers were previously assigned in a permit, use those numbers or, if a new discharge, number sequentially starting with "001." If more than one process outfall exists, identify the primary outfall using an asterisk. For each outfall list latitude and longitude coordinates, name of the receiving waters and the Chapter 93 classification (e.g., WWF, HQ-CWF, etc.). Chapter 93 classifications for Pennsylvania's waters are available at [www.pacode.com](http://www.pacode.com), select Title 25 and Chapter 93. Applicants should also check to see whether the existing use of the water body is different from the designated use in Chapter 93. To review existing uses, go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov), select Businesses – Water – Bureau of Clean Water – Water Quality Standards – Statewide Existing Use Classifications. If the water body is not listed, the existing use is the same as the designated use.

Also indicate the average annual design flow associated with the outfall. For process outfalls that discharge only as a result of storm events, the design flow should be "0."

**NOTE** – For new or expanded discharges to High Quality or Exceptional Value waters, the applicant must conduct an alternatives analysis that includes a consideration of non-discharge alternatives. In general, this should have been completed during the sewage planning approval process. If this has not been completed as part of sewage planning, DEP will require the completion of the alternatives analysis as part of the NPDES permit application.

4. List all outfalls that discharge stormwater only, including outfall number (use same number as in existing permit or, if a new discharge, number sequentially following the process outfalls), latitude and longitude coordinates, stream name and Chapter 93 classification.
5. Identify all stormwater-related Best Management Practices (BMPs) in use at the facility to minimize pollutants in stormwater runoff. Identify all areas of the site where storm sewers are routed to the treatment facility, as applicable. Use additional pages as necessary to explain BMPs in place for stormwater.
6. Indicate the Total Hardness (mg/L as CaCO<sub>3</sub>) upstream of the primary treatment outfall. This information should be obtained by collecting at least one upstream (background) sample for Total Hardness but may also be obtained using EPA's STORET database (<http://www.epa.gov/storet>) or by other methods. Long-term average values are preferred, if available. Indicate the basis for the Total Hardness reported. Total Hardness is an important parameter used by DEP to determine the need for effluent limitations for toxic pollutants.
7. Indicate the name of the nearest downstream public water supply intake (public water supplier name), and the distance downstream of the primary treatment outfall to the public water supply intake. If unknown, this section may remain blank.

- Describe any uses of sewage effluent that are alternatives to stream discharges. These may include off-site uses for irrigation or other reuse or land application of effluent. Indicate the season(s) for the alternative uses and the flow rate of the diversion (MGD). If none, this field may remain blank.

### TREATMENT PLANT DESIGN CAPACITIES AND FLOWS

- For new facilities, enter the annual average design flow (MGD), hydraulic design capacity (MGD) and organic design capacity (lbs/day). If the facilities are being expanded, enter the proposed design information in this section, but also enter the required information for existing facilities.
- For existing facilities, enter the annual average design flow (MGD), hydraulic design capacity (MGD), organic design capacity (lbs/day), the annual average flow for the previous three calendar years (MGD), the highest monthly average flow for the previous year (MGD), highest peak instantaneous flow recorded for the previous year (MGD), and the month in which the highest average flow occurred.

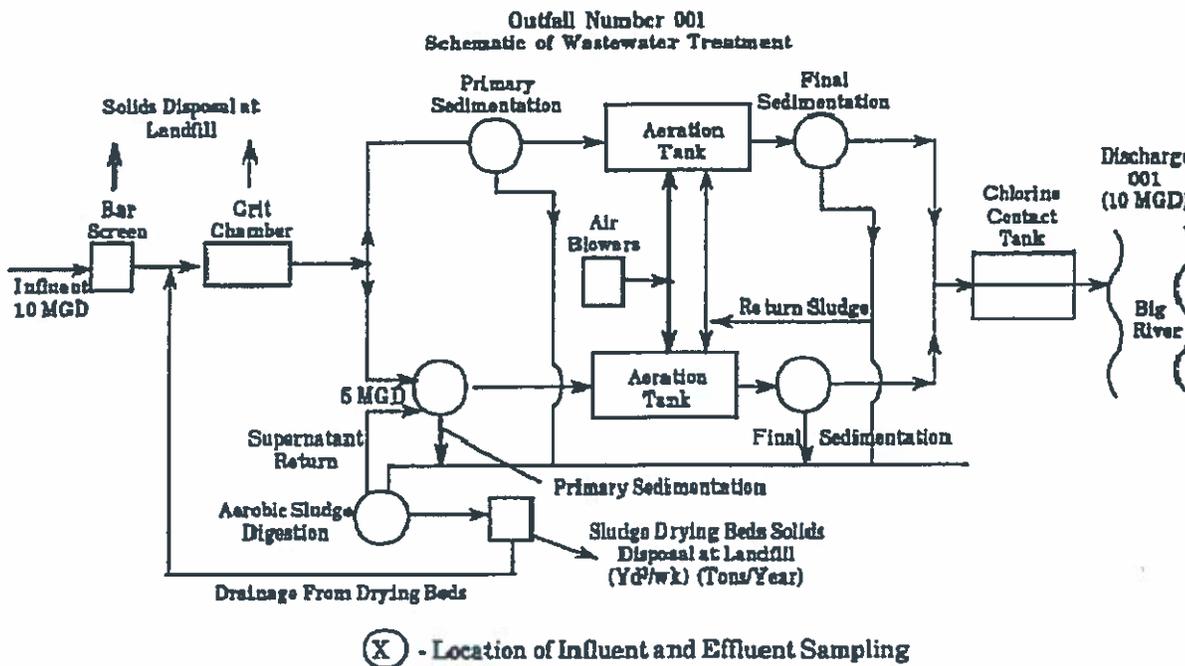
### TREATMENT PLANT PROCESS INFORMATION

- Attach a process flow diagram identifying all facilities associated with the treatment plant, including but not limited to treatment units, disinfection facilities, piping, discharge points, overflows and bypass locations, sampling locations, and sewage sludge or biosolids processing facilities. NOTE – applicants are encouraged to indicate the design capacities (gallons or million gallons) of treatment units on the flow diagram.

On the application form, provide a narrative description of the treatment facilities and processes. For example, "Influent flow enters one primary clarifier followed by two extended aeration treatment units and two final clarifiers. Solids are wasted to one aerobic digester. Effluent is discharged from final clarifiers to a chlorine contact tank and then the outfall."

An example process flow diagram is as follows:

Example:



- Indicate whether the effluent discharge to the primary process outfall is continuous or non-continuous (batch, e.g., sequencing batch reactors).
- If the discharge is non-continuous, report the number of decant cycles per day, the length of decant cycles in minutes, and the decant rate in gallons per minute (GPM), based on current operations. Indicate whether influent

enters the treatment units during decant cycles, and whether there are facilities downstream from treatment units to equalize decant flows. If the discharge is continuous, this section may remain blank.

4. Indicate the type of disinfection used (e.g., gaseous chlorine, ultraviolet, etc.). If chlorine is not used for primary disinfection at the facility, indicate whether chlorine disinfection equipment is available on-site for backup purposes.
5. Identify the wastewater treatment chemicals introduced to the wastewater as part of current operations. Identify the chemical names, the purpose of the chemical, the maximum usage rate, and the units associated with the maximum usage rate (e.g., lbs/day).
6. If facility upgrades are anticipated in the next five years, describe the anticipated upgrades.
7. Indicate whether the facility has a Standard Operating Procedure (SOP) or plan for managing peak flows that may occur during or following storm events. Provide a narrative summary of procedures in place to maximize flow through the facility. Applicants are encouraged to submit the SOP or plan with the application. If a peak flow or "High Flow Management Plan" must be updated and submitted to DEP in a permit renewal application, attach the updated plan to the application.
8. Describe processes that are or will be used for the treatment of waste solids (e.g., anaerobic digestion followed by lime stabilization). If biosolids are produced, identify the class of biosolids produced and the pathogen reduction and vector attraction reduction methods used.
9. Describe current and proposed methods for biological or chemical reduction of Total Nitrogen and Total Phosphorus in the effluent.
10. For new and expanding facilities, specify the design BOD5, TSS, Nitrogen, and Phosphorus removal percentages for the treatment facility.

#### **SEWAGE SLUDGE / BIOSOLIDS MANAGEMENT**

1. Record the total sewage sludge / biosolids production within the facility for the previous year, in dry tons. Do not include sewage sludge or biosolids received from off-site sources.
2. Indicate whether the facility received off-site sources of sewage sludge or biosolids during the previous year. If Yes, identify the sources, the total gallons received from each source, the percent solids of the sludge received, and the dry tons received. Calculate dry tons for liquid sewage sludge or biosolids by multiplying the volume (gallons) by the percent solids and by a conversion factor of 0.0000417. For example, if 2,500 gallons of liquid biosolids is received, and the percent solids is 3.0%, dry tons is calculated as: 2,500 gallons x 3.0% x 0.0000417 = 0.31 dry tons.
3. Indicate whether the sewage sludge or biosolids produced by the facility is currently being (or expecting to be) managed under beneficial use permit(s) issued by DEP. If Yes, identify the permit number(s) and attach the results of the most recent chemical analysis report submitted to EPA. Also, identify the date(s) the permit(s) were issued, and the date(s) the permit(s) expire.
4. Identify the names and locations (counties) of all sites (e.g., farms) used for land application in the previous year, including site reclamation, if applicable. If no sewage sludge or biosolids were land applied, this section may remain blank.
5. Indicate whether the applicant is currently in compliance with the federal 40 CFR Part 503 regulations and has submitted the necessary forms and reports required by EPA. If No, provide an explanation.
6. Identify all other sewage sludge / biosolids disposal practices used in the previous year or are proposed that have not identified above (e.g., landfill, other processing facility, etc.). Provide the name and permit number of all facilities receiving sewage sludge / biosolids from the facility.
7. Provide a summary of sewage sludge or biosolids production and disposal over the previous year:
  - Total sewage sludge / biosolids produced and received (total of items 1 and 2), in dry tons.

- Total biosolids land applied under DEP-issued PAG-07 or PAG-08 General Permits, in dry tons.
- Biosolids land applied under DEP-issued individual site permits for biosolids, in dry tons.
- The number of sites on which biosolids were land applied.
- Total biosolids land applied for site reclamation activities, in dry tons.
- The number of reclaimed sites on which biosolids were land applied (e.g., mining sites).
- Total sewage sludge disposed of at landfills, in dry tons.

Where a field is not applicable to the facility, it may remain blank.

### **HAULED-IN WASTES**

Hauled-in wastes are any wastes that are introduced into a treatment facility through any method other than a direct connection to the sewage collection system. The term includes wastes transported to and disposed of within the treatment facility or other entry points within the collection system.

1. Indicate whether the facility has received hauled-in wastes within the previous three years.
2. If the facility has received hauled-in wastes within the previous three years, indicate whether the wastes were municipal wastes (e.g., septage) or residual wastes (e.g., food processing wastes, landfill leachate, natural gas wastewaters, etc.).
3. Indicate whether the facility expects to receive hauled-in wastes in the next five years.
4. If Yes for questions 1 or 3, in the table provided report: (1) the type of wastes that have been and/or will be received, (2) the location at the treatment facility where the wastes are accepted or introduced into the treatment process, and (3) the average annual volume that have been and/or will be received, in gallons.

### **MUNICIPAL WASTELOAD MANAGEMENT**

1. Indicate whether the treatment facilities or sewage collection system (in any part of the collection system, even if operated by a separate entity) are currently or are projected to be under a hydraulic overload condition as defined in 25 Pa. Code § 94.1.
2. Indicate whether the treatment facilities are currently or are projected to be under an organic overload condition as defined in 25 Pa. Code § 94.1.
3. If Yes to either question, provide a brief description of the actions being taken under a corrective action plan (CAP) to address the condition(s).

### **SEWERAGE FACILITIES (ACT 537) PLANNING**

1. Indicate whether the sewage discharges covered by the application are consistent with the DEP-approved official (Act 537) Sewerage Facilities Plan(s) for the affected municipalities.
2. Attach a copy of the Act 537 Planning Approval letter from DEP if the treatment facilities covered by the application are considered new or are expanding.
3. If No to question 1, provide an explanation and the status of Act 537 planning approval.

### **LABORATORY INFORMATION**

List off-site laboratories used for analytical results reported in the application and the analyses performed.

## **COMPLIANCE HISTORY REVIEW**

Check appropriate box to indicate whether the facility owner or operator is in violation of any DEP regulation, permit, order or schedule of compliance at this or any other facility at the time the application is submitted to DEP. If the answer is "No," no further information is needed in this section. If the answer is "Yes," list each permit, order, or compliance schedule and provide compliance status of the permitted facility or activity. If needed, use additional sheets to provide all information.

## **COMBINED SEWER OVERFLOWS**

If there are no combined sewer overflows (CSOs) in the sewage collection system, this section may be omitted.

1. List all CSO discharges associated with the facility (collection system and treatment facility). Include the outfall number (use same number as in existing permit), latitude and longitude coordinates, location (e.g., street name), name of the receiving waters and Chapter 93 classification (e.g., Warm Water Fishery, High Quality Cold Water Fishery, etc.).

Attach a CSO system map that identifies all CSO outfalls, locations of major sewer trunk lines, locations where separate sanitary sewers feed into the CSO, in-line and off-line storage facilities, locations of flow regulating devices and locations of pump stations.

2. Report the number of storm events in the previous year in which CSOs were monitored.
3. Report the number of CSO discharge events in the previous year.
4. Report the average discharge duration per event, in hours.
5. Report the average volume discharged per CSO event, in gallons.
6. Report the minimum amount of rainfall that caused a CSO event, in inches.
7. Indicate whether documentation on implementing the CSO nine minimum controls (NMCs) and the long-term control plan (LTCP) have been submitted previously to DEP. If not, attach the NMC documentation and/or the LTCP and check the appropriate box. If the NMC documentation and/or LTCP have not been submitted previously or with the application, specify the anticipated date(s) for their submission to DEP.

## **INDUSTRIAL USER INFORMATION**

Complete the Industrial User Information section for all industrial users (IUs) connected to the sewer system. An industrial user means a source of indirect discharge. The term indirect discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act. The term includes traditional industrial sources and commercial operations such as laboratories, car washes, printing shops, etc.

Two IUs should be recorded per page. Attach additional pages as necessary to record information on all IUs connected to the sewage collection system.

**NOTE** – Facilities with EPA-approved pretreatment programs may, in lieu of recording information on all IUs, submit a copy of an annual report or other documentation that has been submitted to EPA or DEP within the past year if it contains the information requested by the Industrial User Information section and is up to date.

Check the box if there are no industrial users connected to the sewage collection system.

Check the box if the applicant is implementing an approved pretreatment program that is administered by EPA. If so, specify the date of EPA's most recent approval of local limits.

1. Provide the official name of the IU, the address of the facility, and the municipality and county where the facility is located.

2. Indicate whether the IU is a "Categorical Industry." If the industry's operations fall into one or more of the categories in Table 1, below, it is a Categorical Industry. Also identify the Applicable Pretreatment Standard in 40 CFR.
3. Describe the nature of the business (e.g., manufacturer of canned food) and the type(s) of wastewaters discharged to the applicant's treatment facility (e.g., contact cooling water, sanitary wastewater, etc.).
4. Indicate whether the IU is considered a Significant Industrial User. A significant industrial user (SIU) is any user of the sewer system who meets one or more of the following criteria:
  - Discharges 25,000 gallons per day or more of process wastewater. Process wastewater is any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater does not normally include sanitary wastewater, non-contact cooling water or plant-area stormwater runoff, unless such wastewaters are covered by a federal regulation.
  - Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant.
  - Is subject to a national categorical pretreatment standard as published by EPA (see Table 1).
  - Has a reasonable potential to adversely affect the treatment plant through interference, pass through of pollutants, sludge contamination or endangerment of treatment plant personnel.
5. Indicate whether the IU has been issued a permit by the POTW or permittee for indirect discharges to the POTW.
6. List, in descending order of significance, the subpart letter(s) and title(s) from the 40 CFR Part (see Table 1) which best describes the IU in terms of the principal products or services provided if the IU is a Categorical Industry.
7. Provide average daily wastewater flow contributed by the IU to the sewer system (in gallons per day) for the various wastewater types. If a particular wastewater type is not discharged to the sewer report this as zero ("0").
8. Indicate whether the IU been the known or suspected source of any problems at the POTW (e.g., upsets, pass through, interference) in the past four and one-half years. If Yes, provide an explanation.
9. List any other pollutant(s) that are, based on the applicant's knowledge of the indirect discharge including but not limited to sample results, received by the POTW from the IU, which have water quality standards (WQS) (i.e., aquatic life and/or human health criteria) as found in 25 Pa. Code § 93.8c and are not already included in Pollutant Groups 1 through 6. The Pollutant Group tables are found on pages 9 through 19 of the application. All pollutants identified in this section must be reported in Pollutant Group 7 under "Additional Parameters" and analyzed for the application.

**Table 1: Industrial Categories Regulated by Federal Pretreatment Standards**

40 CFR Part	Category	40 CFR Part	Category
405	Dairy Products Processing	436	Mineral Mining and Processing
406	Grains Mills Manufacturing	437	Centralized Waste Treatment
407	Fruits and Vegetables Processing Manufacturing	438	Metal Products and Machinery
408	Seafood Processing	439	Pharmaceuticals
409	Sugar Processing	440*	Ore Mining and Dressing
410*	Textile Mills	442	Transportation Equipment Cleaning
411	Cement Manufacturing	443	Paving & Roofing (Tars & Asphalt)
412	Feedlots	444	Waste Combustors
413	Electroplating	445	Landfills
414*	Organic Chemicals, Plastics & Synthetic Fibers	446*	Paint Formulating

415	Inorganic Chemicals Manufacturing	447*	Ink Formulating
417	Soaps & Detergents Manufacturing	449	Airport Deicing
418	Fertilizer Manufacturing	450	Construction and Development
419*	Petroleum Refining	451	Concentrated Aquatic Animal Production
420	Iron and Steel Manufacturing	454*	Gum and Wood Chemicals Manufacturing
421*	Nonferrous Metals Manufacturing	455*	Pesticide Chemicals
422	Phosphate Manufacturing	457	Explosives Manufacturing
423	Steam Electric	458	Carbon Black Manufacturing
424	Ferroalloy Manufacturing	459*	Photographic
425*	Leather Tanning and Finishing	460	Hospital
426	Glass Manufacturing	461	Battery Manufacturing
427	Asbestos Manufacturing	463*	Plastics Molding & Forming
428	Rubber Processing	464	Metal Molding and Casting
429*	Timber Products Manufacturing	465	Coil Coating (I & II)
430*	Pulp, Paper and Paperboard	466	Porcelain Enameling
432	Meat Processing	467	Aluminum Forming
433	Metal Finishing	468	Copper Forming
434*	Coal Mining	469*	Electrical & Electronic Components
435	Oil and Gas Extraction	471	Nonferrous Metals Forming

- \* Pollutant Group 6 categories for POTWs with SIU(s) (see below).

## **POLLUTANT IDENTIFICATION AND ANALYSIS**

### 1. Summary of Required Analyses.

Identify all process outfalls and check the boxes corresponding to the Pollutant Groups that must be analyzed for the outfalls. The Pollutant Group tables are located in pages 9 through 19 of the application. The following rules apply to the selection of Pollutant Groups:

- All primary process outfalls must be sampled and analyzed for Pollutant Groups 1 through 5, at a minimum. If there is more than one process outfall that discharges effluent to receiving waters, and the effluent is expected to have similar characteristics to that of the primary outfall, such outfalls should be listed in the table but sampling and analysis for the Pollutant Groups is not required, and the boxes do not need to be checked.
- Pollutant Group 6 must be analyzed if both of the following criteria are met:
  - The facility has one or more SIUs; and
  - The SIU(s) are Categorical Industrial Users in one of the categories identified in Table 1 with an asterisk (\*).
- Pollutant Group 7 must be analyzed if, during the three years prior to submission of the application, the facility has received natural gas wastewaters, either hauled-in or through indirect discharges.

If the facility discharges directly to waters that are covered by an EPA-approved Total Maximum Daily Load (TMDL), identify any pollutants that are subject to wasteload allocations (WLAs) in the TMDL in the "TMDL Pollutants" column if such pollutants are not contained in Pollutant Groups 1 through 6 or would otherwise not be sampled as part of the application. TMDL information is available on DEP's TMDL website at <http://www.ahs.dep.pa.gov/TMDL>. All such pollutants should be analyzed and reported under the "Additional Parameters" section of Pollutant Group 7.

### 2. Other Potentially Toxic Pollutants Known or Expected to be Present in the Discharge.

a. GC/MS "Five Peaks" Pollutants.

Report all organic compounds that were identified by the method(s) used to analyze Pollutant Groups 3 through 6, but are not included in the Pollutant Group tables in the application. For each method used for organics analyses (for example EPA Method 624 or 625), and for each effluent analysis conducted, identify and quantify, to the extent possible, the five highest peaks for pollutants not included in the Pollutant Group table(s). The additional pollutants should be reported as follows:

- (1) For all identified pollutants, report the Pollutant Group number (3, 4, 5 or 6), the chemical substance or compound name, and the Quantitation Limit (QL) for the pollutant, if available; and
- (2) For pollutants detected at or above the QL in more than one sample, report the maximum and the average concentration, the number of samples in which the pollutant was detected and the number of samples analyzed; or for pollutants detected in only one sample, report the value in the maximum column, leave the average column blank, and report the number of detections as 1.

b. Other Potential Pollutants. If the applicant is aware of the presence of other pollutants in the effluent not reported elsewhere in the application or in Pollutant Group 7 ("Additional Parameters"), identify the name(s) of the chemical substance or compound, the reason or suspected reason for its presence in the effluent, the average effluent concentration of the pollutant based on effluent sampling data (if available), and whether the pollutant is known or suspected to be present.

If additional peaks were not available for one or more Pollutant Groups with the method used, check the box and explain why the method was selected:

3. Optional Site-Specific Data.

Attachment A provides a list of the optional site-specific data that can be submitted with the application to help ensure that the permit effluent limitations developed for the permit will provide an appropriate level of stream protection. Also included is a brief discussion of what the parameter is, how it is used, why it is important, and the default value that will be used if sufficient data are not available. For a more complete discussion, please refer to EPA's Technical Support Document for Water Quality-Based Toxics Control, March 1991, available on EPA's website. Collection of any of the information discussed in Attachment A must be done in accordance with protocols obtained from or approved by DEP.

**WHOLE EFFLUENT TOXICITY**

1. If Whole Effluent Toxicity (WET) testing is required by the existing permit, summarize the results of all Whole Effluent Toxicity (WET) tests completed in the last five years in the table provided or leave the table blank and attach a separate sheet with these results. In addition, attach to the application the four most recent WET test reports if the reports have not been previously submitted to DEP. If WET testing is not required by the existing permit, this section may remain blank.

DEP's WET program is summarized on DEP's website at [www.dep.pa.gov/wett](http://www.dep.pa.gov/wett). DEP will be issuing new and renewed permits with WET requirements that differ from requirements in the past. A major component of the approach will be a new method to evaluate whether effluents are or are not "toxic." This method is provided in DEP's WET Analysis Spreadsheet, which is available for use by permittees and WET laboratories on DEP's website. In lieu of using the traditional endpoint statistics such as No Observable Effect Concentration (NOEC) and Lethal Concentration - 50% (LC<sub>50</sub>), the critical dilution (Target Instream Waste Concentration or TIWC) will be compared statistically to the control condition to determine whether the test "passes" (is not toxic) or "fails" (is toxic).

**NOTE** - Although only two test conditions are used by the WET Analysis Spreadsheet to determine toxicity (i.e., control and TIWC dilution), unless authorization is provided by DEP to conduct WET testing with two conditions, six test conditions must be used per EPA's WET Methods (i.e., control and 5 dilutions).

Use of DEP's WET Analysis Spreadsheet to determine test outcomes and for reporting test results to DEP is not required unless specified in the NPDES permit. Where required by the permit, the permittee will submit a complete WET Analysis Spreadsheet printout (or electronic file) with the permit renewal application containing the TIWC vs. control comparison for 16 (chronic tests) or 8 (acute tests) endpoints, for the four most recent WET tests. Submission of the completed WET Analysis Spreadsheet with the application, if not required by the permit, is optional.

Identify the outfall number tested for WET. Check the box(es) corresponding to the type of tests completed (Acute and/or Chronic). Follow these instructions for completing the WET results table in the application:

- Enter the date the WET test was initiated.
- For Ceriodaphnia species, report the Survival NOEC (% effluent), Reproduction NOEC (% effluent) and LC<sub>50</sub> (% effluent), as appropriate for the type of test completed. In addition, indicate whether the test is considered a "Pass" or "Fail." If the permittee has used the WET Analysis Spreadsheet to determine this result, report the Pass or Fail result as indicated by the Spreadsheet (and attach the Spreadsheet to the application). If the permittee has not used the WET Analysis Spreadsheet, then the Pass/Fail result is derived from a comparison between the NOEC or LC<sub>50</sub> and the TIWC that is specific to the discharge. If the TIWC is unknown, contact the regional office that issued the permit for assistance.
- For Pimephales species, report the Survival NOEC (% effluent), Growth NOEC (% effluent) and LC<sub>50</sub> (% effluent), as appropriate for the type of test completed. In addition, indicate whether the test is considered a "Pass" or "Fail" as described above.

**NOTE** – The species and endpoints identified in the table are the most common in use. If other species and endpoints are used, leave the table blank and submit a separate sheet with results for the applicable species and endpoints.

2. If the permittee is currently developing or has, during the permit term, completed a Phase I or II Toxicity Reduction Evaluation, provide a brief description on the status of the efforts and the results (attach additional sheets as necessary).

### **INFLUENT AND EFFLUENT TESTING**

All applicants must complete, at a minimum, one analysis of influent wastewater and three analyses of effluent for the Pollutant Groups identified in the Pollution Identification and Analysis, Summary of Required Analyses section of the application. At a minimum, POTWs must analyze for all pollutants identified in Pollutant Groups 1 through 5, and non-POTWs must analyze for all pollutants identified in Pollutant Groups 1 and 2, in both influent and effluent.

All samples collected for the application must be 24-hour composite samples, with the exception of pH, Temperature, Cyanide, Total Phenols, Total Residual Chlorine, Dissolved Oxygen, Oil and Grease, Fecal Coliform, and Volatile Organics (Pollutant Group 3) which should be collected as grab samples (or Flow, which is measured).

All samples and reported results must be representative of the existing discharge. For example, if a new process is placed online that alters effluent chemistry after the collection of effluent samples for the permit application, the applicant should collect and analyze additional samples as necessary to ensure the data reported to DEP are representative of current operations.

**NOTE** – If the required testing is not complete, DEP will not consider your application to be complete, and may deny the application and retain the permit application fee. You should therefore begin testing as soon as possible to obtain results for the application well before the permit application due date, 180 days prior to the permit expiration date (unless permission has been granted by DEP to submit the application at a later date).

### **Completing the Analysis Results Tables**

The Analysis Results Tables ("Pollutant Group Tables") are identified on pages 9 through 19 of the application. The following guidelines apply to completing the Pollutant Group Tables:

- For pollutants that are analyzed by the permittee under the existing permit at a frequency of 1/month or more frequent, summarize the results of all samples collected for the one year period preceding the date the permit application is prepared.
- For pollutants that are analyzed by the permittee under the existing permit at a frequency of less than 1/month, and for pollutants that are not identified in Part A limits tables in the permit, summarize the results of all samples collected for the two year period preceding the date the permit application is prepared.
- Enter the name of the applicant at the top of each Pollutant Group Table.
- Check the appropriate box to indicate whether the Pollutant Group Table summarizes results for effluent (enter the Outfall Number), treatment facility influent, or background sampling (optional). If background sampling is selected, indicate the location where samples were collected. If the values in the table apply to a new discharge (projected data), check the box for effluent or influent AND the box for New Discharge, and indicate the basis for the projected data (e.g., data from pilot facilities, comparable information for an existing facility, etc.).

**NOTE** – New dischargers must report projected influent and effluent data for Pollutant Groups 1 – 5.

- Report results in terms of the concentration units listed with the name of the pollutant. For example, Temperature is listed with units of degrees Fahrenheit (°F). If the results were obtained in degrees Celsius, the applicant is responsible for converting the results to °F. It is critical that the applicant ensure that results are reported with the correct units associated with the pollutant as listed in the Pollutant Group Tables.
- Mass loading data, in lbs/day, must be calculated using the concentration result in units of milligrams per liter (mg/L) multiplied by the average flow on the day of sampling and multiplied by a conversion factor of 8.34. Use influent flow data for influent mass loading results, if available, and effluent flow data for effluent mass loading results. If the concentration must be reported in micrograms per liter (µg/L), the applicant should convert the concentration to mg/L for the calculation of mass loading.
- DEP's "Discharge Monitoring Reports Overview and Summary" guidance (3800-BK-DEP3047), available on DEP's website, contains DEP's expectations on data reporting. While the guidance is specific to Discharge Monitoring Reports (DMRs), many of the principles concerning calculations are the same for permit applications. The applicant is encouraged to review this guidance when preparing the Pollutant Group Tables.
- Follow DEP's guidance (3800-BK-DEP3047 and 3800-FS-DEP4262) when calculating statistical values containing data sets with "non-detect" results. Use the Quantitation Limit (QL) value for "non-detect" results, and if at least one "non-detect" result exists in a data set, average statistical values should contain the less than (<) symbol.
- The following column headings apply to the Pollutant Group 1 Table and provides guidance on reporting appropriate data:
  - **Min/Max Daily Value** – Report the maximum concentration and mass loading value obtained for the listed pollutant in the past year (if analyses have been completed 1/month or more frequent) or past two years (if analyses have been completed less frequently than 1/month), unless the name of the pollutant specifically has the word "Minimum" (i.e., Dissolved Oxygen and pH). Where "XXX" is listed in the table, data are not required.
  - **Max Avg Monthly Value** – Report the highest average monthly concentration and mass loading value obtained for the listed pollutant in the past year (if analyses have been completed 1/month or more frequent) or past two years (if analyses have been completed less frequently than 1/month).

- **Long-Term Avg Value** – Report the average of all results obtained over the past year (if analyses have been completed 1/month or more frequent) or past two years (if analyses have been completed less frequently than 1/month). It is possible that the Long-Term Avg Value reported is the same as the Max Avg Monthly Value reported if, for example, three effluent samples were collected for the application in the same month and no other analyses were conducted for the pollutant in the past two years.

**NOTE** – Report Flow, in MGD, in the columns for mass, although the units usually associated with mass is lbs/day.

**NOTE** – Concentration results for Total Nitrogen should be the sum of the concentration results for Total Kjeldahl Nitrogen (TKN) and the Nitrite + Nitrate-Nitrogen (NO<sub>2</sub>+NO<sub>3</sub>-N).

- **No. Analyses** – For each pollutant, report the total number of analyses conducted that were used to derive the reported statistical values.
- **No. “Non-Detect” Results** – For each pollutant, report the total number of analyses conducted in which the laboratory reported a “non-detect” result, i.e., a result qualified by the less than (<) symbol, in which the laboratory could not quantify a concentration at or above the QL for the method used.
- **QL Used** – For each pollutant, report the QL used by the laboratory in the same units of measurement as indicated with the parameter. QL is also sometimes referred to as the “reporting limit.” See 25 Pa. Code § 252.1 for the definition of Quantitation Limit. If multiple QLs were used, report the average QL.

**NOTE** – It is important that applicants and their laboratories use the best available technology to achieve the lowest possible QL for effluent analysis, particularly for parameters that are not usually tested for Discharge Monitoring Reports (i.e., Pollutant Groups 2 – 7). DEP recommends that applicants and their laboratories achieve the “Target QLs” contained in **Attachment B** of these instructions, where available. Failure to achieve the Target QLs may result in DEP requesting additional sampling for the application or otherwise assuming that the pollutant is present in the effluent at levels greater than the Target QLs. The Target QLs in Attachment B are intended to meet the requirements of EPA’s “Sufficiently Sensitive Methods” rule (79 FR 49001). Where a laboratory’s QL is greater than the Target QL in Attachment B, but the Method Detection Limit (MDL) is at or below the Target QL, DEP will accept estimated values (“J” values) at the Target QL (e.g., “< 0.5 µg/L J”).

- **Method Used** – For each parameter, report the method used for the analyses as listed in 40 CFR Part 136 or other approved methods.
- The column headings for Pollutant Group 2 – 7 Tables are similar to those of the Pollutant Group 1 Table, but do not request long-term average concentration and mass loading data because it is expected that most pollutants have not been monitored routinely as part of the permit. Complete these tables as instructed above. Coefficient of Variability (CV) is an additional column found in Pollutant Group 2 – 7 Tables (see also Attachment A). CV is the standard deviation of a data set divided by the mean of the same data set. CV is a parameter used by DEP to evaluate effluent variability and calculate effluent limitations. The reporting of CV is optional but it may be advantageous to the permittee to report these values. In the absence of reported values DEP will use default values as identified in DEP guidance.
- All additional pollutants reported in No. 9 of the Industrial User Information section and TMDL Pollutants identified in the Pollution Identification and Analysis section should have their analytical data reported in the Pollutant Group 7 Table.
- Additional guidance on sampling and analytical methods is presented in **Attachment C**.

#### **CERTIFICATION AND SIGNATURE OF APPLICANT**

The applicant must certify that the information contained in the application is true, accurate and complete.

The application **must** be signed as follows (no exceptions or delegations may be authorized):

*For individually owned operations* – The owner of the facility must sign the application.

1  
*For a Corporation* – A responsible corporate officer must sign the application. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the application form originates.

*For a Partnership or Sole Proprietorship* – A general partner or the proprietor, respectively, must sign the application.

