

I. WHEN TO USE THIS DOCUMENT

Technical Guidance Documents (TGDs or guidance) provide practical and specialized information to Program staff, the public, and the regulated community regarding compliance with environmental statutes and regulations in Pennsylvania and this policy should be used for the development of such documents.

TGDs do not establish binding legal obligations and do not alter statutory or regulatory requirements. TGDs describe methods and information acceptable to the Department to achieve compliance consistent with existing statutory or regulatory requirements.

II. DEFINITIONS

eLibrary – DEP’s official repository for Technical Guidance Documents.

Draft TGD – A DEP Technical Guidance Document prepared to solicit public comment on a new TGD or substantive revision to an existing TGD prior to its use.

Final TGD - A DEP Technical Guidance Document that previously existed as a Draft or Interim Final document, underwent a public comment period, was appropriately revised, and was published as final in the *Pennsylvania Bulletin*.

Interim Final TGD - A DEP Technical Guidance Document that may be used upon publication in the *Pennsylvania Bulletin* to meet a statutory deadline, accompany a final regulatory package or, in other circumstances approved by the Policy Director. Issuing Interim Final documents allows for the use of the document by the Department while it undergoes public review.

Minor Revision - A change to a DEP Technical Guidance Document that:

- Affects a portion of the existing guidance without fundamentally altering its content;
- Entails minor editorial improvements such as revised dates, changes in Departmental staff, outdated information, clarification of examples, or typographical issues;
- Changes the layout, format, or sequence of information in the existing guidance without affecting its content; or
- Reflects a non-substantive change in regulatory or statutory provisions.

New TGD - A DEP Technical Guidance Document that has not previously existed in any form.

Non-regulatory Agenda - The list of Technical Guidance Documents DEP plans to amend and/or develop within the next year. This agenda, modeled after the existing regulatory agenda, is updated on a rolling basis and available on DEP’s website under “Public Participation”.

Rescission - The removal of a Technical Guidance Document from use due to regulatory changes, outdated information, or conversion to an alternative publication format.

Substantive Revision - Any category of change made to an existing DEP Technical Guidance Document that affects large portions of the guidance or fundamentally alters the existing content.

Technical Guidance Coordinator - The individual in DEP's Policy Office responsible for coordinating development and publication of Technical Guidance Documents for the agency.

Technical Guidance Documents (TGD) - Written materials that provide methods, practices, procedures, or other relevant information to assist the regulated community in complying with environmental statutes and regulations.

Technical Guidance Inventory - The inventory of all DEP Technical Guidance Documents published in the *Pennsylvania Bulletin* annually (each August) as required by Executive Order 1996-1.

Withdrawal - The removal of a Technical Guidance Document that was published as Draft but never finalized, and was determined to be no longer necessary.

III. KEY CONSIDERATIONS FOR DEVELOPMENT OF GUIDANCE

DEP develops its TGDs using the guidelines listed below. The criteria below must be clearly addressed in the guidance document transmittal memo when routed for Departmental approval.

A. CONFORMANCE WITH STATE STATUTES AND REGULATIONS

TGDs may explain technical methods or procedures acceptable to DEP for the regulated community to comply with statutory or regulatory provisions. Recommendations in guidance must be consistent with statutes and regulations. If the guidance document is based on a specific statute or regulatory provision, that provision should be explicitly stated and properly cited. The TGD should be used to promote consistency among the DEP regional offices, and district oil and gas and mining offices, to the maximum extent practicable.

B. NECESSITY

TGDs should be developed as necessary to help implement current laws and regulations. They should not be redundant or impose procedures or requirements that are not authorized by statute or regulation and should be kept up-to-date and rescinded when no longer necessary.

C. CLARITY

TGDs should contain clear and concise language and use non-technical language where possible. They should explain the methods, practices, procedures, and other information that will be acceptable to the Department to achieve compliance with statutory and regulatory requirements.

D. ADMINISTRATIVE EFFICIENCY

Where appropriate, guidance should streamline applicable Departmental administrative and approval procedures to ensure efficient use of Commonwealth resources.

E. ECONOMIC IMPACTS

TGDs should not diminish Pennsylvania's competitive economic advantage. If environmental and public health standards continue to be met, DEP should provide flexibility to employ cost effective alternatives, encourage innovative technology, and drive economic growth. In addition, DEP should minimize costs associated with staffing, technical reviews, and compliance assistance.

