



February 18, 2021

National Fuel Gas Supply Corporation  
c/o Mr. Jake Lybrook - Environmental Compliance Coordinator  
1100 State Street  
Erie, PA 16512

Re: Erosion and Sediment Control (E&S) Permit Issuance  
FM 100 Modernization/Abandonment Project  
DEP Application No. ESG830019003-00  
APS ID No 1008279; AUTH ID No. 1299840  
Borough of Driftwood, Gibson Township, Grove Township, Lumber Township, Huston Township, Lawrence Township, Leidy Township, Keating Township, Benezette Township, Jay Township, Liberty Township, Norwich Township, Sergeant Township, Allegany Township, Clara Township, Hebron Township, Pleasant Valley Township, Portage Township, Roulette Township, Wharton Township; Cameron, Clearfield, Clinton, Elk, McKean & Potter County

Dear Mr. Lybrook:

In compliance with the provisions of the Pennsylvania Clean Streams Law, as amended, 35 P.S. §§ 691.1 *et seq.*, the Department of Environmental Protection (DEP) hereby approves the application for the Erosion and Sediment Control Permit (E&S Permit) for the FM 100 Modernization/Abandonment Project proposing earth disturbance in the watersheds referenced on the permit document.

ESG830019003-00 is effective on **February 18, 2021** and will expire on **February 17, 2026**. All dischargers are required by Sections 402 and 611 of The Clean Streams Law, 35 P.S. §§ 691.402 and 691.611 to comply with the terms and conditions of their permit.

In addition to the E&S permit authorization, the permittee and any subsequent co-permittees have additional responsibilities related to this authorization.

1. E&S Permit requirements and state regulations require that operators who are not the permittee shall be a co-permittee. (see permit condition Part B(III)(B)(1) and (2) for transfer of permit or co-permittee requirements.) Please be advised that once an operator/contractor has been selected for the project, the E&S Permit must either be transferred to the operator/contractor or the operator/contractor must be made a co-permittee and enter into an agreement with the permittee. Please use the enclosed Transferee/Co-permittee Application to transfer the permit or add a co-permittee. This form must be received by this office at least 30 days prior to the co-permittee/transferee action taking place.

2. A pre-construction conference is required as specified in 25 Pa. Code § 102.5(e). The purpose of this conference is to review all aspects of the E&S Permit with the permittee, co-permittees, operators, consultants, the DEP inspectors and licensed professionals or their designees who will be responsible for the implementation of the critical stages of the approved PCSM/restoration plan.
3. It is a condition of E&S Permit that as part of the maintenance program for the operation and maintenance of best management practices (BMPs) the permittee or co-permittee must conduct inspections of the BMPs on a weekly basis and after each stormwater event to include the repair or replacement of BMPs to ensure effective and efficient operation (see permit condition part A(III)(C).) The Visual Site Inspection Report Form is enclosed and must be used to document these required site inspections.
4. For any property containing a PCSM BMP, the permittee or co-permittee shall record an instrument with the recorder of deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP, provide for necessary access related to long-term operation and maintenance for PCSM BMPs and provide notice that the responsibility for long-term operations and maintenance of the PCSM BMP is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees. Unless a later date is approved by the Department in writing, the permittee shall record an instrument as required under 25 Pa. Code § 102.8(m)(2) and permit condition part C(VI)(B) of this permit within 45 days from the date of issuance of this permit or authorization. The permittee shall provide the conservation district and the Department with the date and place of recording along with a reference to the docket, deed book or other record, within 90 days from the date of issuance of this permit or authorization.
5. The Notice of Termination (NOT) form is also enclosed and must be completed and filed when construction activities have ceased and final stabilization has been achieved as a condition of this E&S Permit as specified in permit condition part B(III)(D) of the permit regarding Notice of Termination. The NOT is an E&S Permit requirement, as well as a regulatory requirement under 25 Pa. Code § 102.7. The NOT must identify the responsible person(s) for the long-term operation and maintenance of the Post Construction Stormwater Management (PCSM) BMPs. Please be advised that the permittee and/or co-permittee remain responsible for all operational maintenance for this project site until the NOT has been filed and acknowledged by DEP or the delegated conservation district.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Natural Gas Act, 15 U.S.C. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 within the time prescribed in the law. Important legal rights are at stake, so you should show this document to a lawyer at once.