*For a Municipality, State, Federal or Other Public Agency* – Either a principal executive officer or ranking elected official must sign the application. For purposes of this the application, a principal executive officer of a federal agency includes:

- The chief executive officer of the agency, or
- A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

**NOTES:**

- (1) DEP does not require specific assignments or delegation of authority to responsible corporate officers identified. DEP will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified DEP to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.
- (2) The Clean Water Act provides for severe penalties for submitting false information on the application form.

**CHECKLIST**

To assist the applicant in ensuring the application is complete, a checklist has been developed (3800-PM-BCW0009c). **This checklist should be completed and submitted with the complete application.**

## ATTACHMENT A

### OPTIONAL SITE-SPECIFIC DATA

The following is a discussion of the optional data that may be submitted with the application to improve confidence in the effluent limitations and monitoring requirements for the permit.

#### COEFFICIENT OF VARIABILITY

The coefficient of variability (CV) is a standard statistical measure of the relative variation of a distribution or set of data, and is defined as the ratio of the standard deviation to the mean. The larger the variation in a set of data, the higher the CV. The magnitude of the CV for effluent data may influence permit effluent limitations in that a higher CV may result in more stringent average monthly effluent limitations. The net effect this relationship has on the average monthly permit limitation is dependent on the number of samples taken and the probability basis selected to test for compliance. Ideally, CV values are calculated with at least 10 analytical results. In the absence of 10 analytical results used to calculate statistics in the Pollutant Group Tables by the applicant, DEP generally assumes a value of 0.5.

#### SITE-SPECIFIC MIXING INFORMATION

It may be advantageous for the applicant to submit mixing information that is specific to the discharge and receiving waters. If no mixing information is supplied, DEP will calculate the available dilution stream flow by applying the EPA/DEP ambient mixing model simulating the worst-case scenario of a shoreline discharge without high rate diffusers. As the name implies this model does not consider discharge induced mixing, and therefore provides an estimate of the complete mix time based on ambient mixing only. Maximum criteria compliance times are used by DEP to determine the amount of mixing that takes place with the stream. If the model shows that complete mix takes place within the maximum criteria compliance time, the entire stream flow can be considered available for dilution. If it shows that complete mixing takes longer than the maximum criteria compliance time, only that portion of the stream that mixes with the discharge within that time can be used to provide dilution. If the discharge was modeled using less than the entire stream design flow (a partial mix factor less than 1), and there is reason to believe or data to show that is not the case, it may be to advantageous to submit actual mixing information. Site-specific information may include stream width, depth, slope, velocity or actual mixing study results. The information should be collected when the stream is at or as close as possible to its Q<sub>7-10</sub> flow. Submission of site-specific mixing information may also increase the confidence the permit writer has in the resulting effluent limitations and therefore reduce the factor of safety applied. Mixing information may be submitted by attaching additional sheets to the application.

#### BACKGROUND WATER QUALITY

DEP regulations specify that where ambient water quality conditions exceed a water quality criterion, the ambient water quality should be used as the criterion. It needs to be noted here that background and ambient are not necessarily the same. Ambient water quality refers to the quality of water that exists naturally, involving no man-induced effects. Background water quality is the quality that results from the combination of ambient conditions plus pollution from man-induced sources. Background pollutant concentrations are important because they help determine the amount of assimilative capacity that is remaining in the stream for allocation to NPDES dischargers. Background hardness (required on page 2 of the application) and pH data is important because the toxicity of some pollutants, such as metals and ammonia, is affected by pH and hardness.

If applicant provides or DEP has site-specific stream chemistry data, that data will generally be used to calculate water quality-based effluent limitations. In the absence of stream-specific data, DEP will estimate background concentrations using data from its water quality network, nearby streams where data is available, or other applicable data sources. In the absence of dependable data, DEP may assume that the background concentrations of many pollutants are zero. In general, Total Hardness will be assumed to be 100 mg/L and pH to be 7.0 S.U. In the case where the permittee has data to show that the background water quality as defined by DEP used in the model is an inaccurate estimate of actual field conditions at the design stream flow, it may be advantageous for the discharger to submit additional ambient and/or background water quality stream data. Background water quality results may be submitted on an Analysis Results Table (check appropriate box at the top of the table) for any of the Pollutant Groups.

## **FATE COEFFICIENT**

The fate coefficient determines how rapidly a pollutant is assimilated, dissipated or otherwise leaves the water column. When water quality modeling involves a multiple discharge analysis, DEP applies a first order aggregate fate coefficient to determine whether or not the water quality at a downstream discharge is being affected by an upstream discharge. The fate coefficient used in a multiple discharge analysis may have a direct influence on how stringent the resulting effluent limitations are. DEP assumes the coefficient remains constant throughout the segment, and includes the aggregate effects of all in-stream processes. Estimating the aggregate pollutant fate coefficient used by DEP involves the collection of field data at or near design stream flow conditions and then solving a first order decay mass balance equation for the coefficient. The data requirements consist of in-stream flow and pollutant concentration data at the beginning and end of the segment for which the aggregate fate is to be estimated, flow and concentration data for each pollutant source and/or sink within the segment, and travel time estimates from the beginning of the segment to the end, and from each source/sink to the end of the segment. These data are developed by following a plug of wastewater flow through the stream segments for the area of interest. In a multiple discharge situation, if there is reason to believe or data to show that the fate coefficient used to develop the permit effluent limitation is inaccurate, data may be collected to verify or refute the fate coefficient calculated by DEP. Information on the pollutant fate may be submitted by attaching additional sheets to the application.

## **STREAM VELOCITY**

When no stream velocity data are submitted, DEP calculates a velocity using an equation based upon the slope, drainage area at the point of discharge, design stream flow, and discharge flow. The stream velocity is one of the parameters used in the mixing model to predict the in-stream mixing characteristics. If the model doesn't accurately predict the actual in-stream velocity, the results may show that a discharge doesn't completely mix with the stream within the maximum criteria compliance time. This result will mean that only a portion of the stream design flow can be considered available for dilution of the discharge, which may result in more stringent effluent limitations. In multiple discharge situations, the stream velocity also has a direct impact on whether and to what degree the water quality at a downstream discharge is affected by an upstream discharge (see Fate Coefficient discussion above). Depending on the specific pollutant of concern, if the travel time between the two discharges is not sufficient for complete pollutant decay, a more stringent effluent limitation may be the result. In at least these situations, it may be advantageous to submit site-specific stream velocity measurements or calculations. If taken, they should be measured at or near the design stream flow conditions (i.e.,  $Q_{7-10}$ ,  $Q_c$  flow).

## **DISCHARGE POINT LOCATION**

The stream elevation and River Mile Index (RMI) are used to calculate the slope of the streambed which is used to calculate in-stream velocity. The RMI is the distance from the confluence of the receiving stream to the discharge point. Discharge point location and streambed elevation information may be submitted on attached sheets.

## **SITE-SPECIFIC CRITERIA DEMONSTRATION**

DEP's regulations (Chapters 93 and Statement of Policy at Chapter 16) allow permit applicants, if they so choose, to verify the existing or develop an alternative site-specific water quality criteria. The site-specific criteria demonstrations may result in more or less stringent criteria. Applicants may also conduct site-specific water effects ratio (WER) studies to refine water quality criteria based upon discharge location and receiving waters. If done, applicants must follow DEP and/or EPA protocols in developing site-specific criteria or water effects ratio studies. Site-specific criteria studies may be submitted by attaching additional sheets to the application.

## **CHEMICAL TRANSLATORS FOR METALS**

Metals criteria are established to control the toxic portion of a substance in the water column. Depending upon available data, aquatic life criteria for metals are expressed as either dissolved or total recoverable. As information develops, the chemical identifiers for the toxic portion may be added, changed or refined. The criteria form one of the bases for water quality-based effluent limitations, which are expressed as total recoverable metals.

Chemical translators are used to convert dissolved criteria into effluent limitations which are required by federal regulations to be expressed as total recoverable metal. If no specific data is submitted, the default chemical translator used by DEP is the reciprocal of the conversion factor (specified in Chapter 93) that was used to determine the dissolved criterion. Chemical translator studies must be conducted in accordance with the EPA's latest guidance.

#### **WATER EFFECTS RATIO (WER)**

Persons may request alternate effluent limitations by using site-specific water quality criteria. This is accomplished by performing a site-specific chemical translator study for a dissolved criterion. A water effect ratio (WER) study may also be conducted, based on either total recoverable or dissolved criteria.

A WER is a factor that expresses the difference between the measurements of the toxicity of a substance in laboratory water and the toxicity in the receiving waters. The WER provides a mechanism to account for that portion of a metal which is toxic under certain physical, chemical or biological conditions. At this time, WERs are applicable only to certain metals, which are listed by EPA in *Guidance on the Determination and Use of Water-Effect Ratios for Metals* (February 1994), as amended and updated.

Subject to DEP approval of the testing and its results, DEP will use the WER to establish an alternate site-specific criterion. Final reports on the studies shall be submitted to DEP within 60 days of completion. Upon approval of the study results, DEP will use the chemical translator or WER, or both, to determine revised effluent limitations.

#### **ALTERNATE METHOD DETECTION LIMITS**

In the case where permittees cannot meet a listed MDL, they may be granted case-specific MDLs if they submit complete documentation demonstrating a matrix effect in their particular effluent. Such permittees must follow the procedure for determining MDLs published as Appendix B of 40 CFR Part 136 (relating to guidelines establishing test procedures). DEP's Bureau of Laboratories will evaluate the data.

**ATTACHMENT B**

**TARGET QUANTITATION LIMITS (QLs) FOR EFFLUENT ANALYSIS OF POLLUTANT GROUPS**

<b>Group 1 Pollutants</b>	<b>Target QL Value</b>	<b>Units</b>
Flow (MGD)	-	
BOD5 or CBOD5 (mg/L)	3.0	mg/L
Fecal Coliform (No./100 mL)	-	
Total Suspended Solids (TSS) (mg/L)	2.0	mg/L
Total Residual Chlorine (TRC) (mg/L)	0.02	mg/L
pH (S.U.)	-	
Temperature (°F)	-	
Dissolved Oxygen (mg/L)	-	
Total Phosphorus (mg/L)	0.01	mg/L
Ammonia-Nitrogen (mg/L)	0.02	mg/L
Total Kjeldahl Nitrogen (TKN) (mg/L)	1.0	mg/L
Nitrite as N (mg/L)	0.01	mg/L
Nitrate as N (mg/L)	0.04	mg/L
Total Dissolved Solids (TDS) (mg/L)	2.0	mg/L
Chloride (mg/l)	0.5	mg/L
Bromide (mg/l)	0.2	mg/L
Sulfate (mg/l)	1.0	mg/L
Oil and Grease (mg/L)	5.0	mg/L
Total Hardness (CaCO3) (mg/L)	0.11	mg/L

<b>Group 2 Pollutants</b>	<b>Target QL Value</b>	<b>Units</b>
Aluminum, Total (µg/L)	10	µg/L
Antimony, Total (µg/L)	2.0	µg/L
Arsenic, Total (µg/L)	3.0	µg/L
Barium, Total (µg/L)	2.0	µg/L
Beryllium, Total (µg/L)	1.0	µg/L
Boron, Total (µg/L)	200	µg/L
Cadmium, Total (µg/L)	0.2	µg/L
Chromium, Total (µg/L)	4.0	µg/L
Chromium, Hexavalent (µg/L)	1.0	µg/L
Cobalt, Total (µg/L)	1.0	µg/L
Copper, Total (µg/L)	4.0	µg/L
Cyanide, Free (µg/L)	1.0	µg/L
Cyanide, Total (µg/L)	10	µg/L
Iron, Total (µg/L)	20	µg/L
Iron, Dissolved (µg/L)	20	µg/L
Lead, Total (µg/L)	1.0	µg/L
Manganese, Total (µg/L)	2.0	µg/L
Mercury, Total (µg/L)	0.2	µg/L
Nickel, Total (µg/L)	4.0	µg/L
Phenols, Total (µg/L)	5.0	µg/L

<b>Group 2 Pollutants</b>	<b>Target QL Value</b>	<b>Units</b>
Selenium, Total (µg/L)	5.0	µg/L
Silver, Total (µg/L)	0.4	µg/L
Thallium, Total (µg/L)	2.0	µg/L
Zinc, Total (µg/L)	5.0	µg/L
Total Molybdenum (µg/L)	4.0	µg/L

<b>Group 3 Pollutants</b>	<b>Target QL Value</b>	<b>Units</b>
Acrolein (µg/L)	2.0	µg/L
Acrylonitrile (µg/L)	5.0	µg/L
Benzene (µg/L)	0.5	µg/L
Bromoform (µg/L)	0.5	µg/L
Carbon Tetrachloride (µg/L)	0.5	µg/L
Chlorobenzene (µg/L)	0.5	µg/L
Chlorodibromomethane (µg/L)	0.5	µg/L
Chloroethane (µg/L)	0.5	µg/L
2-Chloroethylvinyl Ether (µg/L)	5.0	µg/L
Chloroform (µg/L)	0.5	µg/L
Dichlorobromomethane (µg/L)	0.5	µg/L
1,1-Dichloroethane (µg/L)	0.5	µg/L
1,2-Dichloroethane (µg/L)	0.5	µg/L
1,1-Dichloroethylene (µg/L)	0.5	µg/L
1,2 Dichloropropane (µg/L)	0.5	µg/L
1,3-Dichloropropylene (µg/L)	0.5	µg/L
1,4-Dioxane (µg/L)	10.0	µg/L
Ethylbenzene (µg/L)	0.5	µg/L
Methyl Bromide (µg/L)	0.5	µg/L
Methyl Chloride (µg/L)	0.5	µg/L
Methylene Chloride (µg/L)	0.5	µg/L
1,1,2,2-Tetrachloroethane (µg/L)	0.5	µg/L
Tetrachloroethylene (µg/L)	0.5	µg/L
Toluene (µg/L)	0.5	µg/L
1,2-Trans-Dichloroethylene (µg/L)	0.5	µg/L
1,1,1-Trichloroethane (µg/L)	0.5	µg/L
1,1,2-Trichloroethane (µg/L)	0.5	µg/L
Trichloroethylene (µg/L)	0.5	µg/L
Vinyl Chloride (µg/L)	0.5	µg/L

<b>Group 4 Pollutants</b>	<b>Target QL Value</b>	<b>Units</b>
2-Chlorophenol (µg/L)	10	µg/L
2,4-Dichlorophenol (µg/L)	10	µg/L
2,4-Dimethylphenol (µg/L)	10	µg/L
4,6-Dinitro-o-Cresol (µg/L)	10	µg/L
2,4-Dinitrophenol (µg/L)	10	µg/L
2-Nitrophenol (µg/L)	10	µg/L

<b>Group 4 Pollutants</b>	<b>Target QL Value</b>	<b>Units</b>
4-Nitrophenol (µg/L)	10	µg/L
P-Chloro-m-Cresol (µg/L)	10	µg/L
Pentachlorophenol (µg/L)	10	µg/L
Phenol (µg/L)	10	µg/L
2,4,6-Trichlorophenol (µg/L)	10	µg/L

<b>Group 5 Pollutants</b>	<b>Target QL Value</b>	<b>Units</b>
Acenaphthene (µg/L)	2.5	µg/L
Acenaphthylene (µg/L)	2.5	µg/L
Anthracene (µg/L)	2.5	µg/L
Benzidine (µg/L)	50	µg/L
Benzo(a)Anthracene (µg/L)	2.5	µg/L
Benzo(a)Pyrene (µg/L)	2.5	µg/L
3,4-Benzofluoranthene (µg/L)	2.5	µg/L
Benzo(ghi)Perylene (µg/L)	2.5	µg/L
Benzo(k)Fluoranthene (µg/L)	2.5	µg/L
Bis(2-Chloroethoxy)Methane (µg/L)	5.0	µg/L
Bis(2-Chloroethyl)Ether (µg/L)	5.0	µg/L
Bis(2-Chloroisopropyl)Ether (µg/L)	5.0	µg/L
Bis(2-Ethylhexyl)Phthalate (µg/L)	5.0	µg/L
4-Bromophenyl Phenyl Ether (µg/L)	5.0	µg/L
Butyl Benzyl Phthalate (µg/L)	5.0	µg/L
2-Chloronaphthalene (µg/L)	5.0	µg/L
4-Chlorophenyl Phenyl Ether (µg/L)	5.0	µg/L
Chrysene (µg/L)	2.5	µg/L
Dibenzo(a,h)Anthracene (µg/L)	2.5	µg/L
1,2-Dichlorobenzene (µg/L)	0.5	µg/L
1,3- Dichlorobenzene (µg/L)	0.5	µg/L
1,4- Dichlorobenzene (µg/L)	0.5	µg/L
3,3'-Dichlorobenzidine (µg/L)	5.0	µg/L
Diethyl Phthalate (µg/L)	5.0	µg/L
Dimethyl Phthalate (µg/L)	5.0	µg/L
Di-N-Butyl Phthalate (µg/L)	5.0	µg/L
2,4-Dinitrotoluene (µg/L)	5.0	µg/L
2,6-Dinitrotoluene (µg/L)	5.0	µg/L
Di-n-Octyl Phthalate (µg/L)	5.0	µg/L
1,2-Diphenylhydrazine (as Azobenzene) (µg/L)	10	µg/L
Fluoranthene (µg/L)	2.5	µg/L
Fluorene (µg/L)	2.5	µg/L
Hexachlorobenzene (µg/L)	5.0	µg/L
Hexechlorobutadiene (µg/L)	0.5	µg/L
Hexachlorocyclopentadiene (µg/L)	5.0	µg/L
Hexachloroethane (µg/L)	5.0	µg/L
<b>Group 5 Pollutants</b>	<b>Target QL Value</b>	<b>Units</b>
Indeno(1,2,3-cd)Pyrene (µg/L)	2.5	µg/L

Isophorone (µg/L)	5.0	µg/L
Naphthalene (µg/L)	0.5	µg/L
Nitrobenzene (µg/L)	5.0	µg/L
N-Nitroso-di-methylamine (µg/L)	5.0	µg/L
N-Nitroso-di-n-propylamine (µg/L)	5.0	µg/L
N-Nitroso-di-n-phenylamine (µg/L)	5.0	µg/L
Phenanthrene (µg/L)	2.5	µg/L
Pyrene (µg/L)	2.5	µg/L
1,2,4-Trichlorobenzene (µg/L)	0.5	µg/L

**Group 6 Pollutants**

	<b>Target QL Value</b>	<b>Units</b>
Aldrin (µg/L)	0.05	µg/L
Alpha BHC (µg/L)	0.05	µg/L
Beta BHC (µg/L)	0.05	µg/L
Gamma BHC (µg/L)	0.05	µg/L
Delta BHC (µg/L)	0.05	µg/L
Chlordane (µg/L)	1.0	µg/L
4,4'-DDT (µg/L)	0.05	µg/L
4,4'-DDE (µg/L)	0.05	µg/L
4,4'-DDD (µg/L)	0.05	µg/L
Dieldrin (µg/L)	0.05	µg/L
Alpha-Endosulfan (µg/L)	0.05	µg/L
Beta-Endosulfan (µg/L)	0.05	µg/L
Endosulfan Sulfate (µg/L)	0.05	µg/L
Endrin (µg/L)	0.05	µg/L
Endrin Aldehyde (µg/L)	0.05	µg/L
Heptachlor (µg/L)	0.05	µg/L
Heptachlor Epoxide (µg/L)	0.05	µg/L
Toxaphene (µg/L)	0.5	µg/L

**Group 7 Pollutants**

	<b>Target QL Value</b>	<b>Units</b>
Gross Alpha (pCi/L)	3	pCi/L
Beta, Total (pCi/L)	4	pCi/L
Radium 226/228, Total (pCi/L)	1	pCi/L
Strontium, Total (µg/L)	10	µg/L
Uranium, Total (µg/L)	2	µg/L

## ATTACHMENT C

### ADDITIONAL SAMPLING AND ANALYTICAL TESTING GUIDANCE FOR NPDES PERMIT APPLICATIONS

DEP recommends that clean techniques be employed as appropriate in collecting, handling, storing, preparing and analyzing samples. Clean techniques refer to methods that reduce contamination and enable the accurate and precise measurement of substances, and to related issues concerning detection limits, quality control and quality assurance. Clean techniques are those requirements or practices for sample collection and handling necessary to produce reliable analytical data in the microgram per liter ( $\mu\text{g/L}$ ) or part per billion range, or less.

#### SAMPLING:

1. Sample collection should be conducted or supervised by a person trained and experienced in performing wastewater sampling.
2. EPA's regulations 40 CFR 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act", specify the appropriate sample type and quantity requirements. Specific requirements for sample containers, sample preservation, holding times, sizes, etc. relevant to the applicable test methods must also be followed.
3. Each sampling event shall occur at the time representative of normal operation. Normal operation means having all processes which contribute wastewater in normal operation, and with a properly operating treatment facility (where treatment is being provided), which is not experiencing "upset" conditions.
4. Samples should be collected from the center of the flow channel where turbulence is at a maximum, where specified in the present permit, or at any discharge pipe or location adequate for the collection of a representative sample.
5. Sample Type:
  - a. **Grab Samples** – Grab samples must be taken for pH, Temperature, Dissolved Oxygen, Cyanide (Total and Free), Total Phenols, Total Residual Chlorine, Oil and Grease, Fecal Coliform, and Volatile Organics (Pollutant Group 3). A sampling event for these pollutants consists of 1 grab sample and 1 analysis.
  - b. **Composite Samples** – An automatic 24-hour composite sample must be taken for each sampling event. **Exceptions** – a minimum of 1 grab sample may be taken for effluents from holding ponds or other impoundments with a retention period of greater than 24 hours. DEP may also waive composite sampling for any outfall for which it is demonstrated that use of an automatic sampler is infeasible and that a composite sample derived from a minimum of 8 grab samples per sample event will be representative of the discharge.
6. Definitions:

A **grab sample** is an individual sample of at least 100 mL collected at a randomly-selected representative time over a period not exceeding 15 minutes.

A **composite sample** is a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters (mL) each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite. If the discharge rate is constant, a constant sample volume can be taken at constant time intervals between samples.

#### ANALYSIS:

Analytical methods promulgated in 40 CFR Part 136 must be used where applicable. If no method has been promulgated by EPA for a particular pollutant, use any suitable method for measuring the level of the pollutant provided that a description of the method or a reference to a published method is attached to the results. The description shall include the sample holding time, preservation technique, and quality control measures.

## DOCUMENT REVISION HISTORY

Date	Revision Reason
October 2017	Removed analytical testing information for Free Cyanide.
August 2017	Updated TQL for Selenium from 7.0 to 5.0 µg/L
March 2017	Updated Pollutant Identification and Analysis to prescribe identical screening requirements for POTWs and non-POTWs.
November 2016	Updated topographic map requirement; and removed TCDD from TQL list
May 2016	Added box for Tax Parcel ID; Updated note to Target QLs to include reference to SSM rule; Updated Target QL for BOD from 0.2 mg/L to 3.0 mg/L.

DRAFT



## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) APPLICATION FOR INDIVIDUAL PERMIT TO DISCHARGE SEWAGE EFFLUENT FROM MINOR SEWAGE FACILITIES INSTRUCTIONS

### GENERAL INFORMATION

**NOTE: FAILURE TO COMPLY WITH THESE INSTRUCTIONS AND SUBMIT ALL REQUIRED INFORMATION MAY RESULT IN DENIAL OF THE APPLICATION.**

The Department of Environmental Protection (DEP) requests that applicants use the most recent versions of applications as posted on DEP's website. The most recent version of the Application for Individual Permit to Discharge Sewage Effluent from Minor Sewage Facilities can be obtained through DEP's website as noted below. A complete application package includes the application form, the General Information Form (GIF), and all other attachments identified on the checklist for this application. Applicants can download the appropriate form to a computer, complete the form electronically and print the document for submission to DEP. The application and checklist can be obtained as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
Select: Businesses  
Select: Water  
Select: Bureau of Clean Water  
Select: Wastewater Management  
Select: NPDES and WQM Permitting Programs

The GIF form can be obtained as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
Select: Businesses  
Select: Other Programs  
Select: Permits, Licensing and Certification  
Select: Department-Wide Permit/Authorization Packages  
Select: General Information Form (GIF)

**FOLLOWING SUBMISSION OF YOUR APPLICATION, CHECK DEP'S WEBSITE TO MONITOR THE STATUS OF YOUR APPLICATION.** In general, DEP will not notify you if the application is considered complete and technically adequate. You may view the status of your application as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
Select: Data and Tools  
Select: Tools  
Select: eFACTS  
Select: Authorization Search and search for the record using the permit number. If unknown, you will need to search using other criteria. If necessary, contact DEP's Help Desk for assistance at 717.705.3768.

**General Instructions.** These instructions are intended to assist the applicant in completing the application form identified above. Type or print clearly when completing the form. Attach additional sheets as necessary to complete all questions. If a question is not applicable to the project, write N/A in the appropriate field.

**Who Must Apply for NPDES Permits?** Persons who operate facilities or conduct activities that discharge pollutants into surface waters of the Commonwealth (including dry streams, ditches and storm sewers).

**Who Can Use This Form?** This form should be used for minor sewage treatment facilities that, at the time the application is completed, have an average annual design flow greater than 0.002 million gallons per day (MGD) and less than 1.0 MGD, and have a service population less than 10,000.

**Where to File Applications.** Three (3) copies of all application materials should be submitted to the DEP regional office that covers the county where the facility is located. A list of counties and DEP regional offices can be viewed at DEP's website (go to [www.dep.pa.gov](http://www.dep.pa.gov) and select Regional Resources). If the facility is located in Erie County, a fourth copy of the application should be submitted to the DEP regional office.

If the facility discharges to a stream in the Delaware River Basin (i.e., directly to the Delaware River or its tributaries), send one complete copy of the application to the Delaware River Basin Commission (DRBC) at:

Delaware River Basin Commission  
25 State Police Drive  
P.O. Box 7360  
West Trenton, NJ 08628-0360  
Phone: 609.883.9500

If the facility is located in Allegheny County, send one complete copy of the application to the Allegheny County Health Department at:

Allegheny County Health Department  
Frank B. Clack Health Center  
Water Pollution Control Program  
Building #5  
40th Street & Penn Avenue  
Pittsburgh, PA 15224  
Phone: 412.578.8040

**When to File Applications.** Unless permission has been granted by DEP for submission at a later date, applications must be filed at least 180 days **BEFORE** your present NPDES permit expires or 180 days **PRIOR TO** start up and commencement of discharge for new facilities.

**Application Fee.** The required application fee payable to "*Commonwealth of Pennsylvania*" must accompany the application. See the table below for the appropriate application fee. A fee is not required for reissuance of existing permits. The check should not be more than 10 days old. Any federal or state agency or independent state commission that provides funding to DEP for the implementation of the NPDES program through terms and conditions of a mutual agreement may be exempt from the fees.

Minor facility < 50,000 gallons per day (GPD)	\$1,500 for new, \$250 for reissuance
Minor facility ≥ 50,000 GPD < 1 MGD	\$24,000 for new, \$500 for reissuance
Minor facility with CSO	\$1,500 for new, \$750 for reissuance

For fees based on flow, determine the facility's total design flow by summing the annual average design flows for all effluent discharge points (outfalls). If you need assistance in determining the appropriate application fee, you may contact DEP's Central Office at 717.787.6744. If your application has been denied previously and you are resubmitting your application, the application fee must be included with the resubmission.

**Public Notification of Permit Application and Public Access to Application Information.** Act 14, which amended the Commonwealth's Administrative Code (effective April 17, 1984), requires every applicant for a new, amended, or renewed NPDES permit to give written notice to each municipality and county in which the facility is located. The written notices must be received by municipalities and counties at least 30 days before DEP action on a permit application. A sample Act 14 notification letter (3850-PM-BCW0402) is available on eLibrary.

Please submit with your application:

1. A copy of your correspondence notifying your intentions to the municipality(ies) and the county(ies) in which the permitted activity will occur.
2. Evidence that the municipality(ies) and county(ies) have received your notification. Acceptable forms of this evidence include certified mail receipt or written acknowledgment of the notification from the municipality(ies) and county(ies).

Failure to provide a copy of your notification correspondence and evidence of municipal and county receipt of your notification with the application may result in denial of your application.

Note that any information submitted to DEP which goes beyond that required by this form may be claimed as confidential, but claims for information which are effluent data will be denied. If a claim of confidentiality is not asserted at the time of submitting the information, DEP may make the information public without further notice. Claims of confidentiality will be handled in accordance with EPA's business confidentiality regulations in 40 CFR Part 2.

**Other permits and/or approvals.** Where necessary, the applicant shall be responsible to apply for and obtain other permits and/or approvals. DEP's General Information Form (GIF) (1300-PM-IT0001) must be attached to the application and must indicate other permits that are necessary for the project, as applicable.

### **COMPLETING THE APPLICATION**

If known, enter Client ID, Site ID, APS ID and Facility ID. These are identification numbers specific to the applicant, facility, and the most recent NPDES permit issued to the applicant. If unknown, leave these fields blank.

#### **GENERAL INFORMATION**

1. Enter the Applicant/Operator Name as it appears on the GIF in the Client section (Organization Name or Registered Fictitious Name).
2. Check the appropriate box to indicate whether the application is for a new permit or renewal of an existing permit. If a renewal, list the current NPDES permit number, the expiration date of the current NPDES permit in effect, the permit renewal application due date (i.e., 180 days before the expiration date unless DEP has granted permission to submit the application at a later date), identify the most recent Water Quality Management (WQM) permit number issued to the applicant (for construction of or modification to sewage treatment facilities, and the date the WQM permit was issued).
3. Identify whether the facility operated by operator(s) certified in compliance with the Water and Wastewater Systems Operators Certification Act. If Yes, indicate the number of certified operators available to the facility.
4. Check the appropriate box for the facility fee category. Contact DEP's Central Office at 717.787.6744 if you need assistance.
5. Check the box for "Yes" if the facility's self-monitoring data is being submitted to DEP using the electronic Discharge Monitoring Report (eDMR) system ([www.dep.pa.gov/edmr](http://www.dep.pa.gov/edmr)), otherwise check the box for "No." If the eDMR system is being used, specify the start date for use of the system.

#### **TRIBUTARY INFORMATION**

If the sewage treatment facility is a publicly owned treatment works (POTW) or otherwise provides sewage treatment service to municipal customers, identify the name(s) of municipalities served, the percentage of flow derived from the municipalities (on a design basis), and the population served. The total percentage of flow should equal 100 percent. If the facility is not a POTW or does not provide service to municipal customers, this section may remain blank. Also indicate the percentage of each municipality's sewer system flow that is "separate" and the percentage that is "combined." The total of the "separate" and "combined" entries should be 100 percent for each municipality. If there are no combined sewers in the collection system, the column for "combined" should remain blank.

#### **TOPOGRAPHIC AND DISCHARGE INFORMATION**

1. Attach to the application a USGS topographic map that extends at least one mile beyond the property boundaries of the treatment plant identifying the treatment facility, discharge locations, sewer service area, wells where fluids from the treatment plant are injected underground, sewage sludge management facilities, and locations at which hazardous waste enters the treatment plant. If a topographic map is not available use a map that depicts surface waters within the one mile boundary.

2. If there are any bypasses or sanitary sewer overflows within the sewage collection system or at the treatment plant, provide the following information on a separate sheet:
  - a. Physical location of bypass or overflow (e.g., Market Street pump station) and latitude/longitude coordinates.
  - b. Under what condition(s) do bypasses or overflows occur?
  - c. How frequently has a bypass or overflow occurred in the last 5 years?
  - d. What are the plans to eliminate the bypass or overflow?
3. List all treatment discharge outfalls associated with the facility. Include the outfall number (use same number as in existing permit or, if a new discharge, number sequentially starting with "001"), latitude, longitude, stream name and Chapter 93 classification (e.g., Warm Water Fishery, High Quality Cold Water Fishery, etc.). Chapter 93 classifications for Pennsylvania's waters are available at [www.pacode.com](http://www.pacode.com), select Title 25 and Chapter 93.

**NOTE** – For new or expanded discharges to High Quality or Exceptional Value waters, the applicant must conduct an alternatives analysis that includes a consideration of non-discharge alternatives. In general, this should have been completed during the sewage planning approval process. If this has not been completed as part of sewage planning, DEP will require the completion of the alternatives analysis as part of the NPDES permit application.
4. Describe any uses of sewage effluent that are alternatives to stream discharges. These may include off-site uses for golf course irrigation or other reuse or land application of effluent.

#### **TREATMENT PLANT DESIGN CAPACITIES AND FLOWS**

1. For new facilities, enter the annual average design flow, hydraulic design capacity and organic design capacity. If the facilities are being expanded, enter the proposed design information.
2. For existing facilities, enter the annual average design flow, hydraulic design capacity, organic design capacity, the annual average flow for the previous three calendar years, the highest monthly average flow for the previous year, and the month in which the highest average flow occurred.

#### **TREATMENT PLANT PROCESS INFORMATION**

1. If the facility's existing or proposed annual average design flow is greater than or equal to 0.1 MGD, attach a diagram illustrating all facilities associated with the treatment plant, including but not limited to treatment units, disinfection facilities, piping, discharge points, overflows and bypass locations, sampling locations, and sewage sludge or biosolids processing facilities. For facilities with design flows less than 0.1 MGD, attachment of a diagram is optional.
2. Provide a narrative description of the proposed or existing wastewater treatment process. Identify all unit processes and the number of process tanks. For example, "Influent flow enters one primary clarifier followed by two extended aeration treatment units and two final clarifiers. Solids are wasted to one aerobic digester. Effluent is discharged from final clarifiers to a chlorine contact tank and then the outfall."
3. Identify the type of disinfection used (e.g., gaseous chlorine, liquid chlorine, ultraviolet, etc.). If chlorine is used and a dechlorination process is also used, specify this in the space provided.
4. Identify all wastewater treatment chemicals introduced to the wastewater as a part of current operations. For example, if alum or other chemicals are introduced to control phosphorus, specify this in the application. Indicate the trade or common name of the chemical, the purpose of the chemical, the maximum anticipated usage rate, and the units associated with the usage rate (e.g., gallons/day).
5. If facility upgrades are anticipated in the next five years, describe the upgrades in the application.
6. For new and expanding facilities, specify the design BOD5, TSS, Nitrogen, and Phosphorus removal percentages for the treatment facility.