IV. ENHANCING TRANSPARENCY

A. NON-REGULATORY AGENDA

The Department develops a list of the TGDs it plans to amend and/or develop during the next year. This agenda, modeled after the existing regulatory agenda, will be updated on a rolling basis and housed on DEP's website under "Public Participation". The list serves as a guide and resource to the regulated community, the general public, Department staff, other government agencies, and the Department's Advisory Committees regarding the focus of the Department's TGD development activities for the next year. This agenda is separate and in addition to the publication of the annual (each August) document inventory, including technical guidance, as required by Executive Order 1996-1.

B. USE OF eCOMMENT TO SOLICIT PUBLIC COMMENT ON TGDs

The Department operates an online public comment system entitled eComment through which the public can submit comments and view all comments submitted. To increase transparency in the development of technical guidance documents and other documents, the eComment system can be accessed via the DEP website (<http://www.dep.pa.gov>, Keyword: eComment). The Department will use eComment to solicit comments on TGDs.

C. ADVISORY COMMITTEE AND STAKEHOLDER INVOLVEMENT

DEP Program staff consults Advisory Committees and other relevant stakeholders during the development of TGDs. Program staff should involve the Advisory

Committees as early in the development process as practicable when new TGDs, substantive revisions to TGDS, and Interim Final TGDs are being developed.

V. PROVIDING COMMENTS

The Department's Policy Office accepts comments on all Draft and Interim Final TGDs for at least 30 calendar days after the document's publication in the *Pennsylvania Bulletin*. The Department will consider and respond to all comments submitted via eComment, email, and mail within the prescribed comment period.

A. SUBMITTING COMMENTS

All comments submitted to the Department should include the commentator's full name, affiliation, mailing address, and email address. The Department encourages commentators to submit their comments electronically via DEP's eComment website. The Technical Guidance Coordinator manages all public comments and makes them publicly available on the eComment website within five business days of receipt, when possible.

B. COMMENT-RESPONSE DOCUMENT (if applicable)

All Final TGD packages contain a Comment-Response (CR) document, which includes a listing of individuals and organizations that provided comments, all comments received during the formal public comment period, and the Department's response to each comment. Comments received after the deadline may be considered, but are not incorporated into the CR document. Copies of the CR document are available on the Department's eLibrary website with the Final TGD. If a Draft or Interim Final TGD receives no comments, no CR document is prepared.

VI. MAINTENANCE AND DISTRIBUTION OF TGDs

A. MAINTENANCE

The Technical Guidance Coordinator will ensure the official copy of every TGD is available through the Department's eLibrary, which serves as the repository for DEP TGDs.

1. **Rescission:** If an existing TGD is no longer necessary it may be rescinded. Additionally, an existing TGD may be rescinded if DEP determines the information is better suited in an alternative format (e.g., fact sheet, brochure, manual, etc.).
2. **Withdrawal:** A Draft or Interim Final TGD not finalized because it is no longer necessary will be withdrawn. Draft and Interim Final TGDs that are not published as Final within two years following the close of the comment period will be deemed withdrawn unless an extension is approved by the Policy Office.

B. DISTRIBUTION

The public should refer to DEP's eLibrary as the official repository for DEP policies and TGDs. However, DEP will provide paper copies of its TGDs to persons without access to its website.

Appendix A
Standard Elements Page

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Program Area

DOCUMENT NUMBER:	<i>Number of Guidance Document</i>
TITLE:	<i>Title of Guidance Document</i>
EFFECTIVE DATE:	<i>Effective Date of the Guidance Document</i>
AUTHORITY:	<i>Regulatory and/or Statutory Basis for Guidance Document</i>
POLICY:	<i>One-sentence description of the technical guidance that will be provided. The information must be blocked as shown here.</i>
PURPOSE:	<i>Description of how the technical guidance provided in the document will aid in compliance with environmental requirements.</i>
APPLICABILITY:	<i>Description of the persons to whom the guidance applies, and the relevant environmental requirements.</i>
DISCLAIMER:	<p>The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in the policies or procedures will affect regulatory requirements.</p> <p>The policies and procedures herein are not an adjudication or a regulation and DEP has no intent to give this document that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.</p>
PAGE LENGTH:	<i>The length of the guidance, including all pages of related material in appendices, indexes, graphs, charts, etc.</i>