If you have questions about your application, please contact Nick Rossi at 717.772.5667 or nicrossi@pa.gov and refer to the permit number referenced above.

Sincerely,



Domenic Rocco, P.E.

Director

Regional Permit Coordination Office

Attachments: E&S Control Permit  
Visual Site Inspection Report Form  
Transferee/Co-permittee Application  
Co-permittee Acknowledgement Form/Instructions  
Co-permittee Liability Release Form  
Notice of Termination Form  
PCSM Instrument Filing Notice

cc: Mott MacDonald, LLC (by email)  
Northcentral Regional ARD (by email)  
Northcentral Regional Waterways and Wetlands PM (by email)  
Northwest Regional ARD (by email)  
Northwest Regional Waterways and Wetlands PM (by email)  
Cameron County Conservation District (by email)  
Clinton County Conservation District (by email)  
Clearfield County Conservation District (by email)  
Elk County Conservation District (by email)  
McKean County Conservation District (by email)  
Potter County Conservation District (by email)  
Borough of Driftwood (by email)  
Gibson Township (by email)  
Grove Township (by email)  
Lumber Township (by email)  
Huston Township (by email)  
Lawrence Township (by email)  
Leidy Township (by email)  
Keating Township (by email)  
Benezette Township (by email)  
Jay Township (by email)  
Liberty Township (by email)  
Norwich Township (by email)  
Sergeant Township (by email)  
Allegany Township (by email)

Clara Township (by email)  
Hebron Township (by email)  
Pleasant Valley Township (by email)  
Portage Township (by email)  
Roulette Township (by email)  
Wharton Township (by email)



**AUTHORIZATION TO DISCHARGE UNDER THE  
 EROSION AND SEDIMENT CONTROL (E&S) PERMIT FOR DISCHARGES OF  
 STORMWATER ASSOCIATED WITH EARTH DISTURBANCE ACTIVITIES**

**E&S PERMIT NO: ESG830019003-00**

In compliance with the provisions of Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq.,

<u>Permittee</u>	<u>Project Site</u>
<b>National Fuel Gas Supply Corporation</b> <b>6363 Main Street</b> <b>Williamsville, NY 14221</b>	<b>FM100 Modernization Project / Abandonment Project</b> <u>Borough of Driftwood, Gibson Township, Grove Township, Lumber Township, Huston Township, Lawrence Township, Leidy Township, Keating Township, Benezette Township, Jay Township, Liberty Township, Norwich Township, Sergeant Township, Allegany Township, Clara Township, Hebron Township, Pleasant Valley Township, Portage Township, Roulette Township, Wharton Township, Cameron County, Clinton County, Clearfield County, Elk County, McKean County, Potter County</u> <b>Earth Disturbance: 538.1 acres</b>