#### **SEWAGE SLUDGE / BIOSOLIDS MANAGEMENT**

1. Record the total sewage sludge / biosolids production within the facility for the previous year, in dry tons. Do not include sewage sludge or biosolids received from off-site sources.

2. Indicate whether the facility received off-site sources of sewage sludge or biosolids during the previous year. If Yes, identify the sources, the total gallons received from each source, the percent solids of the sludge received, and the dry tons received. Calculate dry tons for liquid sewage sludge or biosolids by multiplying the volume (gallons) by the percent solids and by a conversion factor of 0.0000417. For example, if 2,500 gallons of liquid biosolids is received, and the percent solids is 3.0%, dry tons is calculated as: 2,500 gallons x 3.0% x 0.0000417 = 0.31 dry tons.
3. Indicate whether the sewage sludge or biosolids produced by the facility is currently being (or expecting to be) managed under beneficial use permit(s) issued by DEP. If Yes, identify the permit number(s) and attach the results of the most recent chemical analysis report submitted to EPA. Also, identify the date(s) the permit(s) were issued, and the date(s) the permit(s) expire.
4. Identify the names and locations (counties) of all sites (e.g., farms) used for land application in the previous year, including site reclamation, if applicable. If no sewage sludge or biosolids were land applied, this section may remain blank.
5. Indicate whether the applicant is currently in compliance with the federal 40 CFR Part 503 regulations and has submitted the necessary forms and reports required by EPA. If No, provide an explanation.
6. Identify all other sewage sludge / biosolids disposal practices used in the previous year or are proposed that have not identified above (e.g., landfill, other processing facility, etc.). Provide the name and permit number of all facilities receiving sewage sludge / biosolids from the facility.
7. Provide a summary of sewage sludge or biosolids production and disposal over the previous year:
  - Total sewage sludge / biosolids produced and received (total of items 1 and 2), in dry tons.
  - Total biosolids land applied under DEP-issued PAG-07 or PAG-08 General Permits, in dry tons.
  - Biosolids land applied under DEP-issued individual site permits for biosolids, in dry tons.
  - The number of sites on which biosolids were land applied.
  - Total biosolids land applied for site reclamation activities, in dry tons.
  - The number of reclaimed sites on which biosolids were land applied (e.g., mining sites).
  - Total sewage sludge disposed of at landfills, in dry tons.

Where a field is not applicable to the facility, it may remain blank.

### **COMBINED SEWER OVERFLOWS**

If there are no combined sewer overflows (CSOs) in the sewage collection system, this section should remain blank.

1. Attach a CSO system map that identifies all CSO outfalls, locations of major sewer trunk lines, locations where separate sanitary sewers feed into the CSO, in-line and off-line storage facilities, locations of flow regulating devices and locations of pump stations.
2. List all CSO discharges associated with the facility. Include the outfall number (use same number as in existing permit), latitude, longitude, stream name and Chapter 93 classification (e.g., Warm Water Fishery, High Quality Cold Water Fishery, etc.). Chapter 93 classifications for Pennsylvania's waters are available at [www.pacode.com](http://www.pacode.com), select Title 25 and Chapter 93.
3. Provide information on number of storm events monitored in the past year, number of CSO events in the past year, average duration (hours) per CSO event, average volume discharged (gallons) per CSO event, and minimum amount of rainfall (inches) that caused a CSO event.
4. Provide information on the implementation status of Nine Minimum Controls (NMCs) and the Long-Term Control Plan (LTCP). Check the box for "YES" if documentation of the NMCs and LTCP have been submitted to DEP, otherwise check the box for "NO" and specify a date by which it is anticipated that the NMC documentation and/or LTCP will be submitted to DEP.

### **INFLUENT TESTING INFORMATION**

1. Influent testing is required for existing sewage facilities with annual average design flows greater than or equal to 0.1 MGD for the following parameters (denoted with an asterisk): Biochemical Oxygen Demand (BOD<sub>5</sub>), Total

Suspended Solids (TSS), Ammonia (as N) (NH<sub>3</sub>-N), Total Nitrogen (Total N), Total Phosphorus (Total P), and Total Dissolved Solids (TDS).

2. All results should be summarized for the past two years. Both concentration and load results are required. Calculate influent loading by multiplying flow on the day of sampling (influent flow preferred) in MGD by the measured concentration result (mg/L) and a conversion factor of 8.34. Report the minimum or maximum and average results over the past two years (if "(Minimum)" is listed next to the parameter, record the minimum value in the "Min/Max Value" column, otherwise record the maximum value).
3. If no data exist for one or more of these parameters at the time the application is being prepared, the applicant must collect at least one sample and analyze it for the needed parameters.
4. Report the number of samples analyzed for each parameter over the past two years and the sample type used for sample collection (e.g., grab, 8-hour composite, 24-hour composite). Twenty four hour composite influent samples are preferred. All samples must be analyzed using EPA methods as identified in 40 CFR Part 136.
5. If results are available for other parameters including but not limited to pH, Fecal Coliform, Total Kjeldahl Nitrogen (TKN) or Nitrite plus Nitrate-Nitrogen (NO<sub>2</sub>-N + NO<sub>3</sub>-N) within the past two years, report the results.

**NOTE** – DEP may, during technical review of the application, request additional sampling, particularly where there are industrial contributors.

6. Report "non-detect" results using the less than (<) symbol where appropriate for maximum and average results. When averaging data sets with one or more non-detect results, ignore the less than symbol and calculate the average using the laboratory quantitation limit (i.e., "reporting limit"). If there are one or more non-detect results in a data set, report the statistical result with the less than symbol. For example, three results are obtained as follows: < 1.0 mg/L, < 1.0 mg/L, and 4.0 mg/L. The average result is  $(1.0 + 1.0 + 4.0) / 3 = < 2.0$  mg/L.
7. **Influent testing and reporting is not required for sewage facilities with existing annual average design flows less than 0.1 MGD.** However, if samples have been analyzed in the past two years for any influent parameters, the results should be reported.
8. New facilities should project influent concentrations and loads for BOD<sub>5</sub>, TSS, and NH<sub>3</sub>-N, at a minimum.
9. It is in an applicant's best interests to complete a thorough characterization of influent pollutant loads to establish a baseline for future permit compliance. In the event that the applicant wishes to accept hauled-in wastes or indirect discharges from industrial or commercial sources in the future, the baseline influent pollutant load will help the applicant determine whether notification to DEP is required prior to accepting the new sources of wastewater and will help DEP determine whether an amendment to the permit is required.
10. Indicate where flow is measured at the facility (influent, effluent or both) and check the appropriate box.

## EFFLUENT TESTING INFORMATION

Use the appropriate table for either a design flow greater than or equal to 0.1 MGD or a design flow less than 0.1 MGD.

Report effluent concentration results as instructed below for each treatment outfall. If there is more than one treatment outfall, attach additional sheets.

1. Effluent testing is required for all existing sewage facilities for the following parameters (denoted with an asterisk): pH (Minimum and Maximum), TRC (if applicable), BOD<sub>5</sub> or CBOD<sub>5</sub>, TSS, Fecal Coliform, NH<sub>3</sub>-N, Total N, and Total P.
2. All results should be summarized for the past two years. Report the minimum or maximum and average results over the past two years (if "(Minimum)" is listed next to the parameter, record the minimum value in the "Min/Max Value" column, otherwise record the maximum value). A minimum of one result for each of these parameters is required for facilities with annual average design flows less than 0.1 MGD\*, and a minimum of three results for each of these parameters is required for facilities with design flows greater than or equal to 0.1 MGD.
  - \* If a facility with a design flow less than 0.1 MGD receives industrial or commercial contributions, at least one result is required for Total Copper, Total Lead, Total Zinc and any other parameters that are known or suspected to be present in effluent.
3. In addition, a minimum of one result for each of the following parameters is required for existing facilities with design flows greater than or equal to 0.1 MGD: Dissolved Oxygen (Minimum), Temperature, TKN, NO<sub>2</sub>-N + NO<sub>3</sub>-N, TDS, Chloride, Bromide, Sulfate, Oil and Grease, Total Copper, Total Lead, Total Zinc, and Total Maximum Daily Load (TMDL) parameters\*\*. Results for all other parameters that are known or suspected to be present in effluent as a result of industrial or commercial contributions should be reported in this section.
  - \*\* If the facility's discharge is directly to waters that are covered by an EPA-approved TMDL, the applicant must analyze for the parameters of concern in the TMDL. For more information on TMDLs, visit DEP's TMDL website: <http://www.ahs.dep.pa.gov/TMDL>.

NOTE – DEP may, during technical review of the application, request additional sampling, particularly where there are industrial contributors.

4. Report the number of samples analyzed for each parameter over the past two years and the sample type used for sample collection (e.g., grab, 8-hour composite, 24-hour composite). Twenty-four hour composite effluent samples are preferred. All samples must be analyzed using EPA methods as identified in 40 CFR Part 136.
5. Report "non-detect" results using the less than (<) symbol where appropriate for maximum and average results. When averaging data sets with one or more non-detect results, ignore the less than symbol and calculate the average using the laboratory quantitation limit (i.e., "reporting limit"). If there are one or more non-detect results in a data set, report the statistical result with the less than symbol. For example, three results are obtained as follows: < 1.0 mg/L, < 1.0 mg/L, and 4.0 mg/L. The average result is  $< (1.0 + 1.0 + 4.0) / 3 = < 2.0$  mg/L.
6. New facilities should project effluent concentrations for pH (Minimum and Maximum), TRC (if applicable), BOD<sub>5</sub> or CBOD<sub>5</sub>, TSS, Fecal Coliform, NH<sub>3</sub>-N, Total N, and Total P.

NOTE – It is critical that applicants and their laboratories use the best available technology to achieve the lowest possible quantitation limit (QL) for effluent analysis, particularly for parameters that are not usually tested for Discharge Monitoring Reports. DEP recommends applicants and their laboratories achieve the "Target QLs" contained in Attachment A of these instructions, where available. Failure to achieve the Target QLs may result in DEP requesting additional sampling for the application or otherwise assuming that the pollutant is present in the effluent at levels greater than the Target QLs. The Target QLs in Attachment A are intended to meet the requirements of EPA's "Sufficiently Sensitive Methods" rule (79 FR 49001). Where a laboratory's QL is greater than the Target QL in Attachment B, but the Method Detection Limit (MDL) is at or below the Target QL, DEP will accept estimated values ("J" values) at the Target QL (e.g., "< 0.5 µg/L J").

### **INDUSTRIAL / COMMERCIAL WASTEWATER CONTRIBUTIONS**

List the name and type of business for all industrial and commercial users that are connected to the sewage collection system along with the average wastewater flow to the treatment facility (MGD). If none, check the box. If available, attach to the application the most recent analytical results for the wastewater.

If the facility has an EPA-approved pretreatment program, select the box for "Yes," otherwise select the box for "No."

### **HAULED-IN WASTES**

Hauled-in wastes are any wastes that are introduced into a treatment facility through any method other than a direct connection to the sewage collection system. The term includes wastes transported to and disposed of within the treatment facility or other entry points within the collection system.

Indicate whether the facility has received hauled-in wastes within the previous three calendar years or expects to receive such wastes in the next five calendar years. If yes to either question, report (1) the type of wastes received (e.g., septage), (2) the location at the treatment facility where the wastes are accepted or introduced into the treatment process, and (3) the average annual volume received, in gallons.

### **SEWERAGE FACILITIES (ACT 537) PLANNING**

Any applicant planning to construct or expand sewage treatment or conveyance facilities must obtain approval from the municipality in which the activity will take place. DEP must approve any revision to the municipality's Official Sewage Facilities Plan. If the applicant is seeking an NPDES permit for a new or expanding facility, attach the Sewage Planning Approval Letter issued by DEP.

### **LABORATORY INFORMATION**

List off-site laboratories used for analytical results reported in the application and the analyses performed.

### **COMPLIANCE HISTORY REVIEW**

Check appropriate box to indicate whether the facility owner or operator is in violation of any DEP regulation, permit, order or schedule of compliance at this or any other facility at the time the application is submitted to DEP. If the answer is "No," no further information is needed in this section. If the answer is "Yes," list each permit, order, or compliance schedule and provide compliance status of the permitted facility or activity. If needed, use additional sheets to provide all information.

### **HIGH FLOW MANAGEMENT PLAN**

If the current permit requires the review and update of a peak flow or High Flow Management Plan (HFMP) to be used to address the impact of high flows to the treatment plant during wet weather attach it to the application.

The HFMP should contain a process for treating the maximum amount of flow through the plant while protecting the components of the treatment plant and minimizing the potential impact to the receiving stream. The HFMP should include measures to be taken when wet weather is predicted to prepare the plant for the high flow conditions as well as operational activities to be undertaken when high flows actually occur. The HFMP should identify peak instantaneous flow that can be handled by the limiting plant unit and indicate how long that flow can be maintained without a bypass or overflow.

### **CERTIFICATION AND SIGNATURE OF APPLICANT**

The applicant must certify that the information contained in the application is true, accurate and complete.

**The application must be signed as follows:**

*For individually owned operations* - the owner of the facility must sign the application.

*For a Corporation* - by a responsible corporate officer. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the application form originates.

*For a Partnership or Sole Proprietorship* - by a general partner or the proprietor, respectively.

*For a Municipality - state, federal or other public agency* - by either a principal executive officer or ranking elected official. For purposes of this the application, a principal executive officer of a federal agency includes:

- The chief executive officer of the agency, or
- A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

#### CHECKLIST

To assist the applicant in ensuring the application is complete, a checklist has been developed (3800-PM-BCW0342c). **This checklist should be completed and submitted with the complete application.**

ATTACHMENT A

TARGET QUANTITATION LIMITS (QLs) FOR EFFLUENT ANALYSES

Parameter	Target QL Value	Units
pH (S.U.)	-	
Dissolved Oxygen (mg/L)	-	
Total Residual Chlorine (TRC) (mg/L)	0.02	mg/L
Fecal Coliform (No./100 mL)	-	
BOD5 or CBOD5 (mg/L)	3.0	mg/L
Total Suspended Solids (TSS) (mg/L)	2	mg/L
Ammonia-Nitrogen (mg/L)	0.02	mg/L
Total Nitrogen (N) (mg/L)	-	
Total Phosphorus (P) (mg/L)	0.01	mg/L
Temperature (°F)	-	
Total Kjeldahl Nitrogen (TKN) (mg/L)	1	mg/L
Nitrite as N (mg/L)	0.01	mg/L
Nitrate as N (mg/L)	0.04	mg/L
Total Dissolved Solids (TDS) (mg/L)	2.0	mg/L
Chloride (mg/l)	0.5	mg/L
Bromide (mg/l)	0.2	mg/L
Sulfate (mg/l)	1	mg/L
Oil and Grease (mg/L)	5	mg/L
Total Copper (mg/L)	0.004	mg/L
Total Lead (mg/L)	0.001	mg/L
Total Zinc (mg/L)	0.005	mg/L

DOCUMENT REVISION HISTORY

Date	Revision Reason
October 2017	Added Sewage Sludge/Biosolids Management Section
November 2016	Updated document number; Changed topographic map requirements.
May 2016	Included reference to Sample Act 4 Notification Letter; Clarified wastewater treatment chemicals reporting requirements; Updated note to Target QLs to include reference to SSM rule and clarify "J" value allowances; Updated Target QL for BOD from 0.2 mg/L to 3.0 mg/L.

DRAFT



**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
INDIVIDUAL PERMIT TO DISCHARGE STORMWATER FROM  
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)  
APPLICATION INSTRUCTIONS**

**GENERAL INSTRUCTIONS**

**NOTE: FAILURE TO COMPLY WITH THESE INSTRUCTIONS AND SUBMIT ALL REQUIRED INFORMATION MAY RESULT IN DENIAL OF THE APPLICATION.**

The Department of Environmental Protection (DEP) requests that applicants use the most recent versions of permit applications as posted on DEP's website. The most recent version of the individual NPDES permit application for small MS4s can be obtained through DEP's website as noted below. A complete individual permit application package includes the original and two copies of the application form, the checklist for the application, and all other attachments identified on the checklist. Applicants can download the appropriate form to a computer, complete the form electronically and print the document for submission to DEP. The application and checklist can be obtained as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)

Select: Businesses

Select: Water

Select: Bureau of Clean Water

Select: Wastewater Management

Select: NPDES and WQM Permitting Programs

Select: Individual NPDES Permit Application for Small Municipal Separate Storm Sewer Systems

**FOLLOWING SUBMISSION OF YOUR APPLICATION, CHECK DEP'S WEBSITE TO MONITOR THE STATUS OF YOUR APPLICATION.** In general, DEP will not notify you if the application is considered complete and technically adequate. You may view the status of your application as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)

Select: Data and Tools

Select: Tools

Select: eFACTS

Select: Authorization Search and search for the record using the permit number. If unknown, you will need to search using other criteria. If necessary, contact DEP's Help Desk for assistance at 717.705.3768.

**General Instructions.** These instructions are intended to assist the applicant in completing the application form identified above. Type or print clearly when completing the form. If information required is more than the space provided, attach additional sheets as necessary. If a question is not applicable, write N/A in the appropriate box.

**Scope.** An individual NPDES permit application must be submitted by a small MS4 when the MS4 does not meet one or more of the eligibility criteria of the PAG-13 General Permit, and may be submitted by any MS4 that does not wish to be covered by the PAG-13 General Permit. Permittees operating under an individual permit have been either automatically designated as regulated by the U.S. Environmental Protection Agency (EPA) pursuant to 40 CFR § 122.32(a)(1) or designated as regulated by DEP under 40 CFR § 122.32(a)(2).

**Application Deadlines.** MS4s with existing PAG-13 General Permit coverage that are no longer eligible for the PAG-13 General Permit that becomes effective on March 16, 2018 or no longer desire PAG-13 General Permit coverage must submit an application for an individual permit by September 16, 2017. MS4s that were issued an individual permit in 2013 or later and do not qualify for PAG-13 General Permit coverage must submit an application at least 180 days prior to the expiration date of the individual permit. MS4s that submitted an individual permit application in 2012 or later and were not issued an individual permit, but continue to be covered by an individual permit issued prior to 2012, and do not qualify for PAG-13 General Permit coverage, must submit an application by September 16, 2017. MS4s with existing waivers that are not eligible for PAG-13 General Permit coverage must

submit an application at least 180 days prior to the expiration date of the waiver along with a waiver application, if eligible and/or desired.

**Where to Submit the Application.** The application is to be submitted to the regional office of DEP that has jurisdiction over the county where the MS4 is located. A list of DEP regional offices and coverage areas is available at DEP's website, [www.dep.pa.gov](http://www.dep.pa.gov) (select "Regional Resources").

**Application Fee.** ~~A check or money order in the amount of \$2,500 must be included with the application if the MS4 has an existing individual permit, existing PAG-13 General Permit coverage, or an existing waiver. A check or money order in the amount of \$5,000 must be included with the application if the MS4 is not currently covered by an NPDES permit or has not previously received a waiver. These fees are required by 25 Pa. Code § 92a.26(b), and apply regardless of whether a waiver application is attached to the individual permit application. MS4s that currently have a waiver and are seeking to renew the waiver for a new 5-year term must pay a fee of \$500.~~ The check or money order must be made payable to the "Commonwealth of Pennsylvania." State and federal agencies that provide funding to DEP for NPDES program implementation are exempt from this fee in accordance with 25 Pa. Code § 92a.26(i). Co-applicants may submit one application fee to cover all co-applicants.

In addition to the application fee, MS4s with individual permits are required to submit an annual fee to DEP in the amount of \$2,500 by the anniversary of the effective date of the latest issued or reissued permit. The annual fee must be submitted to:

PA Department of Environmental Protection  
Bureau of Clean Water  
Rachel Carson State Office Building  
400 Market Street, PO Box 8466  
Harrisburg, PA 17105-8466

Co-permittees may submit one annual fee to cover all co-permittees.

## GENERAL INFORMATION

**Related ID#s.** If known, record the ID numbers of any of the parameters listed at the top of the form. These are numbers used by DEP's eFACTS database system. In general, these ID numbers will be known only if the applicant or facility has been issued approvals or permits from DEP previously. If unknown, leave the fields blank.

**Type of Permit.** Check the box corresponding to "New Coverage" or "Renewal of Coverage" to indicate whether the MS4 is seeking an individual permit for the first time or is seeking renewal of existing coverage. If the MS4 is currently operating under an NPDES permit (whether PAG-13 coverage or an individual permit), list the permit number. This section may remain blank if the applicant is submitting a waiver application.

**Waiver.** Check the appropriate box to indicate whether the MS4 is seeking a waiver of permit coverage and a separate waiver application (3800-PM-BCW0100e) is attached to the application. If a joint application is submitted (see Co-Applicants below), a waiver application should not be attached to the application. Waivers may be approved for single applicants only.

**NOTE** – The same waiver application, 3800-PM-BCW0100e, is to be used by MS4s completing the PAG-13 General Permit Notice of Intent (NOI) and the individual permit application.

**Co-Applicants.** An MS4 operator may, in accordance with 40 CFR § 122.33(b)(1), jointly submit an application with other MS4 operators. If multiple applicants are seeking individual permit coverage under one DEP approval, check the box for "Yes", otherwise check "No." If "Yes" is selected, provide the following information on the "Joint Client": name, address, city, state and zip, phone number and contact individual.

Each co-applicant must complete the application in its entirety. Co-applicants should submit all completed applications and attachments such as maps and ordinances in one package. If approval of coverage is granted by DEP, each co-applicant will be identified on page 1 of the General Permit authorization as co-permittees.

Information is needed on a "Joint Client" for the purpose of DEP's data systems (i.e., a permit cannot be associated to more than one client in DEP's systems). The co-applicants should decide on which MS4's address and contact

information will be used for this purpose. This information will be presented on DEP's public eFACTS website to represent the client associated with the General Permit coverage. In naming the Joint Client, it is recommended that either the largest (in terms of urbanized area) MS4's name be used, or a fictitious name that represents all co-applicants be used. For example, if ABC City and XYZ Township decide to pursue General Permit coverage jointly, the name of the Joint Client could be, "ABC – XYZ Joint Client."

**NOTE –** If a regional stormwater authority is created to administer stormwater management programs throughout multiple municipalities, the authority may apply on behalf of its municipalities using a single application form. The individual permit will be issued in the name of the regional stormwater authority.

### MS4 CLIENT/OPERATOR INFORMATION

**DEP Client ID#.** DEP-wide unique identification number assigned by DEP to the client after client information is entered into DEP's data system. This one number identifies the client regardless of the program with which the client is working. If known, enter the Client ID#. Otherwise, skip to the next question.

**Client Type/Code.** Enter the code that represents the type of client acting as the responsible authority for the permitted activity. The list of Client Codes is included below.

Government		Non-Government		Individual	
AUTH	Authority	ASSOR	Association/Organization	INDIV	Individual
CNTY	County	LLC	Ltd. Liability Company		
FED	Federal Agency	LLP	Ltd. Liability Partnership		
MUNI	Municipality	NPACO	Non-Pennsylvania Corporation		
NONPG	Non-PAG Govt	OTHER	Other (Non-Govt)		
OTHG	Other (Govt)	PACOR	Pennsylvania Corporation		
SCHDI	School District	PARTG	Partnership-General		
STATE	State Agency	PARTL	Partnership-Limited		
		SOLEP	Sole Proprietorship		

**Note:** If two individuals' names are listed as the clients on the application, the Client Type/Code of "Partnership/General" should be used.

**Organization Name or Registered Fictitious Name.** Clients other than individuals must provide the name under which they conduct the activity or business for which the permit or other authorization will be issued.

Individuals should complete the "Organization Name" if they conduct their business or activity under a name other than their own (for example, "Jones Construction Company," rather than "Mary Jones").

For partnerships, list the business name of the partnership as it appears on legal partnership papers.

Registered Fictitious Names should list the owner of the fictitious name, as well as the fictitious name in the following format: Owner of the fictitious name d/b/a Registered Fictitious Name.

**Employer ID#.** Also referred to as "Federal Tax ID#." The Employer ID# (EIN) aids DEP in identifying the organization and prevents duplicate data entry from occurring. This information is required.

**Dun & Bradstreet ID#.** If known, supply the applicant's Dun & Bradstreet Identification Number. This information is optional.

**Mailing Address.** The mailing address of the client identified above (this should *not* include locational data that is not appropriate for mail). In addition to the street number and name, PO Box#, RR#, Box# or Highway Contract# designations, use any appropriate designation and number to further define the mailing address of the applicant.

e.g.,	APT	(Apartment)	DEPT	(Department)	RM	(Room)
	BLDG	(Building)	FL	(Floor)	STE	(Suite)

**City, State, ZIP+4, Country.** Enter an appropriate city, borough or town designation (do not enter a township designation in this area). Do *not* use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code. If other than USA, provide country.

**Client Contact Information.** Clients that are organizations must provide the name of a person representing the client (organization). This client contact must be an employee of the organization and must be located at the mailing address of the client and may receive correspondence on behalf of the client. Include the individual's name, title, daytime phone number and e-mail address. DEP will use this contact information for maintaining client data. This individual should be a high-level employee such as CEO, VP, Operations Manager, etc., or someone capable of answering questions regarding the organization such as EIN, fictitious name ownership, address data, related organizations, corporate changes, etc. Project contact information should be entered in the Site Contact found in the MS4 Site Information section.

### MS4 SITE INFORMATION

**DEP Site ID#.** DEP-wide unique identification number assigned to the site after site information is entered into DEP's data system. This one number identifies the site regardless of the program with which the applicant is working. If known, enter the Site ID#. Otherwise, skip to the next question.

**Site Name.** The name of the site at the specific physical location. For MS4s the site name will generally be the name of the organization + "MS4" (e.g., "ABC City MS4").

**Urbanized Area (UA) Name(s).** Report the name(s) of each UA(s) located within your organization's legal boundaries according to the 2010 census. This information may be obtained by visiting [www.census.gov](http://www.census.gov). If unknown this question may remain blank.

**UA Area.** Provide the area, in acres or square miles (mi<sup>2</sup>), which represents the urbanized area within your organization's legal boundaries. This information is generally obtained through GIS or other mapping tools; it is optional but may be important for future modeling exercises.

**County, Municipality, State.** Indicate the county(ies) and municipality(ies) in which the site is located. Check the appropriate box to identify the type of municipality entered (city, borough, township). Include the two-character abbreviation for the state. If a single applicant such as a regional stormwater authority represents more than two municipalities, attach a separate sheet with complete information on the MS4 municipalities covered by the application.

**Site Location Address.** Provide the physical address of the location where the permitted activities will occur. Provide the city (or municipality), state and the ZIP+4, if known. In general, since MS4s cannot be represented by a single physical address, these questions may remain blank.

**Detailed Written Directions to Site.** When providing written directions, do not use PO Box addresses. Include landmarks and approximate distances from the nearest highway.

**Site Contact Information.** Provide the name of the person who is responsible for environmental matters at the site. Include the individual's name, title, firm, mailing address, daytime phone number and email address.

**SIC and NAICS Codes.** Clients applying for an authorization from DEP need to provide the appropriate Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) code(s) at the Sector level (at a minimum). Enter all SIC and NAICS codes that pertain to the activity for which the application is being completed. More than one code may be entered in the boxes provided.

**Site-to-Client Relationship.** Enter the relationship code that best describes how the client is related to the activity or operation at the site for which the permit or other authorization is being sought. The list of Site-to-Client Relationship Codes is included below.

Code	Type
OWN	Owner
AGENT	Agent for the Owner or Operator
OWNOP	Owner/Operator
LESSE	Lessee

Code	Type
LESOP	Lessee/Operator
CONTR	Contractor for the Owner or Operator
OPR	Operator
OTHER	Other (Explain)

**MS4 SITE INFORMATION**

All applicants, including those who are seeking waivers, must complete this section.

**Map(s).** MS4s that have existing NPDES permit coverage and were required in a previous permit term to develop map(s) in accordance with Minimum Control Measure (MCM) #3 must submit the map(s) as an attachment to the application. The map(s) should depict the following: 1) the location of all MS4 outfalls and observation points (i.e., locations where outfall field screening will be performed under MCM #3 if the outfall is considered to be inaccessible); 2) the locations and names of all surface waters that receive discharges from those outfalls; 3) the entire storm sewer collection system, including roads, inlets, piping, swales, catch basins, channels, basins, and any other features of the storm sewer system; and 4) municipal boundaries and urbanized area boundaries. The map(s) must be submitted in hard copy format unless DEP advises the applicant that it can accept map(s) in electronic format. The map(s) must be at a scale adequate that would allow DEP to locate the MS4 outfalls in the field.

To clarify, the term "entire storm sewer collection system" means the entire system that the MS4 permittee owns or operates to collect and convey stormwater from publicly-owned property in the urbanized area to surface waters. The system therefore includes both publicly-owned components (e.g., publicly-owned streets, ditches, swales, inlets and piping systems) and, where applicable, privately-owned components (e.g., conveyances or best management practices on private property that are connected to upstream publicly-owned components, within the permittee's jurisdiction).

**NOTE –** Depending on agreements or other requirements in place, MS4 permittees do not necessarily perform operation and maintenance (O&M) activities on privately-owned components of the storm sewer collection system; however, permittees have a responsibility to ensure that proper O&M is completed.

MS4s that received a waiver from DEP during the latest permit term; MS4s that did not have a mapping requirement in their previous permit; and new MS4s that have not previously applied for NPDES permit coverage must submit as an attachment to the application, at a minimum, a topographic map identifying all MS4 outfalls, surface waters receiving stormwater discharges, the MS4's legal boundaries and the UA boundaries, if the map described above is not available.

**See Document ID Nos. 3800-PM-BCW0100k and 3800-PM-BCW0200d for additional mapping requirements associated with Pollutant Reduction Plans (PRPs) and TMDL Plans, respectively.**

**Surface Water Information.** For each surface water body that receives stormwater discharges from the MS4, provide the following information:

- **Surface Water Name.** Report the name of the surface water. If the stream does not have an official name according to the Geographic Names Information System (GNIS), use the term "unnamed tributary to XXX", where XXX is the first downstream surface water with an official name.
- **Outfall No.** Report the Outfall (ID) No. of the furthest downstream outfall to each surface water body. If possible, outfall numbers should be three numerical digits and start with "001." If there are more than 999 outfalls, a fourth digit may be used.

**NOTE –** If the applicant is an existing MS4 permittee and the outfall numbering system cannot be easily changed to the preferred format, the applicant may retain its existing numbering system.

For example, if there are 50 stormwater outfalls to Clear Creek, the furthest upstream outfall is numbered 001 and downstream outfalls are numbered sequentially, the applicant should report "050" in the "Outfall No." column for Clear Creek.

Outfall ID Nos. reported on the application must correspond to outfall numbers on the applicant's map(s).

**NOTE** – Outfall means a point source at the point where a municipal separate storm sewer discharges to surface waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other surface waters and are used to convey surface waters.

**NOTE** – For stormwater discharges to the ground surface rather than directly to surface waters, identify the location where stormwater would likely enter a surface water as a result of a significant storm event as the outfall. All stormwater discharges from MS4s are point sources to surface waters unless the stormwater is intentionally directed to the subsurface under a permit.

- **Ch. 93 Existing Use.** Report the existing use of the surface water under Chapter 93. Existing uses (e.g., HQ-CWF) may differ from designated uses (e.g., CWF). The applicant should consult DEP's existing use website and if an existing use is listed for the receiving waters, it should be reported on the application (visit [www.dep.pa.gov](http://www.dep.pa.gov), select "Citizens", "My Water", "Rivers, Lakes and Streams", and "Statewide Existing Use Classifications"). If no existing use is available on DEP's website, the designated use under Chapter 93 is the existing use. Designated uses can be searched on-line by visiting [www.pacode.com](http://www.pacode.com) (Title 25, Chapter 93) or [www.emappa.dep.state.pa.us](http://www.emappa.dep.state.pa.us).
- **Impaired?** Identify whether the surface water is considered impaired according to DEP's latest Integrated Water Quality Monitoring and Assessment Report ("Integrated Report"). To view the current Integrated Report go to DEP's website ([www.dep.pa.gov](http://www.dep.pa.gov)), and select "Citizens", "My Water", "Rivers, Lakes and Streams", and "Integrated Water Quality Report 2014". Report "Yes" or "No" in this column.
- **Approved TMDL?** Identify whether an EPA-approved Total Maximum Daily Load (TMDL) has been completed for the surface water. Approved TMDLs are available on DEP's website. Note that the surface water may be incorporated into a larger, watershed-scale TMDL. Report "Yes" or "No" in this column.
- **WLA?** If an approved TMDL exists for the surface water, specify whether one or more wasteload allocations (WLAs) are identified in the TMDL for the MS4. Report "Yes" if numeric WLA(s) are identified in the TMDL that are specific (individual) to the MS4 or are general (aggregate / bulk), applying to urban stormwater throughout a watershed or multiple municipalities. Otherwise report "No."

**Outfall Locations.** For all MS4 outfalls identified in the previous table, as described above, provide the latitude and longitude coordinates of the outfalls. Specify the Horizontal Reference Datum used to determine the coordinates by checking the box for North American Datum of 1927 ("NAD of 1927"), North American Datum of 1983 ("NAD of 1983"), World Geodetic System of 1984 ("WGS of 1984") or "Unknown". Report the degrees, minutes, and seconds in the application form to the significant figures reported by the method being used to establish the location.