is authorized to discharge from an earth disturbance activity to the following receiving waters in McKean County: Tributaries to Wernwag Hollow (HQ-CWF), Wernwag Hollow (HQ-CWF), Tributaries to Browns Mill Hollow Run (HQ-CWF), Browns Mill Hollow Run (HQ-CWF), Tributaries to Robbins Brook (HQ-CWF), Robbins Brook (HQ-CWF), Donley Fork (HQ-CWF), Tributaries to Potato Creek (TSF/CWF), Potato Creek (TSF), Tributaries to Walcott Brook (CWF), Coalbed Hollow (HQ-CWF), Tributaries to Bemis Hollow (HQ-CWF), Bemis Hollow (HQ-CWF), Tributaries to Allegheny Portage Creek (TSF/CWF), Allegheny Portage Creek (TSF), Tributaries to Allegheny River (CWF), Allegheny River (CWF), Tributaries to Benson Hollow (CWF), Coleman Creek (CWF), Tributaries to Jordan Hollow (CWF), Jordan Hollow (CWF), Tributaries to Red Mill Brook (CWF), Tributaries to Boyer Brook (HQ-CWF), Tributaries to White Hollow (CWF), White Hollow (CWF), Tributaries to Warner Brook (HQ-CWF), Tributaries to Iron Hollow (CWF), Tributaries to Donley Fork (HQ-CWF), Tributaries to Larson Hollow (CWF), Bemis Hollow (HQ-CWF), Tributaries to Coleman Creek (CWF); in Potter County: Tributaries to Jordan Hollow (CWF), Jordan Hollow (CWF), Ernst Hollow (CWF), Tributaries to Sartwell Creek (CWF), Sartwell Creek (CWF), Baker Hollow (CWF), Tributaries to Baker Hollow (CWF), Fishing Creek (CWF), Tributary to East Branch Fishing Creek (HQ-CWF), East Branch Fishing Creek (HQ-CWF), Whitney Creek (EV), Tributaries to Whitney Creek (EV), Tributary to White Choppin Hollow (HQ-CWF), Tributaries to Bear Creek (CWF), Tributaries to Wiemer Hollow (CWF), White Choppin Hollow (CWF), Tributaries to White Choppin Hollow (CWF), Tributaries to South Branch Oswayo Creek (EV), Tributaries to Colbert Hollow (EV), Tributaries to Little Bailey Run (EV), Little Bailey Run (EV), Brainard Hollow (EV), Bailey Run (EV), Tributaries to Bailey Run (EV), West Darian Run (EV), Tributary to West Darian Run (EV); in Clearfield County: Tributaries to Bennett Branch Sinnemahoning Creek (CWF), Bennett Branch Sinnemahoning Creek (CWF), Lamb Hollow (CWF), Tributary to Lamb Hollow (CWF), Bennett Branch Sinnemahoning Creek (CWF), Tributary to Bennett Branch Sinnemahoning Creek (CWF), Tributaries to Bennett Branch Sinnemahoning Creek (CWF), Tributary to Laurel Run Laurel Run (HQ-CWF), Laurel Run (HQ-CWF), Saunders Run (HQ-CWF), Tributary to Little Medix Run (HQ-CWF); in Elk County: Tributary to Medix Run (HQ-CWF), Medix Run (HQ-CWF), Jack Dent Branch (HQ-CWF), Tributary to Sullivan Run (HQ-CWF), Tributary to Mix Run (EV), Mix Run (EV), Tributaries to Miller Run (HQ-CWF); in Cameron County: Tributary to Mix Run (HQ-CWF), Mix Run (HQ-CWF), Tributaries to Driftwood Branch Sinnemahoning Creek (EV), Driftwood Branch Sinnemahoning Creek

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER

(EV), Tributary to Johnson Run (EV), Tributaries to Miller Run (HQ-CWF), Mix Run (HQ-CWF), Tributaries to Mix Run (HQ-CWF), Bennett Branch Sinnemahoning Creek (WWF), Little Dent Run (HQ-CWF), Tributaries to Boyer Run (CWF), Boyer Run (CWF), Tributaries to Driftwood Branch Sinnemahoning Creek (EV), Driftwood Branch Sinnemahoning Creek (EV), Tributaries to Johnson Run (EV), Johnson Run (EV), Tributary to Grove Run (HQ-CWF), Tributaries to Lick Island Run (EV), Tributaries to Berge Run (EV), Colbert Hollow (EV); in Clinton County: Drury Run

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C herein.

**THIS PERMIT SHALL BECOME EFFECTIVE ON** February 18, 2021

**THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON** February 17, 2026

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.
2. Failure to comply with the terms, conditions or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate E&S permit application form.

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application.



**ISSUANCE DATE:**

February 18, 2021

**Domenic Rocco, PE**  
**Director**  
**Regional Permit Coordination Office**

## PART A – EFFLUENT LIMITATIONS, RECORDKEEPING AND REPORTING REQUIREMENTS

### I. DEFINITIONS

**Alternative BMP** means a best management practice that is not identified in the Department's Erosion and Sediment Pollution Control Program Manual (363-2134-008) or Pennsylvania Stormwater Best Management Practices Manual (363-0300-002) but may be proposed and approved by DEP to achieve compliance with the provisions of Chapter 102, under the authority of 25 Pa. Code § 102.11(b).

**Approximate original condition** means the pre-construction hydrologic condition, general surface configuration, and drainage pattern of the land prior to earth disturbance. Restoration from forest to meadow is considered approximate original condition under this permit.

**Best Management Practices (BMPs)** means activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during, and after earth disturbance activities. (25 Pa. Code § 102.1)

**Clean fill** means uncontaminated, non-water soluble, non-decomposable inert solid material. The term does not include materials placed in or on waters of the Commonwealth unless otherwise authorized. (25 Pa. Code § 271.1)

**Clean Streams Law** means the Act of June 22, 1937, P.L. 1987, No. 394, as amended. (35 P.S. §§ 691.1 to 691.1001).

**County Conservation District or CCD** means a conservation district, as defined in section 3(c) of the Conservation District Law (3 P.S. § 851(c)), which has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the erosion, sediment, and stormwater management program in this Commonwealth. (25 Pa. Code § 102.1)

**DEP** means the Pennsylvania Department of Environmental Protection.

**DEP/CCD** means either DEP or a CCD or both. Where the term DEP/CCD is used to describe an action that will or may be taken, the term generally applies to both. Where the term DEP/CCD is used to describe the agency that must receive applications, reports, notifications or other information required by the permit, the term generally applies to the agency that is the recipient of the application.

**Designated uses** means those uses specified in 25 Pa. Code §§ 93.4(a) and 93.9a—93.9z for each water body or segment, whether or not they are being attained, to be achieved as part of Pennsylvania's water quality standards. (25 Pa. Code § 93.1)

**Discharge point** means all engineered structures, drainageways and areas of concentrated flow where runoff leaves a project site, except for areas of shallow concentrated flow that are controlled by perimeter BMPs. Discharge points are not only pipes (outlets from BMPs) but also include areas where stormwater flows will concentrate by design and areas of concentrated flow prior to level spreaders or other diffusion of flows. Discharge points may be situated at or near surface waters or at another location, at or prior to the project site boundary.

**Disturbed area** means unstabilized land area where an earth disturbance activity is occurring or has occurred. (25 Pa. Code § 102.1)

**Earth disturbance activity** means a construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving depositing, stockpiling, or storing of soil, rock or earth materials. (25 Pa. Code § 102.1)

**Environmental due diligence** means investigative techniques, including, but not limited to, visual property inspections, electronic database searches, review of ownership and use history of property, Sanborn maps, environmental questionnaires, transaction screens, analytical testing, environmental assessments or audits.

**Erosion and Sediment Control (E&S) Plan** means a site-specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during and after earth disturbance activities. (25 Pa. Code § 102.1)

**Exceptional Value waters** means surface waters of high quality which satisfy 25 Pa. Code § 93.4b(b) (relating to antidegradation). (25 Pa. Code § 93.1)

**Existing uses** means those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in Pennsylvania's water quality standards. (25 Pa. Code § 93.1)

**High Quality waters** means surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying 25 Pa. Code § 93.4b(a). (25 Pa. Code § 93.1)

**Licensed professional** means professional engineers, landscape architects, geologists and land surveyors licensed to practice in this Commonwealth. (25 Pa. Code § 102.1)

**Municipal Separate Storm Sewer System (MS4)** means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems pursuant to 40 CFR §§ 122.26(b)(4), (b)(7), and (b)(16), respectively, or designated under 40 CFR § 122.26(a)(1)(v). (25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(b)(18))

**Municipality** means a city, town, borough, county, township, school district, institution, authority or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes or other wastes. (25 Pa. Code § 92a.2)

**New discharge** means a new source as defined at 40 CFR § 122.2

**Non-stormwater discharges** means discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, pavement wash water, external building washdown, irrigation water, or uncontaminated ground water or spring water.

**Notice of Termination (NOT)** means a request, on a form provided by DEP, to terminate coverage under an Erosion and Sediment Control Permit for Stormwater Discharges Associated with Construction Activities or other permits under Chapter 102. (25 Pa. Code § 102.1)

**Off-site construction support activities or off-site support activities** means activities providing support for construction and earth disturbance activities covered by this permit, including but not limited to concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas (spoil), borrow areas, stockpiling of topsoil, transfer of topsoil to other locations, and turnaround areas.

**Operator** means a person who has one or more of the following: (i) oversight responsibility of earth disturbance activity on a project site or a portion thereof who has the ability to make modifications to the E&S Plan, PCSM Plan or site specifications, (ii) day-to-day operational control over earth disturbance activity on a project site or a portion thereof to ensure compliance with the E&S Plan or PCSM Plan. (25 Pa. Code § 102.1)

**Permittee** means a person who has coverage under this permit. The term permittee is also used to describe operators who are co-permittees, to the extent that co-permittees are jointly and severally liable for non-compliance with this permit.