**TMDL Details.** Complete this table for each surface water that has a specific or general WLA in an approved TMDL for stormwater discharges from the MS4. Identify the surface water name, the name of the TMDL that covers the surface water, the name of the pollutant (e.g., "PCBs," "Pathogens," etc.), the WLA for the pollutant in lbs/year, and whether the WLA is specific (individual, applies only to the MS4 applicant) or general (aggregate / bulk, applies to urban stormwater throughout a watershed or multiple municipalities in aggregate).

**MS4 Requirements.** Check the appropriate box to indicate whether one or more Appendices or a TMDL Plan is identified for the MS4 in DEP's MS4 Requirements Table, available at DEP's MS4 website ([www.dep.pa.gov/MS4](http://www.dep.pa.gov/MS4)).

If Yes, check the box corresponding to the Appendices or TMDL Plan listed for the MS4 in DEP's MS4 Requirements Table. For example, if Clear Creek is listed for Appendix A and Muddy Run is listed for Appendices A and B, check the boxes corresponding to Appendix A and Appendix B.

If Appendix D and/or Appendix E are identified in DEP's MS4 Requirements Table for any surface water, a Pollutant Reduction Plan (PRP) must be attached to the application unless otherwise noted in the PRP Instructions (3800-PM-BCW0100k). If a TMDL Plan is identified in DEP's MS4 Requirements Table for any surface water, a TMDL Plan must be attached to the application unless otherwise noted in the TMDL Plan Instructions

(3800-PM-BCW0200d). Proper evidence of public participation of PRPs and TMDL Plans must be submitted as part of those plans (see 3800-PM-BCW0100k and 3800-PM-BCW0200d).

## STORMWATER MANAGEMENT PROGRAM

All applicants, including those who are seeking waivers, must complete this section.

Check the appropriate box if the applicant is relying and will continue to rely on Pennsylvania's Chapter 102 program for erosion and sediment control (E&S) and post-construction stormwater management (PCSM) requirements. If checked, there is no need to complete the information in the Stormwater Management Program Table for MCM #4, BMPs #4 – #8, and MCM #5, BMPs #4 – #6. Leave the box blank if the applicant has its own qualifying local program (QLP) for E&S and PCSM.

**Stormwater Management Program Table.** For each Minimum Control Measure (MCM) and Best Management Practice (BMP) listed, identify the name of the party(ies) responsible for implementation, the name of the contact person(s) responsible for implementation, and the contact person's phone number(s) as of the date of the application submission. If the applicant listed on page 1 of the application will be the entity responsible for implementation of a BMP, the word "applicant" may be used in the "Responsible Party" column (or "co-applicants" if all parties in a joint application will share responsibilities). Check the appropriate box for "MOU or Agreement?" to indicate whether a Memorandum of Agreement (MOU) or other written agreement is in place between the applicant and a third party who has agreed to assist the applicant with BMP requirements. An MOU or agreement is not required but is encouraged.

**NOTE –** Throughout the term of permit coverage, responsible parties or contact persons may change. The permittee must document such changes in Annual MS4 Status Reports.

**MOU or Agreement.** For all BMPs in which the applicant indicated the existence of an MOU or written agreement for implementation by another party, attach the MOU or agreement.

**NOTE –** The submission of an agreement is a prerequisite for Pollutant Reduction Plans (PRPs) and Total Maximum Daily Load (TMDL) Plans that are collaboratively developed amongst multiple MS4 applicants/permittees.

**Stormwater Management Ordinance.** For municipal applicants that are renewing permit coverage, answer the three questions in this section and attach to the application the applicant's Stormwater Management Ordinance(s). The box for "Yes" must be checked for at least one of the following three questions, and the date of the ordinance should be specified in the field provided.

1. Has a Stormwater Management Ordinance been enacted that is consistent with either the 2013 or 2022 DEP Model Ordinances?

Select "Yes" if the applicant's stormwater management ordinance is consistent with DEP's 2013 Model Ordinance (3800-PM-BPNPSM0100I, 4/2012) or DEP's 2022 Model Ordinance (3800-PM-BCW0100j). The term "consistent with" in this context means DEP's Model Ordinance was used as a template and was not customized. (The document 3800-PM-BPNPSM0100I is referred to as the 2013 Model Ordinance because it is part of the MS4 permit package that became effective in 2013).

2. Has a Stormwater Management Ordinance been enacted that is consistent with an Act 167 Plan approved by DEP in 2005 or later?
3. Has a Stormwater Management Ordinance been enacted that meets the requirements of the Stormwater Management Ordinance Checklist (for either 2013 or 2022)?

Select "Yes" if the applicant developed a customized ordinance that meets the minimum requirements of the Stormwater Management Ordinance Checklist (3800-PM-BCW0100g). The minimum requirements for both 2013 and 2022 ordinances are provided in the Checklist. If "Yes" is selected, attach a completed Checklist to the application.

**NOTE –** While DEP does not expect MS4s to have ordinances that meet the minimum requirements of DEP's 2022 Model Ordinance at the time of application submission, MS4s will, under an individual permit, need to submit an

ordinance that meets the minimum requirements of the 2022 Model Ordinance with an Annual MS4 Status Report by September 30, 2022 (existing permittees) or the fourth (4<sup>th</sup>) year following General Permit coverage (new permittees).

Applicants who lack the authority to enact ordinances and are renewing permit coverage must attach their stormwater management SOP(s).

For applicants that have not been covered under an NPDES permit previously, attachment of the stormwater management ordinance (new municipal applicants) or the SOP(s) (new applicants that lack ordinance authority) is optional, and the Stormwater Management Ordinance section of the application may remain blank. If the ordinance or SOP is available, it should be attached to the application.

### COMPLIANCE HISTORY

**Existing Permits.** List all permits that have been issued to the applicant by DEP or EPA in the past five years. Include any NPDES and Water Quality Management (WQM) permits, Earth Disturbance permits and any other environmental permits. Provide the issued permit number, the issue date and the name of the agency which issued the permit.

Check the appropriate box to indicate if the applicant was/is in violation of any DEP regulation, permit, order or schedule of compliance at this or ANY OTHER facility. If the answer is "No," no further information is needed in this area. If the answer is "Yes," list each permit, order or schedule of compliance and provide compliance status of the permitted facility or operation. If needed, use additional sheets to provide ALL information.

### CERTIFICATION

The applicant must certify that the information contained in the application is true, accurate and complete and agree to abide by the terms and conditions of the permit.

**The application shall be signed as follows:**

*For individually owned operations* - the owner of the facility must sign the application.

*For a Corporation* - by a responsible corporate officer. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the application originates.

*For a Partnership or Sole Proprietorship* - by a general partner or the proprietor, respectively.

*For a Municipality, State, Federal or other public agency* - by either a principal executive officer, ranking elected official or other authorized employee. For purposes of the application, a principal executive officer of a federal agency includes:

1. The chief executive officer of the agency, or
2. A senior executive officer who has responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

### APPLICANT'S CHECKLIST

To ensure completeness of the application, DEP has developed a checklist (3800-PM-BCW0200c). This checklist should be completed and returned with the application.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
APPLICATION FOR POINT SOURCE DISCHARGES FROM THE  
APPLICATION OF PESTICIDES  
INSTRUCTIONS**

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**GENERAL INFORMATION**

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**To Obtain DEP Application Packages.** To expedite the processing of the applicant's request, the Department of Environmental Protection (DEP) asks that the most up-to-date application package available be used. The most recent version of this package can be obtained by contacting the appropriate DEP regional office or through the DEP website. This package, as well as other DEP-wide and/or program-specific permit packages, is available in Microsoft Word format at this same web location. Applicants can download the appropriate form to a personal computer, complete the form electronically and print the document for submittal to DEP using the following steps:

- Type in DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)
- Select: Businesses
- Select: Water
- Select: Bureau of Clean Water
- Select: Wastewater Management
- Select: NPDES and WQM Permitting Programs

The General Information Form (GIF) is required for new applicants only (i.e., applicants that do not have existing NPDES coverage for pesticide applications).

The GIF form can be obtained as follows:

- Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)
- Select: Business
- Select: Other Programs
- Select: Licensing, Permits and Certification
- Select: Department-Wide Permit/Authorization Packages Select: General Information Form (GIF)

**FOLLOWING SUBMISSION OF YOUR APPLICATION, CHECK DEP'S WEBSITE TO MONITOR THE STATUS OF YOUR APPLICATION.** In general, DEP will not notify you if the application is considered complete and technically adequate. You may view the status of your application as follows:

- Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)
- Select: Data and Tools
- Select: Tools
- Select: eFACTS
- Select: Authorization Search and search for the record using the permit number. If unknown, you will need to search using other criteria. If necessary, contact DEP's Help Desk for assistance at 717.705.3768.

**General Instructions.** This package is designed to assist the applicant in completing the application form identified above. Type or print clearly when completing the form. If the information requires more than the space allows, attach additional sheets as necessary. If a question is not applicable to the project, write NA in the appropriate box.

The scope of the permit is limited to application of biological pesticides and chemical pesticides which leaves residue and results in a discharge to waters of the Commonwealth which are eligible for coverage under the terms and conditions of the permit.

**Who may use this application form?** This form may be used by eligible Operators (Decision Makers) seeking coverage under this individual permit. For purposes of this permit, all Operators are defined as either an Applicator or a Decision Maker or both an Applicator and a Decision Maker.

When an Operator is both an Applicator and a Decision Maker, the Operator must comply with all applicable requirements imposed on both Applicators and Decision Makers. When the permit references "All Operators," both Applicators and Decision Makers must comply.

The Decision Maker who is required to submit the application form described below should file an administratively complete, acceptable application form with DEP at least 90 days prior to commencing any biological and chemical pesticide application for the following use categories:

#### Pesticide Use Patterns

**Mosquito and Other Flying Insect Pest Control** – to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include mosquitoes and black flies.

**Weeds and Algae Pest Control** – to control weeds, algae, and pathogens that are pests in water and at water's edge, including ditches, and canals.

**Animal Pest Control** – to control animals pests in water and at water's edge. Animal pests in this use category include fish, lampreys, insects, mollusks, and pathogens.

**Forest Canopy Pest Control** - application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where, to target the pests effectively, a portion of the pesticide unavoidably will be applied over and deposited to water.

Where annual treatment area thresholds are met for one or more of these use patterns, and the Decision Maker does not qualify for PAG-15 General Permit coverage, an individual permit application must be submitted by the Decision Maker. Where the application of pesticides for these activities is less than the thresholds, a Decision Maker is not required to submit a Notice of Intent (NOI) for PAG-15 coverage or an individual permit application. The thresholds are as follows:

- For any state or federal agency for which pest management for land resource stewardship is an integral part of the organization's operations, and for mosquito, irrigation and weed control districts and similar pest control districts, the annual treatment area threshold is zero. All pesticide applications performed by these entities must be covered by an NPDES permit and a permit application must be submitted prior to the pesticide applications.
- For local governments and all other entities, the following annual treatment area thresholds apply:
  - For the mosquito and other flying insect pest control AND the forest canopy pest control pesticide use patterns - **adulticide treatment of at least 6,400 acres during a calendar year**. Each application's treatment area should be counted; for example, if a decision is made to treat the same 3,200 acres twice in one calendar year, the threshold has been met. This threshold is also cumulative; for example, if 3,200 acres will be treated in one county and another 3,200 acres will be treated in a neighboring county during the same calendar year by the same Decision Maker, the threshold has been met.
  - For the weed and algae control and animal pest control pesticide use patterns – **treatment in water or at water's edge of at least 20 linear miles OR at least 80 acres of water during a calendar year**. If the same acreage or linear miles are treated more than once during the same calendar year, those acres or miles are counted only once. The threshold for treatment in water is cumulative for acres treated by the same Decision Maker; for example, if 40 acres on a lake will be treated during a calendar year and a separate 40 acres will be treated at the same lake or a different lake by the same Decision Maker, the threshold has been met. The threshold for treatment by a Decision Maker at water's edge is not cumulative, unless the miles are continuous; for example, if 10 linear miles will be treated during a calendar year and a separate 10 miles will be treated by the same Decision Maker, the threshold has not been met (i.e., the criterion is a continuous 20 linear miles).

The term, "at water's edge" means pesticide applications that occur within 35 feet from surface waters (top of bank) unless there is no vegetated buffer, in which case "at water's edge" means pesticide applications that occur within 100 feet from surface waters.

**NOTE** – Entities planning to use an Algicide, Herbicide or Fish Control Chemical in surface waters must obtain joint approval from the Pennsylvania Fish and Boat Commission (PFBC) and DEP under 25 Pa. Code § 91.38(2) and 58 Pa. Code Chapter 51.61(b)(18). Annual treatment area thresholds do not apply to such uses.

**Where to file the application form.** Three (3) copies of the application form should be submitted to the appropriate DEP regional office serving the county in which the facility is located.

**When to file the application for coverage.** Persons seeking coverage under an individual NPDES Pesticides Permit must submit an administratively complete and acceptable application form, along with required documentation, at least 90 days prior to commencing any discharge under the individual permit.

In the event of a declared pest emergency situation (as defined below), a Decision Maker may commence use of pesticides immediately and exceed annual treatment area thresholds, as long as 1) an application is submitted to DEP within 30 days of commencing use and 2) the Decision Maker complies with the requirements of the individual permit during use.

**Application Filing Fee.** The required application fee of \$3,000 (for new permits) or \$500 (for permit renewals) must accompany the application for new permits. There is no fee for reissuance of existing permits. The check should not be more than 10 days old and should be made payable to "Commonwealth of Pennsylvania". The application fee is not required for federal or state agencies that meet the requirements of 25 Pa. Code 92a.26(hi).

## DEFINITIONS

To provide the applicant with a better understanding of terminology, DEP has included the following definitions.

**Annual Treatment Area Threshold** – the size of a treatment area which, if exceeded during a calendar year, requires NPDES permit coverage. For any state or federal agency for which pest management for land resource stewardship is an integral part of the organization's operations, and for mosquito, irrigation and weed control districts and similar pest control districts, the annual treatment area threshold is zero. For local governments and all other entities, the annual treatment area thresholds are 6,400 acres of adulticide treatment for mosquito and other flying insect pest control and forest canopy pest control, and 80 acres or 20 linear miles (continuous) for weed and algae control and animal pest control.

**Authorization** – Any DEP approval. For example: permits, plans, approvals, licenses, registrations, certifications, etc. Authorization information is documented and assigned an internal DEP Auth ID# for tracking purposes.

**Client (Responsible Party)** – A client (also referred to as applicant or permittee) is a person or organization that requests approval from DEP to perform a regulated activity. Client information is documented and assigned an internal DEP Client ID# for tracking purposes.

**Decision Maker** – Any entity with control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to waters of the Commonwealth. Note – DEP considers Decision Makers as clients.

**Declared Pest Emergency Situation** – An event defined by a public declaration by a federal agency, state, or local government of a pest problem determined to require control through application of a pesticide beginning less than ten days after identification of the need for pest control. This public declaration may be based on: (1) significant risk to human health; (2) significant economic loss; or (3) significant risk to: endangered species, threatened species, beneficial organisms, or the environment. (See 40 CFR Part 166).

**eFACTS (Environment, Facility, Application, Compliance Tracking System)** – DEP's electronic application system to document and maintain client, site data for purposes of authorizing regulated activities and tracking compliance.

**Large Entity** – any (1) public entity that serves a population greater than 10,000 or (2) private enterprise that exceeds the Small Business Administration size standard as identified at 13 CFR 121.201

**Pest Management Area** – The area of land, including any water, for which an operator has responsibility for and is authorized to conduct pest management activities as covered by this permit (e.g., for an Operator who is a mosquito control district, the pest management area is the total area of the district).

**Treatment Area** – The "treatment area" includes the entire area, whether over land or water, where the pesticide application is intended to provide pesticidal benefits within the pest management area. In some instances, the treatment area will be larger than the area where pesticides are actually applied. For example, the treatment area for a stationary drip treatment into a canal includes the entire width and length of the canal over which the pesticide is intended to control weeds. Similarly, the treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits. Treatment areas are contiguous.

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**APPLICATION INFORMATION**

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**Permit Application Type.** On the application form, check the box next to New Permit or Permit Renewal. If the application is for a permit renewal, indicate the existing NPDES Permit No.

When DEP issues an individual permit, it is authorizing the use of pesticides for the use patterns, pesticides, dosages, and treatment areas identified in the application for a period of five years. The following changes must be authorized by a permit amendment prior to commencing pesticide use: 1) a change in the use pattern for a treatment area, 2) a change in the pesticide that will be used for a treatment area, 3) an increase in the total amount (dosage) of pesticide that will be used in a treatment area, 4) an increase in the treatment area, and 5) new treatment areas not included on the original application for a new permit or permit renewal. All such changes will be considered a Minor Amendment by DEP. Permittees should use the NPDES Permit Amendment Application form (3800-PM-BCW0027b) when such changes are proposed. To reduce the occurrence of permit amendments, it is suggested that applicants report all potential pesticide treatment areas for the next five years. Authorization for all such areas as part of a new permit or permit renewal will help minimize requests for amendments during the permit term.

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**DECISION MAKER (CLIENT) INFORMATION**

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**DEP Client ID#.** DEP-wide unique identification number assigned by DEP to the client after client information is entered into DEP's computer system. This one number identifies the client regardless of the program with which the client is working. When replying to DEP, inclusion of this number will make it easier to process the request in a timely manner. If known, enter the Client ID#. Otherwise skip to the next request for information.

**Client Type/Code.** Enter the code that represents the type of client acting as the responsible authority for the permitted activity.

Government		Non-Government		Individual	
AUTH	Authority	ASSOR	Association/Organization	INDIV	Individual
CNTY	County	LLC	Ltd. Liability Company		
FED	Federal Agency	LLP	Ltd. Liability Partnership		
MUNI	Municipality	NPACO	Non-Pennsylvania Corporation		
NONPG	Non-PA Govt	OTHER	Other (Non-Govt)		
OTHG	Other (Govt)	PACOR	Pennsylvania Corporation		
SCHDI	School District	PARTG	Partnership-General		
STATE	State Agency	PARTL	Partnership-Limited		
		SOLEP	Sole Proprietorship		

**Note:** If two individuals' names are listed as the Application's clients, the Client Type Code of "Partnership-General" should be used.

**Organization Name or Registered Fictitious Name.** Clients other than individuals must provide the name under which the activity or business is conducted for which the permit or other authorization will be issued.

Individuals should complete the "Organization Name" only if they conduct their business or activity under a name other than their own (for example, "Jones Construction Company," rather than "Mary Jones").

For partnerships, list the business name of the partnership as it appears on the legal partnership papers.

If the applicant is an individual or partnership, also provide the appropriate information on the individual name lines.

**Employer ID#.** Also referred to as "Federal Tax ID#." The Employer ID# (EIN) aids DEP in identifying the organization and prevents duplicate data entry from occurring. This information is required.

**Dun & Bradstreet ID#.** (Optional) If known, supply the applicant's Dun & Bradstreet Identification Number.

**Operator / Individual Last Name, First Name, MI, Suffix, Social Security Number (SSN).** This information, with the exception of the SSN, must be provided for applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. This information is not accessible by the public or other government agencies.

**Additional Individual Last Name, First Name, MI, Suffix, SSN.** This information, with the exception of the SSN, must be provided for additional applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. This information is not accessible by the public or other government agencies.

**Mailing Address.** The mailing address of the client identified above (this should *not* include locational data that is not appropriate for a mail piece). In addition to the street number and name, PO Box#, RR#, Box#, or Highway Contract# designations, use any appropriate designation and number to further define the mailing address of the applicant.

**City, State, ZIP+4, Country.** Enter an appropriate city, borough or town designation (do not enter a township designation in this area). Do *not* use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code. If other than USA, provide country.

**Client Contact Information.** Clients that are organizations must provide the name of the person representing the client (organization). This client contact must be an employee of the organization and must be located at the mailing address of the client and able to receive correspondence on behalf of the client. Include the individual's name, title, daytime phone number and e-mail address. DEP will use this contact information for maintaining client data. This individual should be a high-level employee such as CEO, VP, Operations Manager, etc. or someone capable of answering informational questions regarding the organization such as EIN, fictitious name ownership, address data, related organizations, corporate changes, etc. Project contact information should be entered in the Site Contact found in the Site Information section.

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### SITE INFORMATION

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**DEP Site ID#.** DEP-wide unique identification number assigned to the site after site information is entered into DEP's computer system. This one number identifies the site regardless of the program with which the applicant is working. When replying to DEP, inclusion of this number will make it easier to process the NOI in a timely manner. If known, enter the Site ID#. Otherwise skip to the next request for information.

**Site Name.** The name of the site at the specific physical location. Do not use abbreviations or acronyms.

**Estimated Number of Employees to be Present at Site.** To assist with future Pollution Prevention and Compliance Assistance initiatives, please include the estimated number of employees to be present at the site once it is active.

**Description of Site.** Provide a written description of the proposed treatment site (e.g., water, forest, etc.).

**County, Municipality, State.** Indicate the county and municipality in which the site is located. Check the appropriate box to identify the type of municipality.

**Site Location.** Provide the physical address of the location where the permitted activities will occur. No PO Box Numbers will be accepted for site location information. Provide the City (or Municipality), State and the ZIP+4. If you have multiple sites, please check the box and attach details along with your NOI.

**Detailed Written Directions to Site.** When providing written directions, do not use PO Box address data. Include landmarks and approximate distances from the nearest highway.

**Site Contact Information.** Provide the name of the person having overall responsibility for environmental matters at the site. Include the individual's name, title, firm, mailing address, daytime phone number and e-mail address (optional).

**NAICS Codes.** Clients applying for an authorization from DEP need to provide the appropriate North American Industry Classification System (NAICS) code(s) at the Sector level (at a minimum). The list of NAICS Sector and Subsector level codes can be found by referencing GIF NAICS Codes. This document can be found on the DEP website with this GIF package or by contacting a DEP office identified at the end of this instructions document.

**Site-to-Client Relationship.** Enter the relationship code that best describes how the client is related to the activity or operation at the site for which the permit is being sought.

Code	Type
OWN	Owner
AGENT	Agent for the Owner or Operator
OWNOP	Owner/Operator
LESSE	Lessee

Code	Type
LESOP	Lessee/Operator
CONTR	Contractor for the Owner or Operator
OPR	Operator

**TREATMENT AREA INFORMATION**

Attach a copy of a topographical map or similar map showing the location of all treatment areas and surface waters. For large treatment areas, electronic submissions in PDF are acceptable (contact DEP prior to the submission).

**Application Methods.** Provide a description of the method(s) of pesticide application(s) being proposed (e.g., "aerial via helicopter", "manual treatment avoiding surface waters", etc.).

**Treatment Area Table.** Complete the Treatment Area Table as follows for all treatment areas anticipated over the next five years (attach a separate sheet if the number of treatment areas exceeds available space and see Note below):

- **Treatment Area No.** – Assign each treatment area an ID number, starting with 1. Treatment areas that are not contiguous should be identified as different treatment areas.
- **Pesticide Use Pattern** – Identify the use pattern for the treatment area by entering 1, 2, 3 or 4, as follows:
  - 1 – Mosquito and Other Flying Insect Pest Control
  - 2 – Forest Canopy Pest Control
  - 3 – Weed and Algae Control
  - 4 – Animal Pest Control
- **Area or Length of Treatment** – For each treatment area report the area or length of treatment. Include units of "acres" (ac) or "miles" (mi).
- **Treatment Frequency** – Report the anticipated frequency of treatments for the treatment area (e.g., "1/year", "2/year", "1/5 years", etc).
- **Latitude and Longitude of Treatment Area** – Provide the latitude and longitude coordinates at the geographic center of the treatment area. Indicate the Horizontal Reference Datum used to determine the coordinates by checking the box for North American Datum of 1927 ("NAD of 1927"), North American Datum of 1983 ("NAD of 1983"), World Geodetic System of 1984 ("WGS of 1984") or "Unknown".

**Surface Water Table.** Complete the Surface Water Table as follows for all treatment areas anticipated over next five years (attach a separate sheet if the number of treatment areas exceeds available space and see Note below):

- **Treatment Area No.** – Identify all treatment areas in the same order as done for the Treatment Area Table.
- **Surface Water Name** – Identify the name of all surface waters that are within the treatment area. For unnamed surface waters, use an identifier that associates the water body to the next downstream water body that is named (e.g., "Unnamed Tributary of Muddy Run").

- **Application Type** – For each treatment area and surface water, check the appropriate box to indicate whether the application of pesticides will 1) provide general coverage (e.g., typical for forest canopy pest control), where discharges to surface waters may occur incidentally ("General"); 2) involve direct application of pesticides to surface waters ("Direct"); and/or 3) involve application that may be within 35 feet (if vegetated) or 100 feet (if not vegetated) of a surface water ("Water's Edge"). More than one box may be selected.
- **Chapter 93 Classification (Ch 93 Class)** – Report the existing use of the surface waters under Chapter 93. Existing uses (e.g., HQ-CWF) may differ from designated uses (e.g., CWF). The applicant should consult DEP's existing use website and if an existing use is listed for the surface waters, it should be reported on the NOI (visit [www.dep.pa.gov](http://www.dep.pa.gov), select "Businesses", "Water", "Bureau of Clean Water", "Water Quality Standards", and "Statewide Existing Use Classifications"). If no existing use is available on DEP's website, the designated use under Chapter 93 is the existing use. Designated uses can be searched online by visiting [www.pacode.com](http://www.pacode.com) (Title 25, Chapter 93) or [www.depgis.state.pa.us/emappa](http://www.depgis.state.pa.us/emappa).
- **Pesticide Impairment** – Check the box if the receiving waters are impaired (i.e., not attaining water quality standards or existing uses) according to DEP's latest published Integrated Water Quality Monitoring and Assessment Report ("Integrated Report") where the cause or source is listed as pesticides (visit [www.dep.pa.gov](http://www.dep.pa.gov), select "Businesses", "Water", "The Bureau of Clean Water", "Water Quality Standards", and "Integrated Water Quality Report").

**NOTE** – Following approval of coverage under the PAG-15 General Permit, additional treatment areas, pesticides and pesticide doses may be approved through either the submission of a new NOI for amendment of coverage or through submission of an annual report that requests modifications to the original NOI. Unless specifically required by DEP, the submission of an NOI to renew coverage for a new 5-year term is unnecessary.

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### PNDI ENVIRONMENTAL REVIEW

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All applicants must attach a copy of a Pennsylvania Natural Diversity Index (PNDI) Environmental Review Receipt to the NOI (see <https://conservationexplorer.dcnr.pa.gov/content/environmental-review>). Check the appropriate box(es) to document the results of the PNDI review. One PNDI Environmental Review section should be completed for each treatment area or, if the answers are consistent for all treatment areas, one PNDI Environmental Review section may be completed for all treatment areas.

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### PESTICIDE USE INFORMATION

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Product labels for each proposed pesticide must be attached to the NOI. The applicant must identify all proposed pesticides for application within each treatment area. Indicate whether the list applies to one or more specific treatment areas or all treatment areas. Attach separate sheet(s) as necessary.

- **Pesticide** – Record the name of the product to be utilized (e.g., list "Reward" rather than "diquat dibromide). The product proposed for use must be registered with the U.S. EPA, labeled for aquatic use and listed with the PA Department of Agriculture.
- **Manufacturer** – Report the company that produces the pesticide proposed for use.
- **Approved for Aquatic?** – Check the box to indicate whether or not the product is approved for use in aquatic environments.
- **EPA Registration No.** – Report the U.S. EPA registration number for the product proposed for use.
- **Planned Max Dose** – The proposed maximum dose (dosage rate) for the product in the treatment area. The dose listed must be within the dose range on the product label.
- **Units** – Indicate the units associated with the planned dose. The dose for products used to treat area is usually expressed in pounds or gallons per surface area (e.g., lbs/acre). The dose for products used to treat water volume is usually expressed as pounds or gallons per acre-foot.
- **No. Treatments / Year** – Indicate the number of planned treatments of the pesticide within the treatment area per year.

- **Target Pest(s)** – Target species to be controlled by the pesticide.

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#### NOTIFICATION

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If potential users of treated water may be affected by pesticide applications, notification at least 24 hours in advance is required. It should be recognized that products applied to water can drift to non-target areas or be discharged downstream.

Indicate whether or not notification has occurred by the time the application is submitted or will occur prior to treatment. Indicate if you are aware of any objections to treatment from potential users of treated water. If you are aware of objections, describe them in the space provided or on a separate sheet.

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#### SUMMARY OF APPLICATIONS BY USE PATTERNS

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Using the information reported in the Treatment Area Information section, total the number of treatment areas for each use pattern, and report the maximum annual pesticide treatment area, with units (acres or linear miles). For example, if there are three treatment areas for forest canopy control with treatment areas of 3,000 acres, 6,000 acres and 9,000 acres, report "3" for the total number of treatment areas in the row for forest canopy pest control, "9,000" for the maximum annual pesticide treatment area, and "acres" for units.

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#### EXISTING PERMITS

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List all permits that have been issued to the applicant by DEP or EPA. Include any NPDES and Water Quality Management (WQM) permits, Chapter 102 permits and any other environmental permits. Provide the issued permit number, the issue date and the name of the agency which issued the permit.

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#### COMPLIANCE HISTORY REVIEW

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Check the appropriate box to indicate if the facility owner or operator is in violation of any DEP regulation, permit, order or schedule of compliance at this or any other facility. If the answer is "NO," no further information is needed in this area. If "YES," list each permit, order or schedule of compliance and provide compliance status of the permitted facility or operation. If needed, use additional sheets to provide information on ALL permits.

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#### PESTICIDES DISCHARGE MANAGEMENT PLAN (PDMP)

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A Pesticide Discharge Management Plan (PDMP) must be attached to the Application if the applicant (Decision Maker) is considered a "Large Entity." A Large Entity is any public entity (i.e., government organization) that serves a population greater than 10,000 or private enterprise that exceeds the Small Business Administration size standard as identified at 13 CFR § 121.201. Note that the development of a PDMP will require input from the pesticide applicator.

The PDMP documents how Decision Makers will implement technology-based and water quality-based effluent limitations of the pesticides permit, including the evaluation and selection of Pest Management Measures to meet those effluent limitations in order to minimize discharges. Decision Makers may incorporate by reference in the PDMP any procedures or plans in other documents that meet the requirements of the permit. If Decision Makers rely upon other documents to comply with the effluent limitations in the permit, such as a pre-existing pest management plan, the Decision Maker must attach to the PDMP a copy of any portions of any documents that are used to document the implementation of the effluent limitations.

Contents of the Pesticide Discharge Management Plan. The PDMP must include the following elements:

- Pesticide Discharge Management Team;
- Problem Identification;
- Pest Management Options Evaluation;
- Response Procedures (for spills and adverse incidents); and
- Appropriate signatures.

Instructions

**PDMP Team.** The Decision Maker must identify all the persons (by name and contact information) that compose the team as well as each person's individual responsibilities, including:

- Person(s) responsible for managing pests in relation to the pest management area;
- Person(s) responsible for developing and revising the PDMP; and
- Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements.

**Problem Identification.** Decision Makers must document the following:

- **Pest problem description.** Document a description of the pest problem at the pest management area, including identification of the target pest(s), source(s) of the pest problem, and source of data used to identify the problem in Part C I of the General Permit, Pest Management Measures;
- **Action Threshold(s).** Describe the action threshold(s) for the pest management area, including data used in developing the action threshold(s) and method(s) to determine when the action threshold(s) has been met;
- **General location map.** In the plan, include a general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and locations of surface waters of the Commonwealth; and
- **Water quality standards.** Document any Special Protection water (High Quality and Exceptional Value Waters) and any water(s) identified as impaired by a substance which either is an active ingredient or a degradate of such an active ingredient.

**Pest Management Options Evaluation.** Decision Makers must document the evaluation of the pest management options, including combination of the pest management options, to control the target pest(s). Pest management options include the following: No action, prevention, mechanical/physical methods, cultural methods, biological control agents, and pesticides. In the evaluation, Decision Makers must consider the impact to water quality, impact to non-target organisms, feasibility, cost effectiveness, and any relevant previous Pest Management Measures.

**Response Procedures.** Decision Makers must document the following procedures in the PDMP:

- **Spill Response Procedures** – At a minimum the Decision Maker must have:
  - Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your PDMP team.
  - Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.
- **Adverse Incident Response Procedures** – At a minimum the Decision Maker must have:
  - Procedures for responding to any adverse incident resulting from pesticide applications.
  - Procedures for notification of the adverse incident, both internal to Decision Makers agency/organization and external. Contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.

**Signature Requirements.** The Decision Maker must sign, date and certify the PDMP as specified below (Certification section).

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**CERTIFICATION**

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The applicant must certify that the information contained in the application is true, accurate and complete and agree to abide by the terms and conditions of this permit. In addition, the responsible official's signature also certifies that the

facility is eligible for coverage under the Pesticides Permit and ensures that water quality standards and effluent limits are attained.

**The Application Form shall be signed as follows:**

*For individually owned operations* – the owner of the facility must sign the Application Form.

*For a Corporation* – by a responsible corporate officer. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the application originates.

*For a Partnership or Sole Proprietorship* – by a general partner or the proprietor, respectively.

*For a Municipality, State, Federal or other public agency* – by either a principal executive officer, ranking elected official or other authorized employee. For purposes of this application, a principal executive officer of a federal agency includes:

- a. The chief executive officer of the agency, or
- b. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

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**APPLICANT'S CHECKLIST**

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DEP provides a checklist (3800-PM-BCW0025c) to ensure the application is complete. This checklist must be returned with the completed application.