**Permanent Stabilization** means long-term protection of soil and water resources from accelerated erosion. (25 Pa. Code § 102.1)

**Person** means any operator, individual, public or private corporation, partnership, association, municipality or political subdivision of this Commonwealth, institution, authority, firm, trust, estate, receiver, guardian, personal



representative, successor, joint venture, joint stock company, fiduciary; department, agency or instrumentality of State, Federal or local government, or an agent or employee thereof; or any other legal entity. (25 Pa. Code § 102.1)

*Pollutant* means any contaminant or other alteration of the physical, chemical, biological or radiological integrity of surface water that causes or has the potential to cause pollution as defined in Section 1 of the Clean Streams Law (35 P.S. § 691.1). (25 Pa. Code § 102.1)

*Post-Construction Stormwater Management (PCSM) Plan* means a site-specific plan consisting of both drawings and a narrative that identifies BMPs to manage changes in stormwater runoff volume, rate and water quality after earth disturbance activities have ended and the project site is permanently stabilized. (25 Pa. Code § 102.1)

*Preparedness, Prevention and Contingency (PPC) Plan* means a written plan that identifies an emergency response program, material and waste inventory, spill and leak prevention and response, inspection program, housekeeping program, security and external factors, and that is developed and implemented at the construction site to control potential discharges of pollutants other than sediment into waters of this Commonwealth. (25 Pa. Code § 102.1)

*Project site* means the entire area of activity, development, lease or sale including (i) the area of earth disturbance activity, (ii) the area planned for an earth disturbance activity, and (iii) other areas which are not subject to an earth disturbance activity. (25 Pa. Code § 102.1)

*Regulated fill* means soil, rock, stone, dredged material, used asphalt, historic fill, and brick, block or concrete from construction and demolition activities that is separate from other waste and recognizable as such that has been affected by a spill or release of a regulated substance and the concentrations of regulated substances exceed the values in Tables FP-1a and b of DEP's Management of Fill Policy (258-2182-773).

*Roadway Standard* means BMPs and project site conditions that may be utilized by an applicant for managing sheet or dispersed runoff flows for the purpose of complying with 25 Pa. Code § 102.8 and for obtaining permit coverage.

*Rooftop Standard* means BMPs and project site conditions that may be utilized by an applicant for managing concentrated runoff flows for the purpose of complying with 25 Pa. Code § 102.8 and for obtaining permit coverage.

*Site Restoration* means, for the purpose of this permit, a project that will restore the area of earth disturbance to approximate original condition or will otherwise involve no change or a decrease in the area of pre-construction impervious surfaces, including (i) environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects; (ii) bike paths, walking paths and trails associated with vegetated open space (natural grass) or forests; (iii) sidewalk construction projects that are not part of road or highway construction or reconstruction project or a common plan of development or sale; (iv) slope stabilization projects not associated with a road maintenance activity; (v) slope flattening, not associated with a road maintenance activity, that changes the grade of the site, but does not significantly change the runoff characteristics; (vi) spoil areas that will be covered with vegetation; (vii) land clearing and grading for the sole purpose of creating vegetated open space such as parks and fields, excluding projects that alter hydrology from pre- to post-construction conditions; (viii) athletic fields (natural grass) that do not include the construction or reconstruction of impervious area and do not alter hydrology from pre- to post-construction conditions; and (ix) demolition projects where vegetation will be established and no redevelopment is planned.

*Site Restoration PCSM BMP* means restoration of post-construction land cover to approximate pre-construction land cover with respect to stormwater runoff properties.

*Snowmelt* means the conversion of snow into overland stormwater and ground water flow as a result of warmer temperatures.

*Stabilization* means the proper placing, grading, constructing, reinforcing, lining, and covering of soil, rock or earth to ensure their resistance to erosion, sliding or other movement. (25 Pa. Code § 102.1)

*Stormwater* means runoff from precipitation, snowmelt, surface runoff and drainage. (25 Pa. Code § 102.1)

**Surface waters** means perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process. (25 Pa. Code § 102.1)

**Toxic pollutant** means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring. (25 Pa. Code § 92a.2)

**Urbanized area (UA)** means land area comprising one or more places (central place(s)) and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile, as defined by the United States Bureau of the Census and as determined by the latest available decennial census. The UA outlines the extent of automatically regulated areas.

**Waters of the Commonwealth** means rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth. (35 P.S. § 691.1)

**Wetlands** means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (25 Pa. Code § 105.1)

## II. EFFLUENT LIMITATIONS

### A. BMPs.

Except as required by 25 Pa. Code § 102.11(c), this permit establishes narrative performance-based effluent limitations in the form of BMPs identified in E&S Plans, PCSM Plans, and PPC Plans, which control the volume, rate, and quality of stormwater runoff and associated pollutants from being discharged into surface waters, and which replicate pre-construction infiltration and runoff conditions to the maximum extent practicable.

### B. Technology-Based Effluent Limitations.

1. The permittee shall design, install and maintain effective erosion controls and sediment controls, and PCSM BMPs, to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to: (25 Pa. Code § 102.11(c))
  - a. Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges.
  - b. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
  - c. Minimize the amount of soil exposed during construction activity.
  - d. Minimize the disturbance of slopes exceeding 15%.
  - e. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.
  - f. Provide and maintain natural buffers around surface waters of the Commonwealth, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible.
  - g. Avoid or minimize soil compaction in all areas where BMPs utilizing infiltration to manage stormwater is proposed. If the areas planned for infiltration BMPs are compromised through compaction or other means, the permittee shall conduct soil testing to verify that the BMP will perform as designed and implement measures to decompact the soils, as applicable.
  - h. Preserve topsoil unless the intended function of a specific area of the project site dictates that the topsoil be disturbed or removed.
2. Soil Stabilization. (25 Pa. Code § 102.22)
  - a. Temporary Stabilization.
    - i. Upon temporary cessation of an earth disturbance activity or any stage or phase of an activity where a cessation of earth disturbance activities will exceed 4 days, the site shall be immediately seeded, mulched, or otherwise protected from accelerated erosion and sedimentation pending future earth disturbance activities.
    - ii. For an earth disturbance activity or any stage or phase of an activity to be considered temporarily stabilized, the disturbed areas shall be covered with one of the following:
      - (1) A minimum uniform coverage of mulch and seed, with a density capable of resisting accelerated erosion and sedimentation.
      - (2) An acceptable BMP which temporarily minimizes accelerated erosion and sedimentation.

- b. Permanent Stabilization – Upon final completion of an earth disturbance activity or any stage or phase of an activity, the site shall immediately have topsoil restored, replaced, or amended, seeded, mulched or otherwise permanently stabilized and protected from accelerated erosion and sedimentation.
    - i. E&S BMPs shall be implemented and maintained until the permanent stabilization is completed. Once permanent stabilization has been established, the temporary E&S BMPs shall be removed. Any areas disturbed in the act of removing temporary E&S BMPs shall be permanently stabilized upon completion of the temporary E&S BMP removal activity.
    - ii. For an earth disturbance activity or any stage or phase of an activity to be considered permanently stabilized, the disturbed areas shall be covered with one of the following:
      - (1) A minimum uniform 70% perennial vegetative cover, with a density capable of resisting accelerated erosion and sedimentation.
      - (2) An acceptable BMP which permanently minimizes accelerated erosion and sedimentation.
  - c. The permittee shall not utilize seed mixtures containing invasive species or species that may be harmful to native plant communities.
3. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed as follows: (25 Pa. Code § 102.11(c))
- a. Construction dewatering water may not be discharged directly to surface waters.
  - b. The permittee shall use an oil-water separator or suitable filtration device that is designed to remove oil, grease, or other products if dewatering water is found to contain those materials.
  - c. The permittee shall utilize upland vegetated areas of the project site to infiltrate construction dewatering water prior to discharge, to the extent feasible.
  - d. The permittee shall collect and dispose of materials and substances collected by filtration devices and backwash from these devices off-site unless otherwise authorized by DEP/CCD.
4. The permittee shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to: (25 Pa. Code § 102.11(c))
- a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.
  - b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the project site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).
  - c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures. The permittee shall prepare and implement a Preparedness, Prevention and Contingency (PPC) Plan when storing, using or transporting materials including: fuels, chemicals, solvents, pesticides, fertilizers, lime, petrochemicals, wastewater, wash water, core drilling wastewater, cement, sanitary wastes, solid wastes or hazardous materials onto, on or from the project site during earth disturbance activities. The PPC Plan shall be available upon request by DEP/CCD. (25 Pa. Code § 102.5(l))