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**DEP OFFICES**

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A listing of DEP regional offices can be found on DEP's website ([www.dep.pa.gov](http://www.dep.pa.gov), select Regional Resources).



## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) APPLICATION FOR INDIVIDUAL PERMIT TO DISCHARGE SEWAGE EFFLUENT FROM SMALL FLOW TREATMENT FACILITIES INSTRUCTIONS

### GENERAL INFORMATION

**NOTE: FAILURE TO COMPLY WITH THESE INSTRUCTIONS AND SUBMIT ALL REQUIRED INFORMATION MAY RESULT IN DENIAL OF THE APPLICATION.**

The Department of Environmental Protection (DEP) requests that applicants use the most recent versions of applications as posted on DEP's website. The most recent version of the Application for Individual Permit to Discharge Sewage Effluent from Small Flow Treatment Facilities can be obtained through DEP's website as noted below. A complete application package includes the application form, the General Information Form (GIF), and all other attachments identified on the checklist for this application. Applicants can download the appropriate form to a personal computer, complete the form electronically and print the document for submission to DEP. The application and checklist can be obtained electronically as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
Select: Businesses  
Select: Water  
Select: Bureau of Clean Water  
Select: Wastewater Management  
Select: NPDES and WQM Permitting Programs

The GIF form can be obtained as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
Select: Businesses  
Select: Permits, Licensing and Certification  
Select: Department-Wide Permit/Authorization Packages  
Select: General Information Form (GIF)

**FOLLOWING SUBMISSION OF YOUR APPLICATION, CHECK DEP'S WEBSITE TO MONITOR THE STATUS OF YOUR APPLICATION.** In general, DEP will not notify you if the application is considered complete and technically adequate. You may view the status of your application as follows:

Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)  
Select: Data and Tools  
Select: Tools  
Select: eFACTS  
Select: Authorization Search and search for the record using the permit number. If unknown, you will need to search using other criteria. If necessary, contact DEP's HelpDesk for assistance at 717.705.3768.

**General Instructions.** These instructions are intended to assist the applicant in completing the application form identified above. Type or print clearly when completing the form. Attach additional sheets as necessary to complete all questions. If a question is not applicable to the project, write N/A in the appropriate field.

**Who Must Apply for NPDES Permits?** Persons who operate facilities or conduct activities that discharge pollutants into surface waters of the Commonwealth (including dry streams, ditches and storm sewers).

**Who Can Use This Form?** This form should be used by any applicant with a small flow sewage treatment facility (SFTF), including single residence sewage treatment plants (SRSTPs). A small flow treatment facility is a sewage

treatment facility with a design flow less than or equal to 2,000 gallons per day (GPD). An SRSTP is a small flow treatment facility serving one residential unit.

**Where to File Applications.** Three (3) copies of all application materials should be submitted to the DEP regional office that covers the county where the facility is located. A list of counties and DEP regional offices can be viewed at DEP's website (go to [www.dep.pa.gov](http://www.dep.pa.gov) and select Regional Resources). If the facility is located in Erie County, a fourth copy of the application should be submitted to the DEP regional office.

If the facility discharges to a stream in the Delaware River Basin (i.e., directly to the Delaware River or its tributaries), send one complete copy of the application to the Delaware River Basin Commission (DRBC) at:

Delaware River Basin Commission  
25 State Police Drive  
P.O. Box 7360  
West Trenton, NJ 08628-0360  
Phone: 609.883.9500

If the facility is located in Allegheny County, send one complete copy of the application to the Allegheny County Health Department at:

Allegheny County Health Department  
Frank B. Clack Health Center  
Water Pollution Control Program  
Building #5  
40th Street & Penn Avenue  
Pittsburgh, PA 15224  
Phone: 412.578.8040

**When to File Applications.** Unless permission has been granted by DEP for submission at a later date, applications must be filed at least 180 days BEFORE your present NPDES permit expires or 180 days PRIOR TO start up and commencement of discharge for new facilities.

**Application Fee.** The required application fee payable to "Commonwealth of Pennsylvania" must accompany the application. See the table below for the appropriate application fee for new permits. There is no fee for reissuance of existing permits for SFTFs. The check should not be more than 10 days old. Any federal or state agency or independent state commission that provides funding to DEP for the implementation of the NPDES program through terms and conditions of a mutual agreement may be exempt from the fees.

Single residence sewage treatment plant/SRSTP	\$2400 for new; \$100 for reissuance
Small flow treatment facility:	\$1,00250 for new; \$250 for reissuance

If you need assistance in determining the appropriate application fee, you may contact DEP's Central Office at 717.787.6744. If your application has been denied previously and you are resubmitting your application, the application fee must be included with the resubmission.

**Public Notification of Permit Application and Public Access to Application Information.** Act 14, which amended the Commonwealth's Administrative Code (effective April 17, 1984), requires every applicant for a new, amended, or renewed NPDES permit to give written notice to each municipality and county in which the facility is located. The written notices must be received by municipalities and counties at least 30 days before DEP action on a permit application. A sample Act 14 notification letter (3850-PM-BCW0402) is available on DEP's eLibrary website.

Please submit with your application:

1. A copy of your correspondence notifying your intentions to the municipality(ies) and the county(ies) in which the permitted activity will occur.

2. Evidence that the municipality(ies) and county(ies) have received your notification. Acceptable forms of this evidence include certified mail receipt or written acknowledgment of the notification from the municipality(ies) and county(ies).

Failure to provide a copy of your notification correspondence and evidence of municipal and county receipt of your notification with the application may result in denial of your application.

Note that any information submitted to DEP which goes beyond that required by this form may be claimed as confidential, but claims for information which are effluent data will be denied. If a claim of confidentiality is not asserted at the time of submitting the information, DEP may make the information public without further notice. Claims of confidentiality will be handled in accordance with EPA's business confidentiality regulations in 40 CFR Part 2.

**Other permits and/or approvals.** Where necessary, the applicant shall be responsible to apply for and obtain other permits and/or approvals. DEP's General Information Form (GIF) (1300-PM-BIT0001) must be attached to the application and must indicate other permits that are necessary for the project, as applicable.

### CHECKLIST

To assist the applicant in ensuring the application is complete, a checklist has been developed (3800-PM-BCW0018c). This checklist should be completed and submitted with the complete application.

### COMPLETING THE APPLICATION

If known, enter Client ID, Site ID, APS ID and Facility ID. These are identification numbers specific to the applicant, facility, and the most recent NPDES permit issued to the applicant. If unknown, leave these fields blank.

### GENERAL INFORMATION

1. Enter the Applicant/Operator Name as it appears on the GIF in the Client section (Organization Name or Registered Fictitious Name).
2. Check the appropriate box to indicate whether the application is for a new permit or renewal of an existing permit. If a renewal, list the current NPDES permit number, the expiration date of the current NPDES permit in effect, and the permit renewal application due date (i.e., 180 days before the expiration date unless DEP has granted permission to submit the application at a later date).

**NOTE** – The Application for Permit Amendment form (3800-PM-BCW0027b) should be completed for all requests for amendments to previously issued permits.

3. Check the appropriate box for facility fee category. Contact DEP's Central Office at 717.787.6744 if you need assistance.

### TOPOGRAPHIC AND DISCHARGE INFORMATION

1. Attach to the application a USGS topographic map that extends at least one mile beyond the property boundary. If a topographic map is not available use a map that depicts surface waters within the one mile boundary.
2. List all treatment discharge outfalls associated with the facility. Include the outfall number (use same number as in existing permit or, if a new discharge, number sequentially starting with "001"), latitude, longitude, stream name and Chapter 93 classification (e.g., Warm Water Fishery, High Quality Cold Water Fishery, etc.). Chapter 93 classifications for Pennsylvania's waters are available at [www.pacode.com](http://www.pacode.com), select Title 25 and Chapter 93.
3. Describe any uses of sewage effluent that are alternatives to stream discharges. These may include off-site uses for golf course irrigation or other reuse or land application of effluent.

**NOTE** – For new or expanded discharges to High Quality or Exceptional Value waters, the applicant must conduct an alternatives analysis that includes a consideration of non-discharge alternatives. In general, this should have been

completed during the sewage planning approval process. If this has not been completed as part of sewage planning, DEP will require the completion of the alternatives analysis as part of the NPDES permit application.

### **TREATMENT PLANT FLOW INFORMATION**

1. For new facilities, enter the annual average design flow in gallons per day (GPD). If the facilities are being expanded, enter the proposed design flow in GPD.
2. For existing facilities, enter the annual average design flow in GPD, the highest average monthly flow for the previous year in GPD, and the month in which the highest average flow occurred. If flow has not been measured, indicate "N/A."

### **TREATMENT PLANT PROCESS INFORMATION**

1. Provide a narrative description of the proposed or existing wastewater treatment process. Identify all unit processes and the number of process tanks. For example, "Influent flow enters one 1,000-gallon septic tank followed by a 200-gallon dosing tank and a 1,500-square foot aboveground sand filter."
2. Identify the type of disinfection used (e.g., gaseous chlorine, liquid chlorine, ultraviolet, etc.). If chlorine is used and a dechlorination process is also used, specify this in the application.
3. If facility upgrades are anticipated in the next five years, describe the upgrades in the application.

### **EFFLUENT TESTING INFORMATION**

For renewal applications, provide the maximum daily and average monthly statistical results for the listed pollutants over the past two years. SRSTPs/SFTFs should report the results of pH (Minimum and Maximum), BOD5 or CBOD5, TSS, Fecal Coliform and Total Residual Chlorine (TRC) (if chlorine is used for disinfection). If pH data are not available, these fields may remain blank. At least one sample result for all other parameters is required.

Applicants for new discharges should report estimated results for pH (Minimum and Maximum) and estimated average monthly results for BOD5 or CBOD5, TSS, Fecal Coliform and TRC (if chlorine is used for disinfection).

### **SEWERAGE FACILITIES (ACT 537) PLANNING**

Any applicant planning to construct or expand sewage treatment or conveyance facilities must obtain approval from the municipality in which the activity will take place. DEP must approve any revision to the municipality's Official Sewerage Facilities Plan. If the applicant is seeking an NPDES permit for a new facility, attach the Sewerage Planning Approval Letter issued by DEP. For the question that asks whether the sewage discharges covered by this application are consistent with the DEP-approved official Sewerage Facilities Plan(s), select "Yes" if planning approval has been obtained, otherwise select "No," and provide an explanation of the status of sewage planning approval.

**NOTE** – The application may be denied if sewage planning approval has not been obtained before applying for an NPDES permit.

### **LABORATORY INFORMATION**

List off-site laboratories used for analytical results reported in the application and the analyses performed.

### **COMPLIANCE HISTORY**

Check appropriate box to indicate whether the facility owner or operator is in violation of any DEP regulation, permit, order or schedule of compliance at this or any other facility at the time the application is submitted to DEP. If the answer is "No," no further information is needed in this section. If the answer is "Yes," list each permit, order, or compliance schedule and provide compliance status of the permitted facility or activity on a separate attached sheet.

**CERTIFICATION AND SIGNATURE OF APPLICANT**

The applicant must certify that the information contained in the application is true, accurate and complete.

The application must be signed as follows:

*For individually owned operations* - the owner of the facility must sign the application.

*For a Corporation* - by a responsible corporate officer. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the application form originates.

*For a Partnership or Sole Proprietorship* - by a general partner or the proprietor, respectively.

*For a Municipality - state, federal or other public agency* - by either a principal executive officer or ranking elected official. For purposes of this the application, a principal executive officer of a federal agency includes:

- The chief executive officer of the agency, or
- A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

DRAFT

DOCUMENT REVISION HISTORY

Date	Revision Reason
November 2016	Updated pathway to find documents on website; Included reference to Sample Act 14 Notification Letter; Updated topographic map requirements; Updated document number and references to document numbers.

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## APPLICATION FOR SINGLE RESIDENCE SEWAGE TREATMENT PLANT NPDES AND WQM PERMIT TRANSFER INSTRUCTIONS

### GENERAL INFORMATION

**To Obtain DEP Application Packages.** To expedite the processing of the application, the Department of Environmental Protection (DEP) requests that the most up-to-date application package available be used. The most recent version of this package can be obtained by contacting the appropriate DEP regional office, or through our website noted below. This package, as well as other DEP-wide and/or program-specific permit application form packages are available in Microsoft Word format at this same web location. Applicants can download the appropriate form to a personal computer, complete the form electronically and print the document for submittal to DEP using the following steps:

- Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)
- Select: Businesses
- Select: Water
- Select: Bureau of Clean Water
- Select: Wastewater Management
- Select: NPDES and WQM Permitting Programs

### **FOLLOWING SUBMISSION OF YOUR APPLICATION, CHECK DEP'S WEBSITE TO MONITOR THE STATUS OF YOUR APPLICATION**

In general, DEP will not notify you if the Application is considered complete and technically adequate. You may view the status of your NOI/Application as follows:

- Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)
- Select: Data and Tools
- Select: Tools
- Select: eFACTS
- Select: Authorization Search and search for the record using the permit number. If unknown, you will need to search using other criteria. If necessary, contact DEP's Helpdesk for assistance at 717.705.3768.

**General Instructions.** This package is designed to assist the applicant in completing the application form identified above. Type or print clearly when completing the form. If information needed is more than space allows, attach additional sheets as necessary. If a question is not applicable to the facility, write NA in the appropriate box.

This application for transfer of National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits is intended solely for use by permittees of single residence sewage treatment plants (SRSTPs). SRSTPs are treatment facilities designed and utilized for single family homes. There are generally four types of permits that may be issued by DEP to authorize construction, operation and surface water discharge for SRSTPs and may be transferred to new ownership through this form:

- PAG-04 General NPDES Permit Coverage;
- Individual NPDES Permit;
- WQG-01 General WQM Permit; and
- WQM Permit.

The permittee must notify the appropriate DEP regional office by letter of such pending change at least 30 days prior to the change in ownership or control. Both the current permittee and the new owner must complete the *Application for Single Residence Sewage Treatment Plant NPDES and WQM Permit Transfer*.

Applications for all transfers must be submitted in duplicate to the appropriate DEP regional office that has jurisdiction over the county where the facilities are located.

The original permit must be surrendered if available. If the permittee cannot produce his copy of the permit, the application must so indicate.

The regional office will review the application with particular regard to compliance with requirements of DEP's Rules and Regulations and conformity of facilities with those approved in the permit.

If DEP determines that the permit can be transferred, an amended permit will be issued. The amended permit will be mailed to the *new* permittee with a letter of transmittal. Copies of the letter of transmittal will be sent to the *old* permittee.

If DEP determines that the permit cannot be transferred, the regional office will return the transfer request and permit documents to the former permittee and notify him that the transfer is denied, stating the reason(s) for the denial and the permittees rights of appeal. A copy of the notification letter will be sent to the proposed new permittee. When the denial is based on facility changes, the proposed new permittee will be asked to apply for a new permit(s) due to substantial operating changes from the existing permit(s). In such situations the normal permit application processes will be followed (including application fees, Act 14 local municipality/county notification, etc.).

**Permit Transfer Fees.** The required transfer fee, identified below, must accompany the application. The check or money order should not be more than 10 days old and be made payable to "Commonwealth of Pennsylvania."

- PAG-04 General NPDES Permit Coverage - \$0
- Individual NPDES Permit - \$50
- WQG-01 General WQM Permit - \$0
- WQM Permit - \$50

**Applicant Responsibility.** It is the applicant's responsibility to demonstrate eligibility for coverage under the permit. The demonstration must be made as part of the application submittal.

If known, enter Client ID, Site ID, APS ID and Facility ID. These are identification numbers specific to the applicant, facility, and the most recent permit(s) issued to the applicant. If unknown, leave these fields blank.

In the space provided, enter the assigned number(s) of the DEP-issued permit(s) in which the applicant is requesting transfer to a new permittee. In addition, enter the date of the proposed sale or transfer of ownership or operation.

### DEP OFFICES

A listing of DEP's regional offices can be found on DEP's website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) by selecting "Regional Resources".

### PRESENT PERMITTEE INFORMATION

**DEP Client ID#.** DEP-wide unique identification number assigned by DEP to the client after client information is entered into DEP's computer system. This one number identifies the client regardless of the program with which the client is working. When replying to DEP, inclusion of this number will make it easier to process the request in a timely manner. If known, enter the Client ID#.

**Client Type/Code.** Enter the code that represents the type of client acting as the responsible authority for the permitted activity.

Government		Non-Government		Individual
AUTH	Authority	ASSOR	Association/Organization	INDIV Individual
CNTY	County	LLC	Ltd. Liability Company	
FED	Federal Agency	LLP	Ltd. Liability Partnership	
MUNI	Municipality	NPACO	Non-Pennsylvania Corporation	
NONPG	Non-PA Govt	OTHER	Other (Non-Govt)	
OTHG	Other (Govt)	PACOR	Pennsylvania Corporation	
SCHDI	School District	PARTG	Partnership-General	
STATE	State Agency	PARTL	Partnership-Limited	
		SOLEP	Sole Proprietorship	

**Note:** If two individuals' names are listed as the clients, the Client Type/Code of "Partnership-General" should be used.

**Individual Last Name, First Name, MI, Suffix, Social Security Number.** This information, with the exception of the SSN, must be provided for applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. This information is not accessible by the public or other government agencies.

**Additional Individual Last Name, First Name, MI, Suffix, Social Security Number.** This information, with the exception of the SSN, must be provided for additional applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. This information is not accessible by the public or other government agencies.

**Mailing Address.** The mailing address of the client identified above (this should *not* include locational data that is not appropriate for a mail piece). In addition to the street number and name, PO Box#, RR#, Box#, or Highway Contract# designations, use any appropriate designation and number to further define the mailing address of the applicant.

e.g.,      APT      (Apartment)      DEPT      (Department)      RM      (Room)  
               BLDG      (Building)      FL      (Floor)      STE      (Suite)

**City, State, ZIP+4, Country.** Enter an appropriate city, borough, or town designation (do not enter a township designation in this area). Do *not* use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code. If other than USA, provide country.

**PERMIT INFORMATION**

**Existing Permits.** List all NPDES and WQM permits that were issued for this facility. Provide the permit type, issued permit number and the date issued.

**COMPLIANCE HISTORY REVIEW**

Check the appropriate box to indicate if the facility owner or operator is in violation of any DEP regulation, permit, order or schedule of compliance at this or any other facility. If the answer is "No," no further information is needed in this area. If "Yes," list each permit, order and schedule and provide compliance status of the permitted facility or operation. If needed, use additional sheets to provide information on ALL permits.

**CERTIFICATION**

The present permittee must certify that the information contained in the application is true, accurate and complete.

The transfer application shall be signed by the owner of the facility.

If signed by other than the above, written notification of delegation of signatory authority must be submitted to DEP along with this form.

**PROPOSED PERMITTEE INFORMATION**

**DEP Client ID#.** DEP-wide unique identification number assigned by DEP to the client after client information is entered into DEP's computer system. This one number identifies the client regardless of the program with which the client is working. When replying to DEP, inclusion of this number will make it easier to process the request in a timely manner. Enter the Client ID# if known. If a new client to DEP, skip to the next request for information.

**Client Type/Code.** Enter the code that represents the type of client acting as the responsible authority for the permitted activity.

Government		Non-Government		Individual	
AUTH	Authority	ASSOR	Association/Organization	INDIV	Individual
CNTY	County	LLC	Ltd. Liability Company		
FED	Federal Agency	LLP	Ltd. Liability Partnership		
MUNI	Municipality	NPACO	Non-Pennsylvania Corporation		
NONPG	Non-PA Govt	OTHER	Other (Non-Govt)		
OTHG	Other (Govt)	PACOR	Pennsylvania Corporation		
SCHDI	School District	PARTG	Partnership-General		
STATE	State Agency	PARTL	Partnership-Limited		
		SOLEP	Sole Proprietorship		

**Note:** If two individuals' names are listed as the clients, the Client Type/Code of "Partnership-General" should be used.

**Individual Last Name, First Name, MI, Suffix, Social Security Number.** This information, with the exception of the SSN, must be provided for applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. This information is not accessible by the public or other government agencies.

**Additional Individual Last Name, First Name, MI, Suffix, Social Security Number.** This information, with the exception of the SSN, must be provided for additional applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. This information is not accessible by the public or other government agencies.

**Mailing Address.** The mailing address of the client identified above (this should *not* include locational data that is not appropriate for a mail piece). In addition to the street number and name, PO Box#, RR#, Box#, or Highway Contract# designations, use any appropriate designation and number to further define the mailing address of the applicant.

e.g.,	APT	(Apartment)	DEPT	(Department)	RM	(Room)
	BLDG	(Building)	FL	(Floor)	STE	(Suite)

**City, State, ZIP+4, Country.** Enter an appropriate city, borough, or town designation (do not enter a township designation in this area). Do *not* use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code. If other than USA, provide country.

### COMPLIANCE HISTORY REVIEW

Check appropriate box to indicate if the proposed facility owner or operator is in violation of any DEP regulation, permit, order or schedule of compliance at any other facility. If the answer is "No," no further information is needed in this area. If "Yes," list each permit, order and schedule and provide compliance status of the permitted facility or operation. If needed, use additional sheets to provide information on ALL permits.

### CERTIFICATION

The proposed permittee must certify that the information contained in the application is true, accurate and complete and agree to abide by the terms and conditions of the permit.

The transfer application shall be signed by the proposed owner of the facility.

If signed by a person other than the above, written notification of delegation of signatory authority must be submitted to DEP along with this form.

DOCUMENT REVISION HISTORY

Date	Revision Reason
	Updated pathway to find documents on website; Updated document number and references to document numbers.

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## APPLICATION FOR NPDES OR WQM PERMIT TRANSFER INSTRUCTIONS

### GENERAL INFORMATION

**To Obtain DEP Application Packages.** To expedite the processing of the applicant's request, the Department of Environmental Protection (DEP) requests that the most up-to-date application package available be used. The most recent version of this package can be obtained by contacting the appropriate DEP regional office, or through our website noted below. This package, as well as other DEP-wide and/or program-specific permit application form packages, are available in Microsoft Word format at this same web location. Applicants can download the appropriate form to a personal computer, complete the form electronically and print the document for submittal to DEP using the following steps:

- Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)
- Select: Businesses
- Select: Water
- Select: Bureau of Clean Water
- Select: Wastewater Management
- Select: NPDES and WQM Electronic Permitting Programs

### FOLLOWING SUBMISSION OF YOUR APPLICATION, CHECK DEP'S WEBSITE TO MONITOR THE STATUS OF YOUR APPLICATION

In general, DEP will not notify you if the Application is considered complete and technically adequate. You may view the status of your application as follows:

- Go to DEP's website: [www.dep.pa.gov](http://www.dep.pa.gov)
- Select: Data and Tools
- Select: Tools
- Select: eFACTS
- Select: Authorization Search and search for the record using the permit number. If unknown, you will need to search using other criteria. If necessary, contact DEP's HelpDesk for assistance at 717.705.3768.

**General Instructions.** This package is designed to assist the applicant in completing the application form identified above. Type or print clearly when completing the form. If information needed is more than space allows, attach additional sheets as necessary. If a question is not applicable to the facility, write N/A in the appropriate box.

The transfer application form (3800-PM-BCW0041b) may be used by anyone holding a National Pollutant Discharge Elimination System (NPDES) individual permit or coverage under an NPDES General Permit who wishes to transfer ownership or operation under the permit to a new permittee, with the exception of single residence sewage treatment plants (SRSTPs), which should use a separate application (3800-PM-BCW0016b). It may also be used for those holding a Water Quality Management (WQM) permit for construction and operation of sewage (except SRSTPs), industrial waste or manure storage facilities, including land application, and those who operate under a "No Exposure" Certification issued by DEP.

A transfer application fee must accompany the transfer application form for most NPDES permits (see Permit / Facility Category section below). No Exposure Certifications may be transferred without charge to the new owner or operator of a facility provided the facility is the same as originally approved. Requests for permit transfers may be denied where the permitted facilities are in violation of the Clean Streams Law or other environmental statutes or regulations (unless the transfer would help to resolve and correct the violation). Requests may also be denied where the proposed new permittee has shown a lack of ability or intention to comply with such laws, regulations, permits and orders (as indicated by past or continuing violations).

In the event of any pending change in control or ownership of regulated facilities, the permittee must notify the appropriate DEP regional office of such pending change at least 30 days prior to the change in ownership or operation. Both the current permittee and the new owner or operator must complete the transfer application.

Applications for all transfers must be submitted in duplicate to the appropriate DEP regional office that has jurisdiction over the county where the facilities are located.

If the transfer involves change in the permittee's name only for a facility covered by an individual NPDES permit, the permittee should use the Application for a Permit Amendment form (3800-PM-BCW0027b). For facilities covered by a General NPDES Permit or a WQM Permit, this form (3800-PM-BCW0041b) should be used for all transfer actions including name changes, except for SRSTPs.

The original permit must be surrendered to DEP as part of the transfer. If the permittee cannot produce a copy of the permit, the application must indicate this.

The regional office will review the application with particular regard to compliance with requirements of DEP's Rules and Regulations and conformity of facilities with those approved in the permit.

If DEP determines that the permit can be transferred, an amended permit will be issued. The amended permit will be mailed to the *new* permittee with a letter of transmittal. Copies of the letter of transmittal will be sent to the *prior* permittee. When transferring *sewage NPDES permits* and *sewage WQM permits with a discharge to groundwater*, the *new* permittee must record the permit with the County Recorder of Deeds under the provisions of the Clean Streams Law.

If DEP determines that the permit cannot be transferred, the regional office will return the transfer request and permit documents to the prior permittee with notification that the transfer is denied, stating the reason(s) for the denial and the permittee's rights of appeal. A copy of the notification letter will be sent to the proposed new permittee. When the denial is based on facility changes the proposed new permittee will be asked to apply for a new permit(s) due to substantial operating changes from the existing permit(s). In such situations the normal permit application processes will be followed (including permit application fees, Act 14 local municipality/county notification, local newspaper notice for industrial waste discharge permits, etc.).

**Applicant Responsibility.** It is the applicant's responsibility to demonstrate eligibility for coverage under the permit. The demonstration must be made as part of the application submittal.

If known, enter Client ID, Site ID, APS ID and Facility ID. These are identification numbers specific to the applicant, facility, and the most recent permit(s) issued to the applicant. If unknown, leave these fields blank.

In the space provided, enter the assigned number(s) of the DEP-issued permit(s) in which the applicant is requesting transfer to a new permittee. In addition, enter the date of the proposed sale or transfer of ownership or operation.

If the facility is using the eDMR system, the applicant must attach the eDMR Registration Form (3800-FM-BCW0424) and Trading Partner Agreement (3800-FM-BCW0425) to register the proposed permittee. Without these forms the application will be considered incomplete. The forms can be found on DEP's eDMR website: [www.dep.pa.gov/eDMR](http://www.dep.pa.gov/eDMR).

## DEFINITIONS

To provide the applicant with a better understanding of terminology, we are including the following definitions.

**eDMR system.** DEP's electronic Discharge Monitoring Report (DMR) system used to manage DMR reporting requirements of National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits.

**eFACTS (Environment, Facility, Application, Compliance Tracking System).** DEP's electronic application system to document and maintain client, site and facility data for purposes of authorizing regulated activities and tracking compliance.

**eNotice.** DEP has developed a comprehensive environmental compliance information reporting system to give the public access to permitting and compliance information on individual facilities by program and by geographic area. This system is available by logging on to DEP's website and selecting eNOTICE.

**Client (Responsible Party).** A client (also referred to as applicant or permittee) is a person or organization that requests approval from DEP to perform a regulated activity. Client information is documented and assigned an internal DEP Client ID# for tracking purposes.

**Site (Place).** A site is a physical location of importance to DEP. A site may include locations where a regulated facility is physically located or where a regulated activity occurs that has the potential to impact the health and safety of the citizens and/or the natural resources of the Commonwealth. A site is not solely defined by geographical location (can span several municipalities and even counties in some cases) but rather by the client/applicant's purpose of doing business. All DEP programs' involvement at a physical location of importance to DEP is grouped under one "entity" – site. This holistic view of site will promote an understanding of the interrelationships of facilities to support pollution prevention; multi-media inspections; a DEP-wide view of compliance; and public understanding and access of information. Site information is documented and assigned an internal DEP Site ID# for tracking purposes.

**Site-to-Client Relationships.** DEP will create internal records to relate (link) each site with all clients associated with the site and/or its facilities.

**Facility.** A facility (also referred to as Primary Facility (PF)) is a logical bridge between sites and sub-facilities that allows DEP to provide a framework for a facility's or an activity's regulation. PF is a way to group a program's involvement at a site (what it regulates) under one heading. For example: One area of the water program groups all of their involvement (regulated entities) under a PF type of "Water Pollution Control Facility." Facility information is documented and assigned an internal DEP Facility ID# for tracking purposes.

**Sub-Facility.** A sub-facility (SF) is program-specific. An SF is what DEP regulates. For example: An Outfall Structure and a Production Service Unit are SFs of a Water Pollution Control Facility PF.

**Authorization.** Any DEP approval. For example: permits, plans, approvals, licenses, registrations, certifications, etc. Authorization information is documented and assigned an internal DEP Auth ID# for tracking purposes.

#### DEP OFFICES

A listing of DEP's regional offices can be found on DEP's website ([www.dep.pa.gov](http://www.dep.pa.gov)) by selecting "Regional Resources".

#### PERMIT / FACILITY CATEGORY

Specify the type of permit(s) and facility the transfer application applies to by checking the appropriate box. Sewage facilities with individual NPDES permits should be checked as either "Small Flow Treatment Facility" (if flow is less than 2,000 GPD and not serving a single residence) or "Other Domestic Wastewater" (all other sewage facilities where flow > 2,000 GPD). Facilities with stormwater discharges only and pesticide activities that are covered by an individual NPDES permit should select "Industrial Waste". Facilities covered by an NPDES General Permit should select "NPDES General Permit," and the appropriate General Permit should be identified (e.g., "PAG-03"). If none of the options are applicable, select the box for "Other" and specify the type of permit in the space provided.

**Permit Transfer Fees.** Where applicable in accordance with the schedule below, the required transfer fee payable to "Commonwealth of Pennsylvania" must accompany the application. The check or money order should not be more than 10 days old.

Permit Type <sup>(1)</sup>	Facility Type <sup>(2)</sup>	Transfer Fee <sup>(3),(4)</sup>
Individual NPDES Permit	Small Flow Treatment Facility (Sewage ≤ 2,000 gallons per day, not an SRSTP)	\$100
Individual NPDES Permit	Other Domestic Wastewater (All Sewage Facilities > 2,000 gallons per day)	\$200
Individual NPDES Permit	Industrial Waste (including industrial stormwater, Concentrated Aquatic Animal Production (CAAP) facilities and pesticides)	\$500
Individual NPDES Permit	Municipal Separate Storm Sewer System (MS4)	\$500
Individual NPDES Permit	Concentrated Animal Feeding Operation (CAFO)	\$500
General NPDES Permit	All facilities covered by this permit type except SRSTPs and CAFOs (facilities covered by PAG-03, PAG-04 (SFTFs), PAG-05, PAG-06, PAG-10, PAG-11, PAG-13 and PAG-15)	\$50
Water Quality Management (WQM) Permit (Including WQG-General Permits)	All facilities covered by this permit type except SRSTPs	\$500
<u>WQM Permit</u>	<u>Small Flow Treatment Facility</u>	<u>\$100</u>
<u>WQM Permit</u>	<u>Major industrial waste treatment facilities</u>	<u>\$500</u>
<u>WQM Permit</u>	<u>All other facilities or activities covered by a WQM Permit</u>	<u>\$250</u>
Joint PFBC/DEP Pesticide Permits (Chapter 91.38 Permit <sup>(5)</sup> )	All facilities covered by this permit type	\$50
No Exposure Certification	All facilities covered by this authorization type	\$50

**NOTES:**

- (1) For a change to the permittee's name only (i.e., not a transfer of ownership or operation), a minor amendment fee of \$200 is required for facilities with individual NPDES permits and DEP's Form No. 3800-PM-BPNPSM0027b should be used. For facilities covered by any other permit type (except SRSTPs), this form should be used for name changes.
- (2) For transfers of all permit types related to SRSTPs, use the transfer application specific to SRSTPs (3800-PM-BPNPSM0016b). The transfer fees for SRSTPs are \$50 for Individual NPDES Permits and WQM Permits and \$0 for General NPDES Permits (PAG-04) and WQM/WQG-01 Permits.
- (3) If multiple permits are being transferred, the fee that should be attached to the application is the sum of all individual transfer fees identified in this schedule.
- (4) Transfer fees are not required for federal or state agencies that meet the requirements of 25 Pa. Code 25 Pa. Code § 92a.26(hi) (contact DEP for clarification if necessary prior to submission).

**PRESENT PERMITTEE INFORMATION**

**DEP Client ID#.** DEP-wide unique identification number assigned by DEP to the client after client information is entered into DEP's computer system. This one number identifies the client regardless of the program with which the client is working. When replying to DEP, inclusion of this number will make it easier to process the request in a timely manner. If known, enter the Client ID#. If a new client to DEP, skip to the next request for information.

**Client Type/Code.** Enter the code that represents the type of client acting as the responsible authority for the permitted activity.

Government	
AUTH	Authority
CNTY	County
FED	Federal Agency
MUNI	Municipality

Non-Government	
ASSOR	Association/Organization
LLC	Ltd. Liability Company
LLP	Ltd. Liability Partnership
NPACO	Non-Pennsylvania Corporation

Individual	
INDIV	Individual

NONPG	Non-PA Govt
OTHG	Other (Govt)
SCHDI	School District
STATE	State Agency

OTHER	Other (Non-Govt)
PACOR	Pennsylvania Corporation
PARTG	Partnership-General
PARTL	Partnership-Limited
SOLEP	Sole Proprietorship

**NOTE** – If two individuals' names are listed as the clients, the Client Type/Code of "Partnership-General" should be used.

**Organization Name or Registered Fictitious Name.** Clients other than individuals must provide the name under which they conduct the activity or business for which the permit or other authorization will be issued.

Individuals should complete the "Organization Name" if they conduct their business or activity under a name other than their own (for example, "Jones Construction Company," rather than "Mary Jones").

For partnerships, be sure to list the business name of the partnership as it appears on legal partnership papers.

If the applicant is an individual(s) or partnership, be sure to also provide the appropriate information on the individual name lines.

**Employer ID#.** Also referred to as "Federal Tax ID#." The Employer ID# (EIN) aids DEP in identifying the organization and prevents duplicate data entry from occurring. This information is required.

**Dun & Bradstreet ID#.** If known, supply the applicant's Dun & Bradstreet Identification Number. This information is optional.

**Individual Last Name, First Name, MI, Suffix, Social Security Number.** This information, with the exception of the SSN, must be provided for applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. This information is not accessible by the public or other government agencies.

**Additional Individual Last Name, First Name, MI, Suffix, Social Security Number.** This information, with the exception of the SSN, must be provided for additional applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. This information is not accessible by the public or other government agencies.

**Mailing Address.** The mailing address of the client identified above (this should *not* include locational data that is not appropriate for a mail piece). In addition to the street number and name, PO Box#, RR#, Box#, or Highway Contract# designations, use any appropriate designation and number to further define the mailing address of the applicant.

e.g.,      APT      (Apartment)      DEPT      (Department)      RM      (Room)  
               BLDG      (Building)      FL      (Floor)      STE      (Suite)

**City, State, ZIP+4, Country.** Enter an appropriate city, borough or town designation (do not enter a township designation in this area). Do *not* use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code. If other than USA, provide country.

**Client Contact Information.** Clients that are organizations must provide the name of a person representing the client (organization). This client contact must be an employee of the organization and must be located at the mailing address of the client and may receive correspondence on behalf of the client. Include the individual's name, title, daytime phone number and e-mail address. DEP will use this contact information for maintaining client data. This individual should be a high-level employee such as CEO, VP, Operations Manager, etc. or someone capable of answering informational questions regarding the organization such as EIN, fictitious name ownership, address data, related organizations, corporate changes, etc. Project contact information should be entered in the Site Contact found in the Site Information section.

#### SITE INFORMATION

**DEP Site ID#.** DEP-wide unique identification number assigned to the site after site information is entered into DEP's computer system. This one number identifies the site regardless of the program with which the applicant is working. When replying to DEP, inclusion of this number will make it easier to process the application in a timely manner. Enter the Site ID# if known. If identifying a new site to DEP, skip to the next request for information.

## Instructions

**Site Name.** The name of the site at the specific physical location. Do not use abbreviations, acronyms, etc.

**EPA ID#.** If known, supply the EPA ID# for the site (this number is also referred to as a FINDS ID#). This is optional.

**Estimated Number of Employees to be Present at Site.** To assist with future Pollution Prevention and Compliance Assistance initiatives, please include the estimated number of employees to be present at the site once it is active.

**Description of Site.** Provide a written description of the proposed site (e.g., water treatment plant, sewage treatment plant, toy factory, etc.).

**County, Municipality.** Indicate the county(ies) and municipality(ies) in which the site is located. Check the appropriate box to identify the type of municipality entered (city, borough, township).

**Site Location.** Provide the physical address of the location where the permitted activities will occur. No PO Box Numbers will be accepted for site location information. Provide the City (or Municipality), State, and the ZIP+4, if known.

**Detailed Written Directions to Site.** When providing written directions, do not use PO Box address data. Include landmarks and approximate distances from the nearest highway.

**Site Contact Information.** Provide the name of the person having overall responsibility for environmental matters at the site. Include the individual's name, title, firm, mailing address, daytime phone number and e-mail address (optional).

**NAICS Codes.** Clients applying for an authorization from DEP need to provide the appropriate North American Industry Classification System (NAICS pronounced nākes) code(s) at the Sector level (at a minimum). Enter all NAICS codes that pertain to the activity for which the application is being completed. More than one two- or three-digit NAICS code may be entered in the box provided. Enter the *six*-digit NAICS code if known. This list of NAICS Sector and Subsector level codes is included in this application package or may be found on DEP's website under "Permit and Authorization Packages."

**Site to Client Relationship.** Enter the relationship code that best describes how the client is related to the activity or operation at the site for which the permit is being sought.

Code	Type	Code	Type
OWN	Owner	LESOP	Lessee/Operator
AGENT	Agent for the Owner or Operator	CONTR	Contractor for the Owner or Operator
OWNOP	Owner/Operator	OPR	Operator
LESSE	Lessee	OTHER	Other (Explain)

### FACILITY INFORMATION

**Facility Name.** Provide the name of the facility (which may be the same as the site name).

**Facility eDMR status.** Check the box for "Yes" if the facility's self-monitoring data are being submitted to DEP using the electronic Discharge Monitoring Report (eDMR) system ([www.dep.pa.gov/edmr](http://www.dep.pa.gov/edmr)), otherwise check the box for "No." If "Yes" the proposed permittee must complete and submit the eDMR Registration Form (3800-FM-BCW0424) and eDMR Trading Partner Agreement (TPA) Form (3800-FM-BCW0425) to DEP's Bureau of Clean Water to register the proposed permittee for continued use of eDMR. These forms should be submitted to DEP's Bureau of Clean Water prior to or at the same time the transfer application is submitted to the appropriate DEP regional office. Attach copies of the Registration and TPA forms to the transfer application as a demonstration that submission to DEP's Bureau of Clean Water was completed by the proposed permittee. Note that under the U.S. Environmental Protection Agency's (EPA's) NPDES Electronic Reporting Rule, most facilities with NPDES permits are now required to submit DMR data electronically. If you have questions about whether your facility must submit DMRs electronically, contact DEP's Bureau of Clean Water at (717) 787-5017.

**Existing Permits.** List all NPDES and WQM permits that were issued for this facility. Provide the permit type, issued permit number, the date issued, and the name of the agency which issued the permit.

**Facility Description.** Provide a brief description of the facility. Attach a map or sketch to the application form and indicate the point of discharge. The map can be a sketch of the facility developed on an 8½ x 11 inch or larger size paper.

**Facility Location & Drainage Map.** Locate the facility and discharge location on a USGS topographical map. If a topographic map is not available use a map that depicts surface waters within the one mile boundary. Submit a copy of the map(s) with the application.

**Latitude/Longitude.** Latitude and longitude measures aid in providing the physical location of the facility. If known, indicate appropriate degrees, minutes and seconds for the project. The Latitude/Longitude Point of Origin is the place or location where the reading was actually taken.

**Additional Locational Data Information.** This information is being requested in order to determine the method, accuracy and description of the latitude and longitude information that is being provided with the application. Please provide this information if known for the facility. The list of locational data codes and descriptions can be found electronically on DEP's website under "Permit and Authorization Packages."

### COMPLIANCE HISTORY REVIEW

Check appropriate box to indicate if the facility owner or operator is in violation of any DEP regulation, permit, order or schedule of compliance at this or any other facility. If the answer is "No," no further information is needed in this area. If "Yes," list each permit, order and schedule and provide compliance status of the permitted facility or operation. If needed, use additional sheets to provide information on ALL permits.

### CERTIFICATION

The present permittee must certify that the information contained in the application is true, accurate and complete. In addition, the responsible official's signature also certifies that BMP, PPC Plans and other controls are, or will be, implemented to ensure that water quality standards and effluent limits are attained.

**The transfer application shall be signed as follows:**

*For individually owned operations* - the owner of the facility must sign the application.

*For a Corporation* - by a responsible corporate officer. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the application originates.

*For a Partnership or Sole Proprietorship* - by a general partner or the proprietor, respectively.

*For a Municipality* - state, federal or other public agency - by either a principal executive officer, ranking elected official or other authorized employee. For purposes of this application, a principal executive officer of a federal agency includes:

1. The chief executive officer of the agency, or
2. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

If signed by a person other than the above, written notification of delegation of signatory authority must be submitted to DEP along with this form.

### PROPOSED PERMITTEE INFORMATION

**DEP Client ID#.** DEP-wide unique identification number assigned by DEP to the client after client information is entered into DEP's computer system. This one number identifies the client regardless of the program with which the client is working. When replying to DEP, inclusion of this number will make it easier to process the request in a timely manner. Enter the Client ID# if known. If a new client to DEP, skip to the next request for information.

**Client Type/Code.** Enter the code that represents the type of client acting as the responsible authority for the permitted activity.

Government	
AUTH	Authority
CNTY	County
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ASSOR	Association/Organization
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PARTL	Partnership-Limited
SOLEP	Sole Proprietorship

Individual	
INDIV	Individual

**NOTE** – If two individuals' names are listed as the clients, the Client Type/Code of "Partnership-General" should be used.

**Organization Name or Registered Fictitious Name.** Clients other than individuals must provide the name under which they conduct the activity or business for which the permit or other authorization will be issued.

Individuals should complete the "Organization Name" if they conduct their business or activity under a name other than their own (for example, "Jones Construction Company," rather than "Mary Jones").

For partnerships, be sure to list the business name of the partnership as it appears on legal partnership papers.

If the applicant is an individual(s) or partnership, be sure to also provide the appropriate information on the individual name lines.

**Employer ID#.** Also referred to as "Federal Tax ID#." The Employer ID# (EIN) aids DEP in identifying the organization and prevents duplicate data entry from occurring. This information is required.

**Dun & Bradstreet ID#.** If known, supply the applicant's Dun & Bradstreet Identification Number. This information is optional.

**Individual Last Name, First Name, MI, Suffix, Social Security Number.** This information, with the exception of the SSN, must be provided for applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. This information is not accessible by the public or other government agencies.

**Additional Individual Last Name, First Name, MI, Suffix, Social Security Number.** This information, with the exception of the SSN, must be provided for additional applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. This information is not accessible by the public or other government agencies.

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e.g.,            APT     (Apartment)            DEPT   (Department)            RM     (Room)  
                   BLDG   (Building)                FL     (Floor)                        STE    (Suite)

**City, State, ZIP+4, Country.** Enter an appropriate city, borough or town designation (do not enter a township designation in this area). Do *not* use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code. If other than USA, provide country.

**Client Contact Information.** Clients that are organizations must provide the name of a person representing the client (organization). This client contact must be an employee of the organization and must be located at the mailing address of the client and may receive correspondence on behalf of the client. Include the individual's name, title, daytime phone number and e-mail address. DEP will use this contact information for maintaining client data. This individual should be a high-level employee such as CEO, VP, Operations Manager, etc. or someone capable of answering informational questions regarding the organization such as EIN, fictitious name ownership, address data, related organizations, corporate changes, etc. Project contact information should be entered in the Site Contact found in the Site Information section.

## COMPLIANCE HISTORY REVIEW

Check appropriate box to indicate if the proposed permittee is in violation of any DEP regulation, permit, order or schedule of compliance at any other facility. If the answer is "No," no further information is needed in this area. If "Yes," list each permit, order and schedule and provide compliance status of the permitted facility or operation. If needed, use additional sheets to provide information on ALL permits.

## CERTIFICATION

The proposed permittee must certify that the information contained in the application is true, accurate and complete and agree to abide by the terms and conditions of the permit. In addition, the responsible official's signature also certifies that BMP, PPC Plans and other controls are, or will be, implemented to ensure that water quality standards and effluent limits are attained.

**The transfer application shall be signed as follows:**

*For individually owned operations* - the owner of the facility must sign the application.

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*For a Partnership or Sole Proprietorship* - by a general partner or the proprietor, respectively.

*For a Municipality* - state, federal or other public agency - by either a principal executive officer, ranking elected official or other authorized employee. For purposes of this application, a principal executive officer of a federal agency includes:

1. The chief executive officer of the agency, or
2. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

If signed by a person other than the above, written notification of delegation of signatory authority must be submitted to DEP along with this form.

**DOCUMENT REVISION HISTORY**

<b>Date</b>	<b>Revision Reason</b>
February 2017	Updated to include submission of copies of the eDMR Registration Form and eDMR Trading Partner Agreement Form as a requirement for existing eDMR users.
November 2016	Updated document number and document number references; Updated website references; Updated topographic map requirements.

DRAFT



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER

**WATER QUALITY MANAGEMENT PERMIT  
APPLICATION INSTRUCTIONS**

**GENERAL INFORMATION**

**FAILURE TO COMPLY WITH THESE INSTRUCTIONS AND SUBMIT ALL REQUIRED INFORMATION MAY RESULT IN DENIAL OF THE APPLICATION.**

The Department of Environmental Protection (DEP) requests that applicants use the most recent versions of applications as posted on DEP's website. The most recent version of the Application for Water Quality Management Permit can be obtained through DEP's website as noted below. A complete application package includes the application form, the General Information Form (GIF), and all other attachments identified on the checklist for this application. Applicants can download the appropriate form to a computer, complete the form electronically and print the document for submission to DEP. The website address is:

<http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-9538>

The GIF form can be obtained as follows at the following:

<http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-9422>

**FOLLOWING SUBMISSION OF YOUR APPLICATION, CHECK DEP'S WEBSITE TO MONITOR THE STATUS OF YOUR APPLICATION.** In general, DEP will not notify you if the application is considered complete and technically adequate. You may view the status of your application as follows:

Go to DEP's eFACTS website: <http://www.ahs.dep.pa.gov/eFACTSWeb/default.aspx/default.aspx>

Select: Authorization Search and search for the record using the permit number. If unknown, you will need to search using other criteria. If necessary, contact DEP's Help Desk for assistance at 717.705.3768.

**General Instructions.** This package is designed to assist the applicant in completing the application form for a Water Quality Management (WQM) Permit. Type or print clearly when completing the form. If information needed is more than space allows, attach additional sheets as necessary. If a question is not applicable to the project, write NA in the appropriate box.

**Who must obtain a WQM permit?** The following situations require issuance of permits:

1. Construction and operation of wastewater treatment facilities that will discharge to waters of the Commonwealth (via stream discharge or to groundwater).
2. Operation of land application systems for wastewater treatment and/or disposal.
3. Construction and operation of underground injection wells and associated pretreatment facilities except groundwater cleanup treatment facilities using demonstrated technology approved by DEP. A permit issued by the Oil and Gas program that satisfies the requirements of 25 Pa Code Chapter 91 is considered to satisfy the permitting requirements pursuant to the Clean Streams Law, and no separate Water Quality Management permit is required.
4. Construction and operation of impoundments used for storing or treating wastewater and residual waste. See Section 91.35 and 289.1 of DEP's Rules and Regulations for permitting requirements for construction and operation of impoundments used to store or treat wastewater and residual wastes.
5. Construction and operation of facilities for storage of animal manure or land application of animal manure where DEP determines that a permit is necessary pursuant to Section 91.36 of DEP's Rules and Regulations. Please refer to "Instructions for Completing Module 18 for Water Quality Management Permit for Manure Storage Facilities" for more detailed instructions.
6. Sanitary sewer systems
  - (a) New public sewer systems (i.e., not extensions).

- (b) Public wastewater interceptors, pumping stations and force mains.
- (c) Public sewer extensions serving or having the potential to serve 250 or more equivalent dwelling units (EDUs) or adding an equivalent wastewater flow of 65,500 gallons per day to an existing sewer system.
- (d) Private sewer systems serving or having the potential to serve 250 or more EDUs or producing an equivalent wastewater flow of 65,500 gallons per day.
- (e) Any alternative, unusual or experimental designs (i.e., not built and operated in accordance with the *Domestic Wastewater Facilities Manual* DEP ID: 362-0300-001 (DWFM)).
- (f) Sewer systems if found to have a potential for polluting waters of the Commonwealth or becoming a public nuisance.

It is the responsibility of the wastewater facility owner to obtain the WQM permit. For further information regarding what permits are required for various activities, refer to the publication *Guide to DEP Permits and Other Authorizations* available on DEP's Web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

The requirements for preparing applications and obtaining a WQM permit are included in Chapter 91 of DEP's Rules and Regulations.

If a stream crossing or other encroachment is involved, contact DEP's Regional Water Quality Management Program.

**Erosion and Sedimentation (E&S) Control Plan**

Prior to construction of the permitted facility, pursuant to Chapter 102, an E&S Control Plan must be developed and implemented prior to, during and after the earth disturbance activity.

If the activity involves 5 or more acres of earth disturbance, or from 1 to 5 acres of earth disturbance with a point source discharge to surface waters of the Commonwealth, a National Pollutant Discharge Elimination System (NPDES) permit for the Discharge of Stormwater Associated with Construction Activity is required.

In addition to the state NPDES permitting requirements, some municipalities, through local ordinances, require the E&S Control Plan to be reviewed and approved by the local County Conservation District office prior to construction. For specific information regarding E&S Control planning approval and NPDES permitting requirements, please contact your local County Conservation District office.

**Design Engineer's Report and Seal.** A *Design Engineer's Report* as well as drawings and specifications showing clearly the proposed project and the basis of design shall accompany the application. The application form, *Design Engineer's Report* and the front cover of each set of drawings and specifications must bear the name, signature and seal of the licensed professional engineer authorized to practice in Pennsylvania responsible for preparing the application. Each drawing must also bear the imprint, or reasonable facsimile, of this seal.

**Where to Submit.** Two (2) copies of the application form, *General Information Form* (1300-PM-BIT0001), *Design Engineer's Report*, applicable design modules and related supplemental information shall be submitted to the appropriate DEP regional office. See DEP offices at the end of the instructions.

For projects located within the Delaware River Basin, if the discharge from the treatment facility is greater than 50,000 gallons per day (GPD) or where the wastewater to be treated contains toxic concentrations of waste materials, the applicant must submit an additional copy of the application and all supplemental information so it may be forwarded to the Delaware River Basin Commission (DRBC) for review.

An additional copy of all documents for sewerage and industrial wastewater treatment facilities must also be submitted for projects located within Erie or Allegheny Counties. The regional office will forward this material to the County Health Department for review.

**Application Fee.** ~~A filing fee of \$25.00 will be required for single residence small flow treatment facilities.~~  
~~A filing fee of \$100.00 will be required for sewer extensions.~~  
~~A filing fee of \$500.00 will be required for all other facilities.~~ Applicants must submit a fee with the WQM permit application in accordance with the schedule below:

Category	Activity	Fee
Major Sewage Treatment Plants	Application	\$10,000
	Amendment	\$2,000
Major Industrial Waste Treatment Plants	Application	\$15,000

Category	Activity	Fee
	Amendment	\$2,000
Minor and Non-NPDES Sewage Treatment Plants	Application	\$5,000
	Amendment	\$500
Minor and Non-NPDES Industrial Waste Treatment Plants	Application	\$7,500
	Amendment	\$500
SRSTPs	Application	\$200
	Amendment	\$100
Small Flow Treatment Facilities	Application	\$1,000
	Amendment	\$200
Sewer Extensions	Application	\$2,500
	Amendment	\$500
Pump Stations	Application	\$2,500
	Amendment	\$500
Land Application and Reuse of Sewage	Application	\$5,000
	Amendment	\$1,000
Land Application and Reuse of Industrial Waste	Application	\$10,000
	Amendment	\$2,000
Manure Storage and Wastewater Impoundments	Application	\$2,500
	Amendment	\$500

This fee must be submitted with the application in the form of a check (less than 10 days old) made payable to "Commonwealth of Pennsylvania." This fee is not required of state Commonwealth agencies or independent Commonwealth commissions that provide funding for the WQM program.

**Proof of Notifications.** The application must include proof of Act 14 notification to the county and municipality in which the project is located. The application must also include proof of Act 67, 68 and 127 notifications for industrial wastewater treatment facilities and manure storage facilities for concentrated animal feeding operations (CAFOs).

Industrial wastewater treatment facilities and new manure storage facilities for concentrated animal feeding operations that require a WQM permit must also include proof of public notice in a newspaper of general circulation published in the locality where the permit is applied for.

### DEFINITIONS

- a. *Animal Equivalent Unit (AEU)* - 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit.
- b. *Concentrated Animal Feeding Operation (CAFO)* - Concentrated animal feeding operation--A Concentrated Animal Operation (CAO) with greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs or any agricultural operation defined as a large CAFO under 40 CFR [122.23(b)(4)] 122.23 (relating to concentrated animal feeding operations)
- c. *Concentrated Animal Operation (CAO)* - an agricultural operation that meets the criteria established by the State Conservation Commission in regulations under the authority of 3 Pa. C.S. Chapter 5 (relating to nutrient management and odor management) in Chapter 83, Subchapter D (relating to nutrient management).
- d. *Connection* - the connecting of a lateral that generates or could generate hydraulic or organic loads to a public sewer system.
- e. *Force Main* - a pressurized sewer that conveys sewage from a wastewater pumping station to a higher elevation in the sewer system from which gravity flow may resume. Force mains must be designed, constructed and operated in accordance with the "Wastewater Pumping Stations" section of the DWFM.
- f. *Hydraulic Design Capacity* - the maximum monthly design flow, expressed in millions of gallons per day, at which a plant is expected to consistently provide the required treatment or at which a conveyance structure, device or pipe is expected to properly function without creating a backup, surcharge or overflow.
- g. *Lateral* - the part of the drainage system carrying sewage from an individual structure or property to the public sewer system. Laterals are not covered by WQM permits.

- h. *Organic Design Capacity* - the highest daily organic load at which a sewage treatment facility or a portion thereof is expected to provide a specific predetermined level of treatment.
- i. *Pressure Sewers/Grinder Pumps* - pressure sewers are an alternative to conventional gravity sewer systems where implementation of conventional practices is impractical, uneconomical or otherwise infeasible. These systems must be designed, constructed and operated in accordance with the "Alternate Sewer Systems" section of the DWFM.
- j. *Private* - belonging to a particular person or persons as opposed to the public or the government.
- k. *Public* - owned or operated by a state, municipality or authority or maintained for or used by the people or the community.
- l. *Pumping Station* - a pumping structure installed in the sewer system to remove sanitary and industrial wastes from remote or low lying areas, which cannot be served hydraulically by gravity sewers. Wastewater pumping facilities must be designed, constructed and operated in accordance with the "Wastewater Pumping Stations" section of the DWFM. Grinder pumps used in laterals are not pumping stations.
- m. *Sanitary Sewer System* - pipelines or conduits, pumping stations and force mains, and other appurtenant construction devices and facilities used for conveying sewage to a treatment works.
- n. *Sewer Extension* - new pipelines or conduits and all other appurtenant constructions, devices and facilities except pumping stations and force mains added to an existing sewer system for the purpose of conveying sewage from individual structures or properties to the existing system.
- o. *Small Flow Treatment Facility (SFTF)* - an individual or community sewerage system designed to adequately treat sewage flows not greater than 2,000 GPD for final disposal using a stream discharge.

### SPECIFIC INSTRUCTIONS

**Applicant Identifier.** Enter the legal name and address of the entity that will own the sewerage or industrial wastewater facilities following completion and/or dedication.

**Facility Type.** Check the appropriate box(es) for all applicable modules required for the facility.

**Compliance History Review.** Check appropriate box to indicate if the facility owner or operator is or was in violation of any DEP regulation, permit, order or schedule of compliance at this or any other facility. If the answer is "No," no further information is needed in this area. If "Yes," list each permit, order and schedule of compliance and provide compliance status of the permitted facility or operation. If needed, use additional sheets to provide information on ALL permits.

**Certification.** The applicant must certify that the information contained in the application is true, accurate and complete.

**The application shall be signed as follows:**

*For individually owned operations* - the owner of the facility must sign the application.

*For a Corporation* - by a responsible corporate officer. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the application form originates.

*For a Partnership or Sole Proprietorship* - by a general partner or the proprietor, respectively.

*For a Municipality, State, Federal or other public agency* - by either a principal executive officer or ranking elected official. For purposes of the application, a principal executive officer of a federal agency includes:

- a. The chief executive officer of the agency, or
- b. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of the Environmental Protection Agency (EPA)).

If signed by a person other than the above, written notification of delegation of signatory authority must be submitted to DEP along with this form.

The certification signatures must be notarized.

**Licensed Professional Engineer.** This section is to be completed by the licensed professional engineer who prepares this permit application, accompanying report and supporting documentation.

### APPLICANT'S CHECKLIST

To ensure the application is complete, DEP has provided a convenient checklist of what may need to be attached to the application. This checklist is to be returned with the completed application.

### DEP OFFICES

A listing of the Bureau of Water Standards and Facility Regulation (BWSFR) regional offices can be found on DEP's Web site. Follow the steps given on the first page of these instructions to the Water Quality Management Permit Application web page to view BWSFR's Contacts and DEP Regional Offices.

DRAFT

# REGULATORY FEE RECOMMENDATION REPORT TO THE ENVIRONMENTAL QUALITY BOARD

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## Water Quality Management (WQM) Fees Chapter 91. General Provisions, Water Quality Management Program August 2018

### BACKGROUND:

The Department of Environmental Resources, now the Department of Environmental Protection (DEP) published 25 Pa. Code Chapter 91 on September 2, 1971, to implement provisions of Pennsylvania's Clean Streams Law (35 P. S. §§ 691.1 *et seq.*). Chapter 91 establishes, among other things, a water quality management (WQM) permit program for the construction of sewage and industrial waste treatment facilities and for land application of sewage and industrial wastes. Chapter 91 also provides for a permit program for the use of algicides, herbicides and fish control chemicals (pesticides) in waters of the Commonwealth (generally referred to as joint pesticide permits; see 25 Pa. Code § 91.38).

The application fees for sewer extension permits and other WQM permits were first established in 1971. The application fees in this section were amended in 1980 and 2000 to include a lower fee for single residence sewage treatment plant (SRSTP) applications and to add General WQM permits. Section 691.6 of the Clean Streams Law allows DEP to charge filing fees for applications by regulation, provided that the fee is "reasonable." For many years, the application fees have remained the same despite escalating program expenses. Additionally, there are no fees established in the regulations for the processing of joint pesticide permits.

WQM application fees for industrial waste are deposited into the Clean Water Fund in accordance with the Clean Streams Law (35 P.S. § 691.8). WQM application fees for sewage are deposited into the General Fund. DEP receives an average of 500 - 600 traditional (sewage and industrial waste) WQM applications per year, including General WQM Notices of Intent (NOIs), generating an average of approximately \$140,000 annually for the Clean Water Fund and General Fund. Historically, DEP has also received an average of 650 applications for joint pesticide permits per year, which produced no revenue; however, due to some recent program modifications, the number of applications received has been reduced.

Table 1 below provides the current application and NOI fees for WQM permits.

**Table 1. Summary of Current WQM Permit Application Fees in 25 Pa. Code § 91.22**

Type of Facility	Fee Amount
Single Residence Sewage Treatment Plant (SRSTP) Permits	\$25
Sewer Extension Permits	\$100
Other WQM Permits	\$500
General WQM Permit Coverage (NOI)	No Greater Than \$500

### FEE COLLECTION:

Table 2 below provides a summary of revenues collected in the Clean Water Fund and General Fund for all WQM application and NOI fees during the period of fiscal year 2013 to fiscal year 2017. The amount collected depends in large part on the health of the construction industry but may also be influenced by

government initiatives; for example, during the period 2007 – 2010 there were an unusually high number of applications received for wastewater treatment plant upgrades to achieve NPDES permit compliance with effluent limitations pursuant to Pennsylvania's Chesapeake Bay Strategy.

**Table 2. Summary of Chapter 91 Revenues from Fees**

FY2013	FY2014	FY2015	FY2016	FY2017
\$148,000	\$141,000	\$139,000	\$140,000	\$125,000

**PROGRAM COSTS:**

It is estimated that it currently costs \$1,427,000 annually to administer the WQM program, and DEP's costs to administer the WQM permitting program are entirely related to staff resources. In general, there are no dedicated DEP staff for processing WQM permit applications and NOIs. Staff who are responsible for reviewing NPDES permit applications and overseeing Act 537 sewage planning activities are also tasked with reviewing WQM permit applications and NOIs. Using historical SAP timesheet information, the Bureau of Clean Water (BCW) estimates that approximately ten full-time equivalent (FTE) staff are involved in the processing of traditional WQM permits. This compliment includes engineering staff, management, administrative staff, and other technical staff including hydrogeologists. According to DEP's Bureau of Fiscal Management, an FTE for planning purposes costs \$142,700 (salary, benefits, and indirects). It is therefore estimated that it currently costs \$1,427,000 annually to administer the WQM program or approximately ten times the current revenue collected for WQM permit application and NOI fees. Further, this figure does not include follow-up inspections by DEP staff to ensure construction has been done in accordance with the application or periodic inspections of WQM land application activities.

In addition to the ten FTEs that process traditional WQM permits, an additional three FTEs process joint pesticide permits. DEP is, however, planning to pursue the development of a statewide General Permit which will cover most of the applications for joint pesticide permits, and therefore these costs are expected to be minimal in the future.

DEP has undertaken several initiatives in the past few years to streamline program implementation in an effort to minimize costs and maximize the effective use of existing staff resources. These initiatives include:

- Implementation of Standard Operating Procedures (SOPs) to ensure consistent and efficient use of permit application review resources statewide;
- Electronic management of permit documents; and
- Electronic management of monitoring data submitted by the regulated community, with automated compliance assessment so that staff do not need to manually evaluate compliance.

**PROBLEM STATEMENT:**

Based on the current funding structure, DEP's ability to adequately comply with state environmental requirements relating to the WQM program is continually strained due to a lack of program solvency. Without adequate funding for all required aspects of the WQM program, public health may suffer, and environmental gains previously made may be lost, due to a reduced capacity to conduct compliance and enforcement efforts. Additionally, DEP's ability to efficiently and timely process permit applications, meet its obligations under the Clean Streams Law, and promptly serve the public are all affected by this insufficient funding.

DEP is using the General Fund to meet 90% of its existing funding obligations, as noted above. Given the potential fluctuations in appropriations by the legislature, a more stable and sustainable funding

source is desired. In addition, the WQM permit application fees are outdated. The consumer price index (CPI) has increased over 600% since 1971<sup>1</sup>. Accounting for inflation, the typical WQM permit application fee of \$500 in 1971 would now be over \$3,500.

**RECOMMENDATION:**

It has been determined that approximately \$8 million in new revenue annually is needed in order for DEP to fully comply with all federal and state environmental and public health requirements relating to the NPDES and WQM programs (collectively "Clean Water Program"). This amount is based on a comprehensive workload analysis conducted by DEP that considered all of the tasks necessary to properly implement all aspects of the Clean Water Program. The workload analysis concluded that the statewide Clean Water Program requires 63 additional staff to fully carry out all regulatory responsibilities. A summary of the workload analysis is presented in **Attachment A**, which illustrates that the program's greatest needs are in the areas of program administration, inspections, and surface water assessments.

To meet that annual revenue objective, DEP is recommending an overall fee increase of approximately \$1 million from WQM permit application and NOI fees. DEP is also concurrently proposing a Chapter 92a rulemaking that includes increases in NPDES permit application fees that would result in approximately \$7 million of new revenue annually.

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<sup>1</sup> Source: Bureau of Labor Statistics, CPI Inflation Calculator, [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm)

## ATTACHMENT A

### SUMMARY OF DEP WORKLOAD ANALYSIS FOR CLEAN WATER PROGRAM

*Program Implementation – DEP Regional Offices*

Task	Hours Required / Year	FTEs Required	Current FTEs	Increase Required
NPDES and WQM Permit Application Reviews	74,032	49	47	2
NPDES and WQM Inspections	82,823	55	41	14
Surface Water Assessment	38,437	26	15	11
NPDES and WQM Enforcement	18,956	13	6	7
Soils Evaluations	3,968	3	0	3
Hydrogeological Evaluations	2,464	2	1	1
	<b>220,680</b>	<b>148</b>	<b>110</b>	<b>38</b>

*Program Administration – DEP Bureau of Clean Water*

Task	Hours Required / Year	FTEs Required	Current FTEs	Increase Required
Program Development, Policy, Guidance, Regulations, and Oversight	111,000	74	49	25

**Total Increase in FTEs Required: 63**

# REGULATORY FEE RECOMMENDATION REPORT TO THE ENVIRONMENTAL QUALITY BOARD

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## NPDES Permit and Annual Fees Chapter 92a. National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance August 2018

### BACKGROUND:

The Department of Environmental Protection's (DEP's) Bureau of Clean Water (BCW) is responsible for the administration of the National Pollutant Discharge Elimination System (NPDES) permitting and compliance monitoring activities under 25 Pa. Code Chapter 92a. DEP implements this program pursuant to a Memorandum of Agreement with the U.S. Environmental Protection Agency (EPA) for point source discharges from sewage, industrial waste and municipal and industrial stormwater facilities and other activities including the application of pesticides. The NPDES program authority comes from the federal Clean Water Act (Federal Act) (33 U.S.C.A. §§ 1251 – 1387) and the Clean Streams Law (35 P.S. §§ 691.1 – 691.1001). Chapter 92a was published as a final rulemaking in the *Pennsylvania Bulletin* (40 Pa.B. 5767) on October 9, 2010, and replaced the prior NPDES regulations, Chapter 92. Section 691.6 of the Clean Streams Law allows DEP to charge filing fees for applications by regulation, provided that the fee is "reasonable." The Clean Streams Law also allows for charging and collecting fees for permits issued (35 P.S. § 691.6).

DEP updated the fee schedule for NPDES permit applications through Chapter 92a in 2010 (see 25 Pa. Code § 92a.26). DEP also introduced annual fees in Chapter 92a for individual NPDES permits (see 25 Pa. Code § 92a.62). DEP began its Chapter 92a annual invoicing and fee collection program in December 2010.