5. The permittee may not discharge the following: (25 Pa. Code § 102.11(c))
  - a. Wastewater from washout of concrete.
  - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.
  - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
  - d. Soaps or solvents used in vehicle and equipment washing.
6. The permittee shall utilize outlet structures that withdraw water from the surface when discharging from basins and impoundments, unless infeasible. (25 Pa. Code § 102.11(c))

C. Water Quality-Based Effluent Limitations.

Persons proposing or conducting earth disturbance activities shall develop, implement and maintain E&S and PCSM BMPs to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater to ensure that the water quality standards of all affected waters are attained. In addition, earth disturbance activities authorized under this Permit shall achieve wasteload allocations (WLAs) established in any applicable TMDL. All stormwater discharges must comply with all applicable requirements established in accordance with DEP's regulations at 25 Pa. Code Chapters 91-96, 102, and 105. For all permittees covered under this Permit, DEP or CCD may, upon written notice, require additional BMPs or other control measures to ensure that the water quality standards of the receiving waters are attained.

- D. All stormwater discharges must comply with all applicable requirements established in accordance with DEP's regulations at 25 Pa. Code Chapters 91-96, 102, and 105. For all permittees covered under this permit, DEP/CCD may, upon written notice, require additional BMPs or other control measures to ensure that the water quality standards of the receiving waters are attained.

E. The permittee may not discharge:

1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water or foam or substances that produce an observable change in the color, taste, odor or turbidity of the receiving water.
2. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa. Code § 93.6(a))

### III. MONITORING, REPORTING AND RECORDKEEPING

- A. When stormwater samples are collected and analyzed or measurements are taken under this permit, the permittee shall assure:
1. Samples and measurements taken for the purpose of monitoring are representative of the monitored activity.
  2. Records of monitoring information includes:
    - a. The date, exact place, and time of sampling or measurements.
    - b. The individual(s) who performed the sampling or measurements.
    - c. The date(s) analyses were performed.
    - d. The individual(s) who performed the analyses.
    - e. The analytical techniques or methods used.
    - f. The results of such analysis.
  3. Sampling and analysis of samples meet proper quality assurance and quality control (QA/QC) procedures.

B. Records Retention.

1. The permittee shall retain all records of monitoring activities and results, copies of all plans and reports required by this permit, and records of all data used to complete the application for this permit, for at least three (3) years from the date of the Notice of Termination (NOT) approval. The permittee shall submit such records to DEP/CCD upon request.
2. The permittee shall retain a physical or electronic copy of this permit, the application submitted for permit issuance, all attachments to the application, and the E&S Plan, PCSM Plan, and PPC Plan, as applicable, on-site during earth disturbance activities at all times, and shall make these documents available to DEP/CCD for inspection upon request.

C. Inspection and Oversight Requirements. (25 Pa. Code § 102.4(b)(5)(x))

1. Site Inspections – The permittee shall conduct visual site inspections throughout the duration of construction and until the NOT has been submitted by the permittee, at the following frequencies:
  - Routine Inspections shall be conducted weekly.
  - Post-Storm Event Inspections shall be conducted within 24 hours after each measurable storm event (0.25 inch or greater) or the occurrence of snowmelt sufficient to cause a discharge.
  - Corrective Action Inspections shall be conducted anytime the permittee observes a deficiency in implementation of the E&S and PCSM Plans.
  - a. The permittee shall document each site inspection on DEP's Chapter 102 Visual Site Inspection Report (3800-FM-BCW0271d) or alternative document or electronic form that collects and retains identical information. All requested information on the Visual Site Inspection Report must be completed. If electronic forms are used to document site inspections, the permittee shall provide a physical copy of the inspection report to DEP/CCD upon request.
  - b. Site inspections shall be performed by personnel that are trained and experienced in E&S and PCSM and are familiar with the E&S and PCSM Plans for the project site.
  - c. To determine if a storm event of 0.25 inch or greater has occurred on a project site, the permittee shall either maintain a rain gauge on-site or obtain storm event information from a weather station that is representative of the project site location.
2. Licensed Professional Oversight of Critical Stages. (25 Pa. Code § 102.8(k))
  - a. A licensed professional or a designee shall be present on-site and be responsible for oversight of critical stages of implementation of the PCSM Plan, unless the permittee meets the requirements of 25 Pa. Code § 102.8(n). Critical stages may include the installation of underground treatment or storage BMPs, structurally engineered BMPs, or other BMPs as deemed appropriate by DEP.
  - b. The licensed professional or designee shall document, using DEP's Chapter 102 Visual Site Inspection Report or another format, findings related to implementation of critical stages of the PCSM Plan. The permittee shall retain this documentation for no less than 3 years from the date of NOT approval and provide it to DEP/CCD upon request.