Every three years, DEP is required to provide the Environmental Quality Board (EQB) with a review of the adequacy of the fees and recommend regulatory changes, if necessary, to address any disparity between program costs and income generated (see 25 Pa. Code §§ 92a.26(h) and 92a.62(e)).

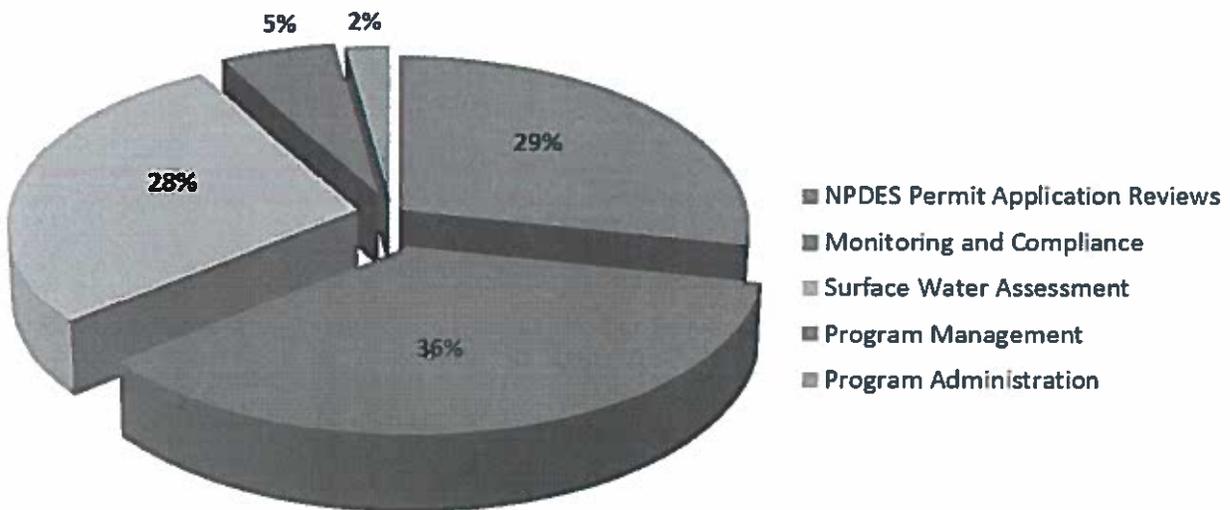
On February 18, 2014, DEP's Office of Water Management presented a Chapter 92a fee analysis to the EQB. The analysis highlighted that, despite the fee increase in 2010, revenue continues to fall well short of expenses, and nearly \$10 million per year is being drawn from DEP's General Fund to carry out the following program activities administered by DEP's BCW and implemented by DEP's Clean Water Program in six regional offices (see Figure 1):

1. **NPDES Permit Application Reviews** – On an annual average basis, DEP receives approximately 2,150 NPDES applications for new permits, reissuance of existing permits, amendments to permits and permit transfers for sewage, industrial waste, industrial stormwater, municipal stormwater, pesticide and agricultural facilities, and activities. Pennsylvania has over 10,000 such facilities with NPDES permit coverage, which puts DEP in the top five in the nation in terms of number of permitted facilities. Twenty-nine percent (29%) of NPDES program expenses are related to application reviews.
2. **Surface Water Assessment** – BCW and Clean Water Program biologists and other staff conduct chemical and biological monitoring of surface waters throughout the state and develop Total Maximum Daily Loads (TMDLs) for impaired surface waters. In addition, the program contracts with U.S. Geological Survey for Water Quality Network (WQN) station chemical monitoring. Twenty-eight percent (28%) of NPDES program costs are for surface water assessment.
3. **NPDES Monitoring and Compliance** – Clean Water Program monitoring and compliance staff conduct inspections of permitted facilities to verify compliance with the permit. DEP must meet

annual inspection goals established with the concurrence of EPA. On an annual average basis, DEP conducts approximately 4,500 inspections, including in-office administrative reviews and on-site field inspections. Thirty-six percent (36%) of NPDES program expenses are for monitoring and compliance.

4. **Clean Water Program Administration** – Other staff who do not directly prepare NPDES permits or inspect facilities have roles in implementing the program; these roles include management and supervision of program activities and administration (clerical, fee processing, data management, etc.). Two percent (2%) of NPDES program costs go toward administration.
5. **Central Office Management** – BCW manages grants distributed by EPA for implementation of the delegated NPDES program, develops guidance and policy and provides training for the Clean Water Program and regulated community, and manages NPDES program data. Five percent (5%) of NPDES program expenses are related to management.

**Figure 1. Distribution of Funded Activities in NPDES Program.**



The analysis also highlighted that DEP’s NPDES fees, in terms of cost per facility, are generally 50% - 90% lower than surrounding states and states with similar numbers of NPDES-permitted facilities. In New Jersey, for example, NPDES fees account for over 50% of its NPDES program budget as opposed to 18% in Pennsylvania.

**Fee Objective, Title, and Rate**

The fee schedule established in Chapter 92a was intended to cover the program costs not covered by federal funding or the state General Fund. NPDES fees are deposited into the Clean Water Fund, a special restricted revenue account in the General Fund administered by DEP, who may use these funds for purposes authorized under the Clean Streams Law. Table 1 below provides a summary of current individual NPDES permit application fees, and Table 2 below summarizes the annual fees for facilities covered by individual NPDES permits.

**Table 1. Summary of Current NPDES Permit Application Fees in 25 Pa. Code § 92a.26.**

<b>Type of Facility</b>	<b>Current Application Fee Amount</b>
Single Residence Sewage Treatment Plant (SRSTP)	\$100 for new, \$100 for reissuance
Small Flow Treatment Facility (SFTF)	\$250 for new, \$250 for reissuance
Minor Sewage Facility < 0.05 million gallons/day (MGD)	\$500 for new, \$250 for reissuance
Minor Sewage Facility ≥ 0.05 MGD < 1 MGD	\$1,000 for new, \$500 for reissuance
Minor Sewage Facility with Combined Sewer Overflow (CSO)	\$1,500 for new, \$750 for reissuance
Major Sewage Facility ≥ 1 MGD < 5 MGD	\$2,500 for new, \$1,250 for reissuance
Major Sewage Facility ≥ 5 MGD	\$5,000 for new, \$2,500 for reissuance
Major Sewage Facility with CSO	\$10,000 for new, \$5,000 for reissuance
Minor Industrial Waste (IW) Facility Not Covered by an Effluent Limitation Guideline (ELG)	\$1,000 for new, \$500 for reissuance
Minor IW Facility Covered by an ELG	\$3,000 for new, \$1,500 for reissuance
Major IW Facility < 250 MGD	\$10,000 for new, \$5,000 for reissuance
Major IW Facility ≥ 250 MGD	\$50,000 for new, \$25,000 for reissuance
Mining Activity	\$1,000 for new, \$500 for reissuance
Stormwater	\$2,000 for new, \$1,000 for reissuance
Concentrated Animal Feeding Operation (CAFO)	\$1,500 for new, \$750 for reissuance
Concentrated Aquatic Animal Production (CAAP) Facility	\$1,500 for new, \$750 for reissuance
Municipal Separate Storm Sewer System (MS4)	\$5,000 for new, \$2,500 for reissuance
<b>Type of Permit</b>	
<b>Current Application Fee Amount</b>	
Transfers for SRSTP	\$50
Transfers for SFTF	\$100
Transfers for Other Domestic Wastewater (Sewage)	\$200
Transfers for IW	\$500
DEP-Initiated Amendments, All Facilities	\$0
Minor Amendments, All Facilities	\$200
Major Amendments, All Facilities	Same as reissuance fee
Notice of Intent (NOI) for Facilities Covered by General Permits	Not to exceed \$2,500 except as provided in Chapter 102.

**Table 2. Summary of Current Annual Fees in 25 Pa. Code § 92a.62.**

Type of Facility	Current Annual Fee Amount
SRSTP	\$0
SFTF	\$0
Minor Sewage Facility < 0.05 MGD	\$250
Minor Sewage Facility ≥ 0.05 MGD < 1 MGD	\$500
Minor Sewage Facility with CSO	\$750
Major Sewage Facility ≥ 1 MGD < 5 MGD	\$1,250
Major Sewage Facility ≥ 5 MGD	\$2,500
Major Sewage Facility with CSO	\$5,000
Minor IW Facility Not Covered by an ELG	\$500
Minor IW Facility Covered by an ELG	\$1,500
Major IW Facility < 250 MGD	\$5,000
Major IW Facility ≥ 250 MGD	\$25,000
Mining Activity	\$0
Stormwater	\$1,000
CAFO	\$0
CAAP Facility	\$0
MS4	\$500

**FEE COLLECTION:**

Table 3 below provides a summary of revenues collected in the Clean Water Fund for NPDES application and annual fees during the period of fiscal year 2013 to fiscal year 2017.

**Table 3. Summary of Chapter 92a Revenues from Fees**

FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
\$4,147,683	\$3,473,825	\$3,341,925	\$3,361,150	\$4,145,200

**PROGRAM COSTS:**

DEP has undertaken several initiatives in the past few years to streamline program implementation in an effort to minimize costs and maximize the effective use of existing staff resources. These initiatives include:

- Implementation of Standard Operating Procedures (SOPs) to ensure consistent and efficient use of permit application review resources statewide;
- Electronic management of permit documents;

- Automated notices of upcoming permit renewal application due dates to the regulated community; and
- Electronic management of monitoring data submitted by the regulated community, with automated compliance assessment so that staff do not need to manually evaluate compliance.

These efforts are being undertaken in the face of continuous increases in workload for the statewide Clean Water Program as new initiatives and expectations are handed down from EPA.

**Table 4** below provides a summary of program expenses for the period fiscal year 2013 to fiscal year 2017. The budget and expenses for the EPA Section 106 Water Pollution Control, 106 Supplemental, and the 604b Water Planning Grants were used to calculate these costs, as all are applicable to the NPDES program. Only the Section 106 Water Pollution Control Grant has a required match in state funds. The required level of state funding for this grant has been approximately \$5 million, but DEP spends much more than the required amount each year to pay for its expenses. The amount received and spent from federal grants has remained steady and are assumed to remain steady in the future. The state's expenses are expected to increase a minimum of 2% per year due to increases in salaries, laboratory costs, and supply costs.

**Table 4. NPDES Program Expenses**

FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
\$19,120,015	\$19,369,439	\$19,623,852	\$20,016,329	\$20,416,656

It is noted that the figures above do not necessarily represent the full costs of administering the program. BCW estimates a total of 194 staff, including management, are associated with the implementation of this program at an approximate cost of \$28.1 million per year. Certain expenses, such as general program oversight, were not included in the cost estimates in Table 4, because these are not directly associated with the implementation of the Section 106 Water Pollution Control Grant or the required match.

**TREND ANALYSIS:**

**Table 5** below provides revenue/expense ratios for the period fiscal year 2013 to fiscal year 2017. Total revenue in this table reflects the sum of 92a fee revenue from Table 3 and the federal monies DEP receives annually under EPA grants. Currently, fee revenue from the NPDES program only covers approximately \$3.7 million of program expenditures, or 18% of the cost to administer the NPDES Program. Federal funding provides approximately 33% of program costs.

**Table 5. Revenue/Expense Ratios for the NPDES Program**

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
92a Fee Revenue	\$4,147,683	\$3,473,825	\$3,341,925	\$3,361,150	\$4,145,200
Federal Funds	\$6,648,800	\$6,648,800	\$6,648,800	\$6,648,800	\$6,648,800
Total Revenue	\$10,796,483	\$10,122,625	\$9,990,725	\$10,009,950	\$10,794,000
Expenses	\$19,120,015	\$19,369,439	\$19,623,852	\$20,016,329	\$20,416,656
Ratios	0.56	0.52	0.51	0.50	0.53

## **PROBLEM STATEMENT:**

Based on the current funding structure, DEP's ability to adequately comply with federal and state environmental requirements relating to the NPDES program is continually strained due to a lack of program solvency. Without adequate funding for all required aspects of the NPDES program, public health may suffer, and environmental gains previously made may be lost due to a reduced capacity to conduct compliance and enforcement efforts. Additionally, DEP's ability to efficiently and timely process permit applications, meet its obligations under the Clean Streams Law, satisfy increasing federal requirements, and promptly serve the public in areas, including but not limited to municipal stormwater (MS4s) and agriculture, are all affected by this funding gap.

DEP is using the General Fund to meet half of its existing funding obligations, as noted above. Given the potential fluctuations in appropriations by the legislature, a more stable and sustainable funding source is desired.

## **RECOMMENDATION:**

While achieving a self-funded NPDES program is desired in the future, increased NPDES program staff and resource are considered the highest priority given the activities that are not currently able to be completed by DEP to serve its mission. These include adequate inspection and enforcement and activities necessary to carry out DEP's Chesapeake Bay Restoration Strategy. Adequate DEP staffing will provide improved public health protections and protection of Pennsylvania's scenic waterways, which are utilized by many Pennsylvanians and tourists for recreational activities.

It has been determined that approximately \$8 million in new revenue annually is needed in order for DEP to fully comply with all federal and state environmental and public health requirements relating to the NPDES and WQM programs (collectively "Clean Water Program"). This amount is based on a comprehensive workload analysis conducted by DEP that considered all of the tasks necessary to properly implement all aspects of the Clean Water Program. The workload analysis concluded that the statewide Clean Water Program requires 63 additional staff to fully carry out all regulatory responsibilities. A summary of the workload analysis is presented in **Attachment A**, which illustrates that the program's greatest needs are in the areas of program administration, inspections, and surface water assessments.

To meet that annual revenue objective, DEP is recommending an overall fee increase of approximately \$7 million in NPDES permit application and NOI fees and \$1 million from WQM permit application and NOI fees.

## ATTACHMENT A

### SUMMARY OF DEP WORKLOAD ANALYSIS FOR CLEAN WATER PROGRAM

*Program Implementation – DEP Regional Offices*

Task	Hours Required / Year	FTEs Required	Current FTEs	Increase Required
NPDES and WQM Permit Application Reviews	74,032	49	47	2
NPDES and WQM Inspections	82,823	55	41	14
Surface Water Assessment	38,437	26	15	11
NPDES and WQM Enforcement	18,956	13	6	7
Soils Evaluations	3,968	3	0	3
Hydrogeological Evaluations	2,464	2	1	1
	<b>220,680</b>	<b>148</b>	<b>110</b>	<b>38</b>

*Program Administration – DEP Bureau of Clean Water*

Task	Hours Required / Year	FTEs Required	Current FTEs	Increase Required
Program Development, Policy, Guidance, Regulations, and Oversight	111,000	74	49	25

**Total Increase in FTEs Required: 63**



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Copy below is hereby approved as to form and legality.  
Attorney General

By: *Ang M. Elbert*  
(Deputy Attorney General)

FEB 05 2019  
DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections attached.

Copy below is hereby certified to be true and  
correct copy of a document issued, prescribed or  
promulgated by:

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION  
ENVIRONMENTAL QUALITY BOARD

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-533

DATE OF ADOPTION DECEMBER 18, 2018

BY: *Patrick McDonnell*

TITLE PATRICK MCDONNELL  
CHAIRPERSON

EXECUTIVE OFFICER CHAIRPERSON OR SECRETARY

Copy below is hereby approved as to form and legality  
Executive or Independent Agencies

BY: *Marisa H. Z. Loh*

JAN 08 2019  
DATE OF APPROVAL

(Deputy General Counsel)  
(~~Chief Counsel, Independent Agency~~)  
(Strike inapplicable title)

Check if applicable. No Attorney General Approval  
or objection within 30 days after submission.

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ENVIRONMENTAL QUALITY BOARD

Water Quality Management (WQM) and National Pollution Discharge Elimination System (NPDES)  
Permit Application Fees and Annual Fees

25 Pa. Code Chapters 91 and 92a



**PROPOSED RULEMAKING  
ENVIRONMENTAL QUALITY BOARD  
[25 PA. CODE CHS. 91 AND 92A]  
Water Quality Management (WQM) and  
National Pollution Discharge Elimination System (NPDES)  
Permit Application and Annual Fees**

The Environmental Quality Board (Board) proposes to amend Chapter 91 (relating to general provisions) and Chapter 92a (relating to National Pollutant Discharge Elimination System (NPDES) permitting, monitoring and compliance) to establish new fee schedules for Water Quality Management (WQM) permit applications, NPDES permit applications and NPDES annual fees, and to make clarifications under 25 Pa. Code §§ 91.1, 91.22, 91.27, 91.36, 91.52, 92a.26, 92a.32, and 92a.62, respectively.

This proposal was adopted by the Board at its meeting of December 18, 2018.

*A. Effective Date*

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

*B. Contact Persons*

For further information contact Sean Furjanic, P.E., Environmental Program Manager, Bureau of Clean Water, P.O. Box 8774, Rachel Carson State Office Building, Harrisburg, PA 17105-8774, (717) 787-2137, or Margaret O. Murphy, Assistant Director, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105, (717) 783-7472. Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (Select "Public Participation," then "Environmental Quality Board (EQB)").

*C. Statutory Authority*

The proposed rulemaking is being made under the authority of sections 5(b)(1) and 6 of the Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.6) and section 1920-A of the Administrative Code of 1929 (71 P.S. § 510-20), which authorize the Board to promulgate rules and regulations necessary for the Department to perform its work, including the charging and collecting of reasonable filing fees for applications filed and for permits issued under the Clean Streams Law.

*D. Background and Purpose*

Pennsylvania's water resources are among the most abundant in the nation and require significant Department resources to protect the quality of these waters through the NPDES and

WQM programs (collectively, “Clean Water Program”). Pennsylvania ranks in the top five nationally for number of NPDES-permitted facilities and in the top ten for surface water miles in the nation. Pennsylvania has more municipal separate storm sewer system (MS4) permits and more combined sewer overflows (CSOs) than any other state. The Department receives over 2,600 applications and Notices of Intent (NOIs) for NPDES and WQM permits annually for discharges of sewage, industrial waste, industrial stormwater, and municipal stormwater; operation of concentrated animal feeding operations (CAFOs); utilization of pesticides; land application of sewage and industrial wastes; and construction of sewage and industrial waste pollution control facilities.

Over the past decade, the Department has worked to modify and continually improve business processes to reduce the cost of administering the Clean Water Program while maintaining its core responsibility of serving the public by protecting public health and the environment. However, as development needs within the Commonwealth continue to expand, the Department’s workload also increases over time. For example, as new products and processes are employed by permittees, the Department must continually evaluate potential impacts to water resources and undertake new initiatives to meet federal requirements to achieve its core responsibilities.

Under the Clean Streams Law, Department permits are required for any discharge of sewage or industrial waste or for any other activity that creates a danger of pollution of waters of the Commonwealth. 35 P.S. §§ 691.202, 691.307, and 691.402(a). The Clean Streams Law also requires approval from the Department prior to the construction of infrastructure that is used to treat or convey sewage and industrial wastes. 35 P.S. §§ 691.207 and 691.308.

The Board has promulgated regulations in 25 Pa. Code Chapters 91 and 92a for the Department to administer the programs authorized by the Clean Streams Law. Chapter 91 establishes a WQM program for sewage and industrial waste construction projects, discharges to groundwater through the land application of sewage and industrial wastes, and the use of pesticides in surface waters. Section 91.22 provides a fee schedule for WQM permit applications. Most of these fees have not been updated since 1971.

Chapter 92a establishes a permit, monitoring and compliance program for discharges to surface waters of the Commonwealth under the Clean Streams Law, consistent with the NPDES permitting requirements of Section 402 of the federal Clean Water Act. 33 U.S.C. § 1342. The Department has been delegated the authority to administer the federal NPDES permitting program in Pennsylvania by the U.S. Environmental Protection Agency (EPA) and has done so since 1978.

Chapters 91 and 92a authorize the Department to issue individual WQM and NPDES permits with terms and conditions specific to the project, discharge or activity described in the permit application, and to issue general permits for categories of projects, discharges and activities that can be regulated by a standard set of terms and conditions. Persons seeking individual permits submit permit applications, while persons seeking coverage under a general permit submit NOIs.

The Board has established fees for permit applications and NOIs in §§ 91.22 and 92a.26. In addition, in 2010 the Board established an annual NPDES permit fee to aid in funding the cost of the Department's administration of the NPDES program. 40 Pa.B. 5767 (October 9, 2010). The Chapter 91 permit fees were initially promulgated by the Board in 1971 and subsequently amended in 1980 and 2000. *See* 1 Pa.B. 1804; 10 Pa.B. 4294; and 30 Pa.B. 521.

The NPDES fee schedule for individual NPDES permits remained the same from 1978 until 2010. In 2010, the Board promulgated an updated fee schedule reflecting increased fees for most categories of individual NPDES permits in § 92a.26 and promulgated new annual fees in § 92a.62. 40 Pa.B. 5767. These fee increases provided needed revenue to administer the NPDES program and reduced reliance on general tax revenue to support the NPDES program.

Under both §§ 92a.26 and 92a.62, the Department is required to report to the Board every three years on the adequacy of the fees to administer the NPDES program. The report analyzes the fiscal solvency of programs by comparing program funding sources, including fees, with the costs to administer the program. Fee reports may contain recommendations to increase fees to eliminate any identified funding disparities.

On February 18, 2014, the Department presented its first report to the Board under the new NPDES fee schedules promulgated in 2010. The report documented that the primary sources of revenue to fund the NPDES program are general tax revenue (50%), federal grants (33%), and permit fees (17%). The analysis also highlighted that NPDES fees in Pennsylvania are 50 to 90% less than surrounding and comparable states for most categories of NPDES permits. On August 21, 2018, the Department presented its second report to the Board, which illustrated similar conditions exist now as compared to 2014.

Based on its current staffing and activities, the Department spends approximately \$20 million per year to administer the NPDES program. These funds cover the following activities:

- Inspection and compliance monitoring of NPDES-permitted facilities – 36%;
- NPDES permit application/NOI reviews – 29%;
- Assessment of surface waters throughout Pennsylvania, including development of Total Maximum Daily Loads – 28%;
- Program management – 5%; and
- Program administration – 2%.

The Department spends approximately \$1.4 million per year to administer the WQM program, which involves activities similar to the NPDES program, except for surface water assessment. The primary sources of revenue to fund this program are general tax revenue (90%) and permit fees (10%).

The benefits and justifications for the proposed fee increases are further explained in Section F of this Preamble.

The Department's Bureau of Clean Water (BCW), which is responsible for the administration of the Clean Water Program, presented the proposed changes to the fees in Chapters 91 and

92a to the Agriculture Advisory Board (AAB) at its meetings on April 28, 2016, and October 26, 2017. A member of the AAB questioned in a letter to the Department's Secretary the need for fee increases that target a small number of farms (i.e., CAFOs) and stated that the Department should be utilizing its resources to inspect all farms, not just CAFOs.

BCW also presented the proposed changes to the fees in Chapters 91 and 92a to the Water Resources Advisory Committee (WRAC) at its meetings on September 21, 2016 and October 25, 2017. WRAC supported the proposal to increase these fees to adequately fund the Clean Water Program.

#### *E. Summary of Regulatory Requirements*

Summarized below are the proposed changes to Chapters 91 and 92a, along with supporting justification for these proposed permit fee increases. No federal regulations prescribe fees for NPDES and WQM permit applications.

##### *§ 91.1 (definitions)*

Definitions of the terms "major facility", "minor facility", and "small flow treatment facility" are proposed. The proposed definitions are needed because these terms are used in the proposed revisions to § 91.22. The proposed definitions are consistent with the definition of these terms in Chapter 92a. In addition, the reference to 25 Pa. Code § 92.1 in the definition of "CAFO" will be updated to 25 Pa. Code § 92a.2.

##### *§ 91.22 (WQM permit fees)*

Subsection (a) currently identifies WQM permit application fees for single residence sewage treatment plants (\$25), sewer extensions (\$100) and other WQM permits (\$500). The existing regulation does not indicate whether these fees apply to different types of permit applications (i.e., new, amendment, renewal and transfer). This subsection is proposed to be amended to expand the categories of WQM permit applications from three to eleven, and clarify the fees for the various types of permit applications. These proposed categories are based on an analysis conducted by the Department of the typical complexity and amount of time necessary to review the various WQM permit applications received. These proposed fee categories were also based on the need for the Department to conduct inspections during and/or following construction of the facilities.

Subsection (b) currently establishes a ceiling of \$500 for general WQM permit NOI fees. The Department proposes to revise this subsection to remove this ceiling and replace it with a requirement that NOI fees for general WQM permits may not exceed the amount established for individual WQM permit application fees for equivalent projects.

Subsection (c) is a new proposed section that would require the Department to adjust WQM permit application fees according to changes to the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation (ECI) every two years. The adjustment would be based on the cost difference, if any, of the ECI for the most recent two-

year period. The proposed revision requires the Department to publish any changes to the fees in subsection (a) based on the ECI in the *Pennsylvania Bulletin*. The Department will not be permitted to impose any increases beyond those based on the ECI without the Board promulgating a rulemaking to revise § 91.22. Further, fees will not be adjusted if application of the index would result in fees exceeding the Department's costs to administer the Clean Water Program.

Subsection (d) proposes to require the Department to prepare a report every three years for submission to the Board to evaluate the revenue generated by the proposed fees and the cost to administer the WQM permitting program. The report would also include the Department's recommendation for amendments to this section if revenue to administer the program is insufficient. This proposed provision is similar to an existing provision in § 92a.26(h).

Subsection (e) proposes to allow the Department to enter into an agreement with any federal or Commonwealth agency or independent Commonwealth commission to provide an alternative funding mechanism for the WQM program rather than the payment of the fees established in § 91.22.

*§ 91.27 (General water quality management permit)*

The reference to Chapter 92 will be updated to Chapter 92a.

*§ 91.36 (Pollution control and prevention at agricultural operations)*

The references to 25 Pa. Code §§ 92.5a and 92.5a(e)(1)(i) will be updated to 25 Pa. Code §§ 92a.29 and 92a.29(e)(1)(i), respectively.

*§ 91.52 (Procedural requirements for underground disposal)*

The reference to Chapter 92 will be updated to Chapter 92a.

*§ 92a.26 (NPDES permit application fees)*

Subsection (a) is proposed to be modified to require payment of permit fees to the "Commonwealth of Pennsylvania" rather than the "Clean Water Fund" consistent with the Commonwealth's fiscal management policies. This subsection is further proposed to be modified to clarify that for fees based on the annual average design flow of a facility, the design flows of all discharges from the facility are totaled.

Subsection (b) is proposed to be amended to combine the provisions currently in subsections (b), (c) and (d). New subsection (b) proposes to address permit application fees for new permits and the reissuance of mining permits. New subsection (b) proposes to remove reissuance fees for all types of permits with the exception of mining permits due to corresponding amendments to the annual fee provisions found in Section 92a.62 (discussed further below). The fee categories remain the same in the new subsection (b), except that a new category for "pesticides" is proposed. The proposed fees are based on an analysis of the Department's costs to review the

various types of permit applications and the time necessary for ongoing inspections and compliance monitoring.

Current subsection (e) is proposed to become subsection (c) and would continue to address fees associated with individual NPDES permit transfers. The fees for the transfer of NPDES permits would not change. This subsection is proposed to clarify that transfer fees apply to NPDES permits for CAFOs, MS4s, and Concentrated Aquatic Animal Production (CAAP) facilities, as well as other types of NPDES permits.

Current subsection (f) is proposed to become subsection (d) and would continue to address fees associated with individual NPDES permit amendments. This subsection is proposed to be modified to include new, lower fees for minor amendments to NPDES permits for single residence sewage treatment plants (SRSTPs) and small flow treatment facilities (SFTFs), as the current fee for minor amendments to these permits exceeds or is not in proportion with the fees for SRSTP and SFTF permit applications for new permits. Major amendment fees would be the same as the annual fees in section 92a.62. Currently, major amendment fees are the same as reissuance fees, but since there will no longer be reissuance fees (except mining), the major amendment fees would be set equivalent to annual fees.

Current subsection (g) is proposed to become subsection (e) and would continue to address NOI fees associated with NPDES general permits. This subsection proposes to eliminate the current NOI ceiling of \$2,500 for coverage under an NPDES general permit and require that NOI fees for general NPDES permits not exceed the amount established for individual NPDES permit application fees for equivalent projects. This section also proposes to require payment of the annual increment of the NOI fee to obtain coverage under a general permit when the general permit allows payment of the NOI fee in annual increments. For example, if an NOI fee is \$1,000 and the general permit allows annual incremental payments of \$200 over five-year term of the general permit, a person seeking coverage under the general permit would be required to submit a payment of \$200 with the NOI.

A new subsection (f) proposes to require adjustments every two years to the NPDES fees based on the ECI as discussed above in § 91.22(c). However, fees will not be adjusted if application of the index would result in fees exceeding the Department's costs to administer the Clean Water Program.

Current subsection (h) is proposed to become subsection (g) and would continue to require the Department to provide a report at least once every three years to the EQB on the adequacy of the NPDES fees.

Current subsection (i) is proposed to become subsection (h) and would continue to allow federal and state agencies or independent state commissions to provide funding to the Department for implementation of the NPDES program through an agreement as an alternative to paying the NPDES fees in this section. No change to the language in this subsection is proposed.

*§ 92a.32 (Stormwater discharges)*

Subsection (b) is proposed to be amended to codify the process of how to submit a “No Exposure Certification” application and fee. An applicant would be required to submit the appropriate permit application or NOI, including the appropriate application or NOI fee, and a “No Exposure Certification” on forms available from the Department at least once every 5 years. This amendment clarifies existing processes.

Subsection (c) is proposed to be amended to codify the process for how to submit a waiver from NPDES permit requirements for small MS4 operators. Applicants would be required to submit to the Department the appropriate permit application or NOI, the appropriate permit application or NOI fee and an application for the waiver on forms available from the Department at least once every 5 years. This amendment also clarifies existing processes.

*§ 92a.62 (NPDES annual fees)*

Subsection (a) proposes to require payment of the NPDES fee to the “Commonwealth of Pennsylvania” rather than the “Clean Water Fund” consistent with the Commonwealth’s fiscal management policies. This subsection would be modified to clarify that for fees based on the annual average design flow of a facility, the design flows of all discharges from the facility are totaled. This subsection would also be amended to change the due date of the annual fee for individual NPDES permits. The due date for the annual fee would be the effective date of the last permit issuance or reissuance for permits issued before this rulemaking (“old permits”) becomes effective and would be the effective date of the initial permit for permits issued after this rulemaking becomes effective (“new permits”). For example, if an old permit was last reissued with an effective date of June 1, 2017, as of the effective date of this rulemaking, the annual fee for this permit would be due every year on June 1, regardless of the effective date of future reissued permits. If a new permit is issued on September 1, 2020, the annual fee for this permit would be due every year on September 1. In conjunction with this change and as discussed above, permit reissuance fees were deleted for all permits that had annual fees. The current regulation requires annual fees to be due on the anniversary of the effective date of the permit. This date often changes each permit renewal cycle. The proposed amendment to this subsection would ease the administrative burden on the Department and on permittees by setting one due date for the life of each permit and would make the reissuance fee unnecessary.

Subsection (b) proposes to combine current subsections (b), (c) and (d), which address annual fees for facilities with individual NPDES permits. The fee categories associated with annual fees would remain the same as the existing regulation, except that a new category for “pesticides” and is proposed to be added. The proposed annual fees are based on the typical complexity and amount of time necessary to review the various applications the Department receives and the time necessary for ongoing inspections and compliance monitoring.

A new subsection (c) proposes to adjust the NPDES annual fees every two years based on the ECI, similar to the requirements in §§ 91.22(c) and 92a.26(f) described above. However, also as described above, fees will not be adjusted if application of the index would result in fees exceeding the Department’s costs to administer the Clean Water Program.

Current subsection (e) is proposed to become subsection (d) and would continue to require the Department to submit a written fee report at least once every three years to the EQB evaluating the adequacy of the annual fees.

Current subsection (f) is proposed to become subsection (e), but would not be revised otherwise. This subsection allows federal and state agencies or independent state commissions to provide funding to the Department for the implementation of the NPDES program through an agreement rather than paying annual fees required by this section.

## *F. Benefits, Costs, and Compliance*

### *Benefits*

The fee increases proposed in this rulemaking are necessary for the Department to administer the WQM and NPDES programs in Chapters 91 and 92a, respectively, to implement the Clean Streams Law, as well as the federal NPDES program mandated by the Clean Water Act. These programs are essential to the compelling public interest of preventing and eliminating pollution of the waters of the Commonwealth, promoting both public health and economic benefits.

WQM and NPDES permits help lower rates of acute and chronic illnesses in citizens by reducing the occurrence of pathogens, nutrients, and other contaminants in Pennsylvania's waterways. Citizens may come into contact with these pollutants through drinking improperly treated water, recreational activities, or consuming tainted food sources. High levels of some pathogens like *E. coli* can cause illness if accidentally consumed during recreational activities, by eating contaminated food, or from drinking improperly-treated water. Nutrient pollution can facilitate the occurrence of harmful algal blooms, which may produce toxic byproducts that harm recreational water users and render drinking water sources unusable during the duration of the bloom. Nutrient pollution is also known to impact downstream waters such as the Chesapeake Bay. Finally, other contaminants like heavy metals can accrue in fish tissue and cause sickness in people who consume the contaminated fish. This list of examples is not exhaustive of the types and causes of illnesses that can be associated with polluted waters. Preservation of public health is a standalone benefit of environmental regulation, but it also provides economic benefits. While it is difficult to assign a specific monetary value to the prevention of acute and long-term illnesses or disease by improving water quality, healthier citizens are able to work, are more productive, and live longer lives, all of which provide positive economic effects.

Pennsylvania receives other economic benefits from the proper administration of these programs through reduced costs to treat drinking water, increased property values, job creation, increased fishery resources and recreation, and enhanced aquatic habitat available to support the diverse species that depend upon clean water. Additionally, healthy watersheds help to avoid expensive restoration activities, reduce vulnerability to natural disasters, and maintain natural ecosystems that provide water treatment at far lower costs than can be achieved through human-engineered services. For more information about the economic benefits of effectively managing water resources, please see the EPA document, "The Economic Benefits of Protecting Healthy

Watersheds,” available on EPA’s website at [https://www.epa.gov/sites/production/files/2015-10/documents/economic\\_benefits\\_factsheet3.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/economic_benefits_factsheet3.pdf).

The proposed fees in this rulemaking will allow the Department to properly administer the Clean Water Program to protect the quality of water resources within the Commonwealth without any increases in the appropriation of general tax revenue to the Department. The Department acknowledges that new fees may impact some regulated entities negatively; instead of collecting a large up-front fee to support the Department’s water pollution control efforts, the regulation is structured to fairly spread fees among permit applications and annual fees, as applicable, to ease the burden on the regulated community. Despite the proposed increases, the Department’s fees would still be less than the fees for many comparable states.

The administration of the Clean Water Program involves many activities including permit application reviews, inspections, enforcement, surface water assessments and related activities such as the development and implementation of federally required Total Maximum Daily Loads (TMDLs).

Under the federal Clean Water Act, the Department is required to develop and maintain Pennsylvania’s water quality standards. 33 U.S.C.A. § 1313. Water quality standards are established to protect human health, aquatic life, and ensure that our waters are safe for drinking water consumption and recreation. Water quality standards have two parts: designated uses and specific water quality criteria. Department-issued permits must meet those water quality standards and adhere to state and federal technology-based standards. Department-issued WQM permits assure that appropriate engineering standards are applied to prevent pollution to waters of the Commonwealth.

As part of its Section 106 grant agreement, 33 U.S.C.A. § 1256, the Department is required by EPA to monitor and assess surface waters to determine if streams are meeting their designated uses. This is performed in a variety of ways including biological sampling, chemical sampling, and evaluation of aquatic habitats. Monitoring and assessment is performed to assure that the Department has appropriate water quality standards in place and has issued effective permits. Monitoring and assessment of our state waters are the foundational components for the water management programs implemented by the Department.

Other benefits associated with this proposed rulemaking include:

- Increased staff and resources to provide more timely permit application reviews, which would be beneficial to owners and operators of new facilities desiring permits as expeditiously as possible.
- Increased staff and resources to allow more thorough reviews of impacts to public health and the environment and a greater presence in the field. The public benefits from these services by providing a greater level of protection for waters of the Commonwealth. The regulated community benefits from this through enhanced compliance assistance before enforcement is considered. The Department prefers to work with the regulated community to promote

compliance. Compliance assistance has, in some cases, reduced expenses for permittees while providing adequate protection to human health and the environment.

- Increased staff to provide the resources necessary to evaluate existing programs, policies, guidance and regulation, what is and what is not working for the Department, the public and regulated community, and to make necessary changes more expeditiously. The Department is aware of some areas of the program that could be improved or enhanced in order to, for example, make the permit process less onerous and save applicants money. An increase of positions in the Department's BCW is necessary to complete this work.
- Increased revenue from fees to assist the Department in funding electronic solutions to improve business efficiency.

The Department believes that these benefits would result in cost savings to the regulated community although such savings are difficult to quantify.

#### *Compliance costs*

The operators of approximately 4,000 facilities in Pennsylvania with individual NPDES permits would be affected by the proposed rulemaking. Certain categories of facilities would be subject to little or no fee increase, and other categories would be subject to more significant increases, based on the nature and complexity of these facilities and the applications they submit.

Approximately 500-600 owners and operators of water pollution control facilities (e.g., persons proposing to construct or modify construction of sewage treatment facilities, sewer lines, wastewater pump stations, land application sites, etc.) who, on average, apply to the Department each year for a WQM permit, would be subject to WQM permit application fee increases.

The collective increase in fees for these facilities would be approximately \$6 million in the first year following the effective date of the final Chapters 91 and 92a rulemaking. Persons applying for new NPDES and WQM permits would be subject to the revised fees immediately. Persons with existing NPDES permits would not be subject to the revised fees until an annual fee is due. Persons with existing WQM permits would not be subject to the revised fees unless an amendment, transfer or renewal of the WQM permit is desired.

Not included in these estimates are costs associated with coverage under general WQM and NPDES permits. The Department could decide to increase NOI fees for general permits in the future to a level not to exceed the equivalent fee for an individual permit application. If the Department were to decide on this course of action, it could affect up to 5,700 additional facilities with general permit coverage and collectively cost up to an additional \$2 million. Any increase in NOI fees for general permits would be proposed at the time each general permit is renewed. Each proposed general permit is published in the *Pennsylvania Bulletin* for public comment.

While the costs to comply with the regulation for up to 10,300 NPDES and WQM-permitted facilities could be as high as \$8 million, it is expected that the net costs would be much lower considering the benefits described above.

#### *Compliance assistance plan*

The Department will develop and post to its website fact sheet(s) describing changes to the WQM and NPDES fee schedules and include important information on these changes on annual fee invoices mailed to permittees.

#### *Paperwork requirements*

The proposed amendments to Chapters 91 and 92a clarify existing processes but do not add to or change the existing paperwork requirements for the submission of WQM and NPDES permit applications and NOIs or the submission of annual fee payments to the Department. It is noted that the Department is in the process of launching an electronic payment system for annual fees, which would reduce paperwork.

#### *G. Pollution Prevention (if applicable)*

The Federal Pollution Prevention Act of 1990 established a national policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This regulation has incorporated the following pollution prevention incentives:

Certain sectors of facilities may be able to avoid paying annual fees when pollution prevention measures are employed. For example, industrial sites that are required to apply for and obtain NPDES permits for stormwater discharges associated with industrial activity may qualify for a No Exposure Certification approval in lieu of a permit, if most products and materials are stored in storm-resistant shelters.

#### *H. Sunset Review*

The Board is not establishing a sunset date for these regulations, because they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

#### *I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 12, 2019, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis

Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

#### *J. Public Comments*

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding the proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by May 14, 2019.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at [RegComments@pa.gov](mailto:RegComments@pa.gov). A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

#### *K. Public Hearings*

The Board will hold one public hearing for the purpose of accepting comments on this proposal. The hearing will be held at 1 p.m. on the following date:

May 1, 2019	Department of Environmental Protection Southcentral Regional Office Susquehanna Rooms A&B 909 Elmerton Avenue Harrisburg, PA 17110
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Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Verbal testimony is limited to five minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

Patrick McDonnell,  
*Chairperson*



Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 91. GENERAL PROVISIONS

GENERAL

§ 91.1. Definitions.

\* \* \* \* \*

*CAFO—Concentrated animal feeding operation*—An agricultural operation that meets the criteria established by the Department in § [92.1] 92a.2 (relating to definitions).

\* \* \* \* \*

*General water quality management permit or general permit*—A water quality management permit that is issued for a clearly described category of wastewater treatment facilities, which are substantially similar in nature.

**Major facility – The term as defined in § 92a.2 (relating to definitions).**

\* \* \* \* \*

*Manure storage facility*—A permanent structure or pond, a portion of a structure or pond, or a group of structures or ponds at one agricultural operation, utilized for the purpose of containing manure or agricultural process wastewater. This includes concrete, metal or other fabricated tanks and underbuilding structures, as well as earthen and synthetically-lined manure storage ponds.

**Minor facility – The term as defined in § 92a.2 (relating to definitions).**

\* \* \* \* \*

*Single residence sewage treatment plant*—A system of piping, tanks or other facilities serving a single family residence located on a single family residential lot which collects, disposes and treats solely direct or indirect sewage discharges from the residences into waters of this Commonwealth.

Small flow treatment facility – The term as defined in § 92a.2 (relating to definitions).

\* \* \* \* \*

**APPLICATIONS AND PERMITS**

\* \* \* \* \*

**§ 91.22. Fees.**

(a) Applications for new individual water quality management permits, [from parties except agencies of the Commonwealth] reissuance of individual water quality management permits, and requests for permit amendments and transfers shall be accompanied by a [check] fee payable to “Commonwealth of Pennsylvania,” in the [following] amounts specified below.[:]

- (1) For applications for single residence sewage treatment plant permits—\$25.
- (2) For applications for sewer extension permits—\$100.
- (3) For applications for other water quality management permits—\$500.]

<u>Category</u>	<u>Application Type</u>	<u>Fee</u>
<u>Joint Pesticides Permit</u>	<u>New and Reissuance</u>	<u>\$500</u>
	<u>Amendment</u>	<u>\$100</u>
	<u>Transfer</u>	<u>\$50</u>
<u>Major Sewage Treatment Facility</u>	<u>New</u>	<u>\$10,000</u>
	<u>Amendment</u>	<u>\$2,000</u>
	<u>Transfer</u>	<u>\$250</u>
<u>Major Industrial Waste Treatment Facility</u>	<u>New</u>	<u>\$15,000</u>
	<u>Amendment</u>	<u>\$2,000</u>
	<u>Transfer</u>	<u>\$500</u>
<u>Minor and Non-NPDES Sewage Treatment Facility</u>	<u>New</u>	<u>\$5,000</u>
	<u>Amendment</u>	<u>\$500</u>
	<u>Transfer</u>	<u>\$250</u>
<u>Minor and Non-NPDES Industrial Waste Treatment Facility</u>	<u>New</u>	<u>\$7,500</u>
	<u>Amendment</u>	<u>\$500</u>
	<u>Transfer</u>	<u>\$250</u>
<u>Single Residence Sewage Treatment Plant</u>	<u>New</u>	<u>\$200</u>
	<u>Amendment</u>	<u>\$100</u>
	<u>Transfer</u>	<u>\$50</u>
<u>Small Flow Treatment Facility</u>	<u>New</u>	<u>\$1,000</u>
	<u>Amendment</u>	<u>\$200</u>
	<u>Transfer</u>	<u>\$100</u>

<u>Category</u>	<u>Application Type</u>	<u>Fee</u>
<u>Sewer Extensions</u>	<u>New</u>	<u>\$2,500</u>
	<u>Amendment</u>	<u>\$500</u>
	<u>Transfer</u>	<u>\$250</u>
<u>Pump Station</u>	<u>New</u>	<u>\$2,500</u>
	<u>Amendment</u>	<u>\$500</u>
	<u>Transfer</u>	<u>\$250</u>
<u>Land Application and Reuse of Sewage</u>	<u>New and Reissuance</u>	<u>\$5,000</u>
	<u>Amendment</u>	<u>\$1,000</u>
	<u>Transfer</u>	<u>\$250</u>
<u>Land Application and Reuse of Industrial Waste</u>	<u>New and Reissuance</u>	<u>\$10,000</u>
	<u>Amendment</u>	<u>\$2,000</u>
	<u>Transfer</u>	<u>\$250</u>
<u>Manure Storage and Wastewater Impoundment</u>	<u>New</u>	<u>\$2,500</u>
	<u>Amendment</u>	<u>\$500</u>
	<u>Transfer</u>	<u>\$250</u>

**(b) [An] NOI fees for coverage under a general water quality management permit, including fees for amendments to and transfers of general permit coverage, shall be [accompanied by a check] made payable to the "Commonwealth of Pennsylvania[,]," [in the amount no greater than \$500 as set forth in the public notice for the general water quality management permit as described in § 91.27(b)(1) (relating to general water quality management permit).] The fees for a general permit in § 91.27(b)(1) (relating to general water quality management permits) shall be established in the general permit. NOI fees may not exceed the individual permit application fees in subsection (a) for the equivalent category and application type.**

**(c) The Department will adjust fees for WQM permit applications required under subsection (a) every 2 years based on the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation, or an equivalent index recognized by the U.S. Department of Labor, beginning 2 years after (Editor's Note: The blank refers to the effective date of the final-form rulemaking). The adjustment will be based upon the cost difference for the most recent 2-year period prior to the calculation. The fees shall not be adjusted if the application of the index would result in fees exceeding the Department's costs to administer the Clean Water Program. The Department will publish the final adjusted fee schedule and effective date in the *Pennsylvania Bulletin*.**

**(d) The Department will review the adequacy of the fees established in this section every 3 years and provide a written report to the EOB. The report will identify disparities between the amount of program income generated by the fees and the costs to administer the program, and contain recommendations to increase fees to eliminate any disparities, including recommendations for regulatory amendments to increase program fees.**

**(e) Any Federal or Commonwealth agency or independent Commonwealth commission that provides funding to the Department for the implementation of the WQM program**

**through terms and conditions of a mutual agreement may be exempt from the fees in this section.**

\* \* \* \* \*

**§ 91.27. General water quality management permit.**

(c) *Denial of coverage.* The Department may deny coverage under the general permit when one or more of the following conditions exist:

(1) The NOI is not complete or timely.

(2) The applicant has not obtained permits required by Chapter [92] 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) when required.

\* \* \* \* \*

**§ 91.36. Pollution control and prevention at agricultural operations.**

(b) *Land application of animal manure and agricultural process wastewater; setbacks and buffers.*

(1) The land application of animal manures and agricultural process wastewater requires a permit or approval from the Department unless the operator can demonstrate that the land application meets one of the following:

(i) The land application follows current standards for development and implementation of a plan to manage nutrients for water quality protection, including soil and manure testing and calculation of proper levels and methods of nitrogen and phosphorus application. The Manure Management Manual contains current standards for development and implementation of a plan to manage nutrients for water quality protection which can be used to comply with the requirements in paragraph (1).

(ii) For CAOs, the land application is in accordance with an approved nutrient management plan under Chapter 83, Subchapter D.

(iii) For CAFOs, the land application is in accordance with a CAFO permit as described in § [92.5a] 92a.29 (relating to CAFOs).

(2) Unless more stringent requirements are established by statute or regulation, the following agricultural operations may not mechanically land apply manure within 100 feet of surface water, unless a vegetated buffer of at least 35 feet in width is used, to prevent manure runoff into surface water:

(i) A CAO.

(ii) An agricultural operation receiving manure from a CAO directly, or indirectly through a broker or other person.

(iii) An agricultural operation receiving manure from a CAFO directly, or indirectly through a broker or other person.

(3) CAFOs shall meet the setback requirements in § ~~92.5a(e)(1)(i)~~ 92a.29(c)(1)(i).

\* \* \* \* \*

**§ 91.52. Procedural requirements for underground disposal.**

A permit issued under § 91.51 (relating to potential pollution resulting from underground disposal) shall be issued in accordance with the requirements of Chapter ~~92~~ 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) when applicable.

**CHAPTER 92a. NATIONAL POLLUTANT DISCHARGE ELIMINATION  
SYSTEM PERMITTING, MONITORING AND COMPLIANCE**

**§ 92a.26. Application fees.**

(a) [The] NPDES application [fee is] fees are payable to the [Clean Water Fund] Commonwealth of Pennsylvania according to the fee schedule set forth in this section. All flows listed in this section are total annual average design flows for all discharges at a facility in million gallons per day (MGD).

(b) Applications fees for new individual NPDES permits [for discharges of treated sewage are:] are as follows.

<b>[SRSTP</b>	<b>\$100 for new; \$100 for reissuance</b>
<b>Small flow treatment facility</b>	<b>\$250 for new; \$250 for reissuance</b>
<b>Minor facility &lt; 50,000 GPD</b>	<b>\$500 for new; \$250 for reissuance</b>
<b>Minor facility &gt; = 50,000 GPD &lt; 1 MGD</b>	<b>\$1,000 for new; \$500 for reissuance</b>
<b>Minor facility with CSO</b>	<b>\$1,500 for new; \$750 for reissuance</b>
<b>Major facility &gt; = 1 MGD &lt; 5 MGD</b>	<b>\$2,500 for new; \$1,250 for reissuance</b>
<b>Major facility &gt; = 5 MGD</b>	<b>\$5,000 for new; \$2,500 for reissuance</b>
<b>Major facility with CSO</b>	<b>\$10,000 for new; \$5,000 for reissuance]</b>

<u>Category</u>	<u>Application Fee</u>
<u>Single Residence Sewage Treatment Plant</u>	<u>\$200</u>
<u>Small Flow Treatment Facility</u>	<u>\$1,000</u>
<u>Minor Sewage Facility &lt; 0.05 MGD</u>	<u>\$1,500</u>
<u>Minor Sewage Facility &gt;= 0.05 MGD and &lt; 1.0 MGD</u>	<u>\$2,000</u>
<u>Minor Sewage Facility with CSO</u>	<u>\$5,000</u>
<u>Major Sewage Facility &gt;= 1.0 MGD and &lt; 5.0 MGD</u>	<u>\$7,500</u>
<u>Major Sewage Facility &gt;= 5.0 MGD</u>	<u>\$10,000</u>
<u>Major Sewage Facility with CSO</u>	<u>\$15,000</u>
<u>Minor Industrial Waste Facility not covered by ELG</u>	<u>\$5,000</u>
<u>Minor Industrial Waste Facility covered by ELG</u>	<u>\$7,500</u>
<u>Major Industrial Waste Facility &lt; 250 MGD</u>	<u>\$15,000</u>
<u>Major Industrial Waste Facility &gt;= 250 MGD</u>	<u>\$100,000</u>

<u>Category</u>	<u>Application Fee</u>
<u>Industrial Stormwater</u>	<u>\$5,000</u>
<u>CAFO</u>	<u>\$3,000</u>
<u>MS4</u>	<u>\$5,000</u>
<u>CAAP</u>	<u>\$3,000</u>
<u>Pesticides</u>	<u>\$3,000</u>
<u>Mining Activity</u>	<u>\$1,000</u>

**In addition, the application fee for reissuance of an individual NPDES permit associated with a mining activity shall be \$500.**

**[(c) Applications fees for individual NPDES permits for discharges of industrial waste are:**

Minor facility not covered by an ELG	\$1,000 for new; \$500 for reissuance
Minor facility covered by an ELG	\$3,000 for new; \$1,500 for reissuance
Major facility < 250 MGD	\$10,000 for new; \$5,000 for reissuance
Major facility > = 250 MGD	\$50,000 for new; \$25,000 for reissuance
Mining activity	\$1,000 for new; \$500 for reissuance
Stormwater	\$2,000 for new; \$1,000 for reissuance

**(d) Application fees for individual NPDES permits for other facilities or activities are:**

CAFO	\$1,500 for new; \$750 for reissuance
CAAP	\$1,500 for new; \$750 for reissuance
MS4	\$5,000 for new; \$2,500 for reissuance

**(e) [(c) Application fees for transfers of individual permits are:**

[SRSTP] <u>Single residence sewage treatment plant</u>	\$50
Small flow treatment facility	\$100
[Other domestic wastewater] <u>All other sewage facilities</u>	\$200
Industrial waste, <u>Industrial stormwater, CAFO, MS4 and CAAP</u>	\$500

**[(f) (d) Application fees for amendments to individual permits are:**

Amendment initiated by Department	No charge
<u>Minor Amendment for single residence sewage treatment plant</u>	<u>\$50</u>
<u>Minor Amendment for small flow treatment facility</u>	<u>\$100</u>
Minor amendment <u>for all other facilities</u>	\$200

Major amendment

Same as [reissuance permit fee] annual fee established in § 92a.62

**[(g)] (e)** NOI fees for coverage under a general permit under § 92a.23 (relating to NOI for coverage under an NPDES general permit), **including fees for amendments to or transfers of general permit coverage**, will be established in the general permit. **[NOI fees may not exceed \$2,500, except as provided in Chapter 102 (relating to erosion and sediment control).] NOI fees under this chapter may not exceed the individual permit application fees in subsections (b), (c) and (d) and annual fee in § 92a.62 for the equivalent activity.** An eligible person shall submit to the Department the applicable NOI fee before the Department approves coverage under the general permit for that person. **If the general permit allows payment of the NOI fee in annual increments, the eligible person shall, if required by the Department, submit the initial increment to the Department with the NOI before the Department approves coverage under the general permit.**

**(f) The Department will adjust fees for NPDES permit applications imposed under subsections (b), (c) and (d) every 2 years based on the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation, or an equivalent index recognized by the U.S. Department of Labor, beginning 2 years after (Editor's Note: The blank refers to the effective date of the final-form rulemaking). The adjustment will be based upon the cost difference for the most recent 2-year period prior to the calculation. The fees shall not be adjusted if the application of the index would result in fees exceeding the Department's costs to administer the Clean Water Program. The Department will publish the final adjusted fee schedule and effective date in the *Pennsylvania Bulletin*.**

**[(h)] (g)**The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB. The report will identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

**[(i)] (h)** Any Federal or State agency or independent State commission that provides funding to the Department for the implementation of the NPDES program through terms and conditions of a mutual agreement may be exempt from the fees in this section.

\* \* \* \* \*

### **§ 92a.32. Stormwater discharges.**

(a) The provisions of 40 CFR 122.26(a), (b), (c)(1), (d), (e)(1), (3)—(9) and (f)—(g) (relating to storm water discharges (applicable to State NPDES programs, see § 123.25)) and 122.30—122.37 are incorporated by reference.

(b) *No exposure stormwater discharges.* Discharges composed entirely of stormwater are not stormwater discharges associated with industrial activity if there is “no exposure” of industrial materials and activities to stormwater and the discharger satisfies the conditions in 40 CFR

122.26(g). A facility or activity with no stormwater discharges associated with industrial activity may qualify for a conditional exclusion from a permit, provided that the facility or activity does not discharge to a surface water classified as a High Quality Water or an Exceptional Value Water under Chapter 93 (relating to water quality standards). To qualify for the conditional exclusion from a permit, the responsible person shall complete, sign and submit to the Department [a] **the appropriate permit application or NOI, including the appropriate application or NOI fee, and a “No Exposure Certification” on forms available from the Department** at least once every 5 years [in lieu of a permit application].

(c) *Municipal separate storm sewer systems.* The operator of a discharge from a large, medium or small municipal separate storm sewer shall submit in its **permit application or NOI** the information required to be submitted under 40 CFR Part 122 (relating to EPA administered permit programs: the National Pollutant Discharge Elimination System). Permits for discharges from municipal separate storm sewer systems are not eligible for a “no exposure” conditional exclusion from a permit under subsection (b). **The operator of a discharge from a small MS4 may seek a waiver from NPDES permit requirements under 40 CFR 122.32(c) (relating to NPDES permit waiver for the operator of a small MS4). To request this waiver, the operator of the small MS4 shall complete, sign and submit to the Department the appropriate permit application or NOI, the appropriate permit application or NOI fee and an application for the waiver on forms available from the Department at least once every 5 years.**

\* \* \* \* \*

§ 92a.62. Annual fees.

(a) Permittees shall pay an annual fee **in the amount indicated in the following schedule** to the [Clean Water Fund] **Commonwealth of Pennsylvania**. The annual fee [must be for the amount indicated in the following schedule and] **for permits issued before (Editor’s Note: The blank refers to the effective date of the final-form rulemaking)** is due on each anniversary of the **effective date of the last permit issuance or reissuance [effective date of the permit] until the Department terminates the permit.** **The annual fee for permits issued for the first time after (Editor’s Note: The blank refers to the effective date of the final-form rulemaking) is due on each anniversary of the effective date of the initial permit until the Department terminates the permit.** The flows listed in this section are **total** annual average design flows **for all discharges at a facility in million gallons per day (MGD).**

(b) Annual fees for individual NPDES permits **are as follows:**[for discharges of treated sewage are:

SRSTP	\$0
Small flow treatment facility	\$0
Minor facility < 50,000 GPD	\$250
Minor facility > = 50,000 GPD < 1 MGD	\$500

Minor facility with CSO	\$750
Major facility > = 1 MGD < 5 MGD	\$1,250
Major facility > = 5 MGD	\$2,500
Major facility with CSO	\$5,000]

<u>Category</u>	<u>Annual Fee</u>
<u>Single Residence Sewage Treatment Plant</u>	<u>\$100</u>
<u>Small Flow Treatment Facility</u>	<u>\$500</u>
<u>Minor Sewage Facility &lt; 0.05 MGD</u>	<u>\$750</u>
<u>Minor Sewage Facility ≥ 0.05 MGD and &lt; 1.0 MGD</u>	<u>\$1,000</u>
<u>Minor Sewage Facility with CSO</u>	<u>\$2,500</u>
<u>Major Sewage Facility ≥ 1.0 MGD and &lt; 5.0 MGD</u>	<u>\$3,750</u>
<u>Major Sewage Facility ≥ 5.0 MGD</u>	<u>\$5,000</u>
<u>Major Sewage Facility with CSO</u>	<u>\$7,500</u>
<u>Minor Industrial Waste Facility not covered by ELG</u>	<u>\$2,500</u>
<u>Minor Industrial Waste Facility covered by ELG</u>	<u>\$3,750</u>
<u>Major Industrial Waste Facility &lt; 250 MGD</u>	<u>\$7,500</u>
<u>Major Industrial Waste Facility ≥ 250 MGD</u>	<u>\$50,000</u>
<u>Industrial Stormwater</u>	<u>\$2,500</u>
<u>CAFO</u>	<u>\$1,500</u>
<u>MS4</u>	<u>\$2,500</u>
<u>CAAP</u>	<u>\$1,500</u>
<u>Pesticides</u>	<u>\$1,500</u>
<u>Mining Activity</u>	<u>\$0</u>
<u>Stormwater Associated with Construction Activities</u>	<u>\$500</u>

(c) Annual fees for individual NPDES permits for discharges of industrial waste are:

Minor facility not covered by an ELG	\$500
Minor facility covered by an ELG	\$1,500
Major facility < 250 MGD	\$5,000
Major facility > = 250 MGD	\$25,000
Mining activity	\$0
Stormwater	\$1,000

(d) Annual fees for individual NPDES permits for other facilities or activities are:

CAFO	\$0
CAAP	\$0

**(c) The Department will adjust annual fees required under subsection (b) every 2 years based on the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation, or an equivalent index recognized by the U.S. Department of Labor, beginning 2 years after (Editor's Note: The blank refers to the effective date of the final-form rulemaking). The adjustment will be based upon the cost difference for the most recent 2-year period prior to the calculation. The fees shall not be adjusted if the application of the index would result in fees exceeding the Department's costs to administer the Clean Water Program. The Department will publish the final adjusted fee schedule and effective date in the *Pennsylvania Bulletin*.**

[(e)] **(d)** The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB. The report will identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

[(f)] **(e)** Any Federal or State agency or independent state commission that provides funding to the Department for the implementation of the NPDES Program through terms and conditions of a mutual agreement may be exempt from the fees in this section.





March 12, 2019

David Sumner  
Executive Director  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, PA 17120

Re: Proposed Rulemaking: Water Quality Management (WQM) and National Pollution Discharge Elimination System (NPDES) Permit Application Fees and Annual Fees (#7-533)

Dear Mr. Sumner:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed a copy of a proposed rulemaking for review by the Independent Regulatory Review Commission (Commission). This proposal is scheduled for publication in the *Pennsylvania Bulletin* on March 30, 2019, with a 45-day public comment period. The Environmental Quality Board (EQB) adopted this proposal on December 18, 2018.

The enclosed rulemaking proposes amendments to 25 Pa. Code Chapters 91 and 92a. These proposed amendments would increase fees for Water Quality Management (WQM) permit applications and National Pollutant Discharge Elimination System (NPDES) permit applications and annual fees, clarify the fees applicable to No Exposure Certifications and waivers, and create a fixed date for payment of annual fees. WQM permits are required under Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1- 691.1001) and Chapter 91 for the construction of water pollution control facilities, discharges to waters of the Commonwealth, and other activities that may cause or contribute to pollution to waters of the Commonwealth. NPDES permits are required under the federal Clean Water Act (33 U.S.C. § 1342), the Clean Streams Law, and Chapter 92a for the discharge of pollutants to surface waters.

The proposed permit fee increases will improve capabilities in carrying out the Department of Environmental Protection's (Department) core responsibilities for ensuring protection of public health and the environment, and in meeting the Department's commitments and requirements under federal agreements and regulations. Pennsylvania's water resources are among the most abundant in the nation and require significant Department resources to protect the quality of these waters through the NPDES and WQM programs (collectively, "Clean Water Program").

Pennsylvania ranks in the top five nationally for number of NPDES-permitted facilities and in the top ten for surface water miles in the nation. Pennsylvania has more municipal separate storm sewer system (MS4) permits and more combined sewer overflows (CSOs) than any other state. The Department receives over 2,600 applications and Notices of Intent (NOIs) for NPDES and WQM permits annually for discharges of sewage, industrial waste, industrial stormwater, and municipal stormwater; operation of concentrated animal feeding operations (CAFOs);



utilization of pesticides; land application of sewage and industrial wastes; and construction of sewage and industrial waste pollution control facilities.

Over the past decade, the Department has worked to modify and continually improve business processes to reduce the cost of administering the Clean Water Program while maintaining its core responsibility of serving the public by protecting public health and the environment. However, as development needs within the Commonwealth continue to expand, the Department's workload also increases over time. For example, as new products and processes are employed by permittees, the Department must continually evaluate potential impacts to water resources and undertake new initiatives to meet federal requirements to achieve its core responsibilities.

Based on current staffing and activities, the Department spends approximately \$20 million per year to administer the NPDES program. These funds cover the following activities: inspection and compliance monitoring of NPDES-permitted facilities (36%); NPDES permit application/NOI reviews (29%); assessment of surface waters throughout Pennsylvania, including development of Total Maximum Daily Loads (28%); program management (5%); and program administration (2%). The Department spends approximately \$1.4 million per year to administer the WQM program. The primary sources of revenue to fund this program are general tax revenue (90%) and permit fees (10%).

The fee increases proposed in this rulemaking are necessary for the Department to administer the WQM and NPDES programs in Chapters 91 and 92a, respectively, to implement the Pennsylvania Clean Streams Law, as well as the NPDES program mandated by the federal Clean Water Act.

The operators of approximately 4,000 facilities in Pennsylvania with individual NPDES permits would be affected by the proposed rulemaking. Certain categories of facilities would be subject to little or no fee increase, and other categories would be subject to more significant increases, based on the nature and complexity of these facilities and the applications they submit. Approximately 500-600 owners and operators of water pollution control facilities (e.g., persons proposing to construct or modify construction of sewage treatment facilities, sewer lines, wastewater pump stations, land application sites, etc.) who, on average, apply to the Department each year for a WQM permit, would be subject to WQM permit application fee increases.

The collective increase in fees for these facilities would be approximately \$6 million in the first year following the effective date of the final Chapters 91 and 92a rulemaking. Persons applying for new NPDES and WQM permits would be subject to the revised fees immediately. Persons with existing NPDES permits would not be subject to the revised fees until an annual fee is due. Persons with existing WQM permits would not be subject to the revised fees unless an amendment, transfer or renewal of the WQM permit is desired.

Not included in these estimates are costs associated with coverage under general WQM and NPDES permits. The Department could increase NOI fees for general permits in the future to a level not to exceed the equivalent fee for an individual permit application. If the Department were to decide on this course of action, it could affect up to 5,700 additional facilities with general permit coverage and collectively cost up to an additional \$2 million. Any increase in



March 12, 2019

NOI fees for general permits would be proposed at the time each general permit is renewed. Each proposed general permit is published in the *Pennsylvania Bulletin* for public comment.

The proposed fees in this rulemaking will allow the Department to properly administer the Clean Water Program to protect the quality of Commonwealth water resources without increases in the appropriation of general tax revenue to the Department. Also, to mitigate the impact of the fee increase, instead of collecting a large up-front fee to support the Department's water pollution control efforts, the regulation is structured to spread fees fairly among permit applications and annual fees, as applicable, to ease the burden on the regulated community. Further, despite the proposed increases, the Department's fees would still be less than the fees for many comparable states.

The Department presented the proposed changes to the fees in Chapters 91 and 92a to the Agricultural Advisory Board at its meetings on April 28, 2016, and October 26, 2017. The Department also presented the proposed changes to the fees in Chapters 91 and 92a to the Water Resources Advisory Committee (WRAC) at its meetings on September 21, 2016, and October 25, 2017. WRAC supported the proposal to increase these fees to adequately fund the Clean Water Program. Fee reports were presented to the EQB at its meeting on August 21, 2018.

As set forth in the Regulatory Review Act, the Department will consider any comments and recommendations made by the Commission, as well as the House and Senate Environmental Resources and Energy Committees and public commenters, prior to final adoption of this rulemaking.

Please contact me by e-mail at [ledinger@pa.gov](mailto:ledinger@pa.gov) or by telephone at 717.783.8727 if you have any questions or need additional information.

Sincerely,



Laura Edinger  
Regulatory Coordinator

Enclosures



**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO  
 THE REGULATORY REVIEW ACT**

I.D. NUMBER: 7- 533

SUBJECT: Water Quality Management (wqm) and National Pollution Discharge Elimination System (NPDES) Permit Application Fees and Annual Fees

AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION

**TYPE OF REGULATION**

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a.  With Revisions
  - b.  Without Revisions

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 RECEIVED  
 IRRC

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
<u>3/12/19</u>	<u>Regina C. Leppan</u>	Majority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY <i>Representative Daryl Metcalfe</i>
<u>3/12/19</u>	<u>Terri Keln</u>	Minority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY <i>Representative Greg Vitali</i>
<u>3/12/19</u>	<u>Patricia Cindray</u>	Majority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY <i>Senator Gene Yaw</i>
<u>3/12/19</u>	<u>Carly Simpson</u>	Minority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY <i>Senator John Yudichak</i>
<u>3/12/19</u>	<u>K Cooper</u>	INDEPENDENT REGULATORY REVIEW COMMISSION <i>David Sumner</i>
		ATTORNEY GENERAL (for Final Omitted only)
<u>3/12/19</u>	<u>Beth Pappas</u>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)