D. Unanticipated Non-Compliance or Potential Pollution Reporting.

1. Immediate Reporting - The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code § 91.33 listed below:
  - a. If, because of an accident, other activity or incident a toxic substance or another substance is discharged which would endanger downstream users of the water receiving the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to DEP is required as soon as possible, but no later than four (4) hours after the permittee becomes aware of the incident causing or threatening pollution.

- b. The permittee shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.
  - c. The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.
2. The permittee shall report any non-compliance to DEP/CCD which may endanger health or the environment. These requirements include the following obligations:
- a. 24-Hour Reporting - The permittee shall orally report any non-compliance with this permit to DEP/CCD which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances, including the discovery of soil or other contamination on-site that could result in stormwater pollution.
  - b. Written Report - A written submission shall also be provided to DEP/CCD within 5 days of the time the permittee becomes aware of any non-compliance which may endanger health or the environment. The written submission shall contain a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.
  - c. Waiver of Written Report – DEP/CCD may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger health or the environment. Unless such a waiver is expressly granted by DEP/CCD, the permittee shall submit a written report in accordance with this paragraph.
3. Other Non-Compliance

The permittee shall identify all instances of non-compliance not reported under paragraph D.2 of this section on the Visual Site Inspection Report. The reports shall contain the information listed in paragraph D.2.b of this section.

#### E. Signatory Requirements.

1. Applications, reports and other information submitted to DEP/CCD shall be signed and certified by either of the following applicable persons:
  - For a corporation - by a president, secretary, treasurer, or vice president in charge of a principal business function of the corporation or a duly authorized representative.
  - For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
  - For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.
2. If signed on behalf of a corporation by a duly authorized representative of the permittee, the authorization must meet the following:
  - The authorization must be made in writing by a person described in paragraph 1, above, consistent with the corporation's delegation procedures and must be attached to the application or otherwise be submitted to DEP/CCD.
  - The authorization must specify either an individual or a position having responsibility for the operation of the regulated system, facility or activity consistent with the corporation's delegation procedures, such as the position of manager, operator, superintendent, or position of equivalent

responsibility, or an individual or position having overall responsibility for environmental matters for the corporation.

3. Changes in Signatory Authorization - If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the system or facility, a new authorization satisfying the requirements of paragraphs 1 and 2, above, must be submitted to DEP/CCD prior to or together with any reports or information to be signed by an authorized representative.
- F. Planned Changes to Physical Facilities – The permittee shall give notice to DEP/CCD as soon as possible but no later than 30 days prior to planned physical alterations or additions to the permitted facility or activity. An application or other written submission to DEP/CCD providing equivalent information can be used to satisfy the notification requirements of this section.

Notice is required when:

1. The alteration or addition to a permitted facility or activity may meet one of the criteria for determining whether a facility or activity is a new source.
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged.

For stormwater discharges, this may include:

- a. The construction of additional impervious surfaces not reported in the application.
  - b. Increases in earth disturbance by 10% or more compared, on a cumulative basis, to the original planned limit of disturbance.
  - c. Modifications to the design standards used for the project.
  - d. Proposals to eliminate structural or non-structural BMPs planned for in the original design or reduce the dimensions and/or capacities of structural BMPs that may affect performance of those BMPs.
  - e. Proposed site alterations that would allow new stormwater flows from off-site to flow onto the site.
3. The planned change may result in non-compliance with permit requirements.

G. Monitoring.

DEP may require monitoring of stormwater discharges for Total Suspended Solids (TSS), turbidity or other pollutants when DEP suspects the discharge of pollutants from an earth disturbance activity with coverage under this permit. Upon receipt of written notification from DEP, the permittee shall perform stormwater monitoring.



## PART B – STANDARD CONDITIONS

### I. MANAGEMENT REQUIREMENTS

#### A. Compliance.

The permittee shall comply with all conditions of this permit. Any permit non-compliance constitutes a violation of the Act and Clean Streams Law and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.

#### B. Permit Modification, Termination, or Revocation and Reissuance.

1. DEP may modify, terminate or revoke and reissue this permit during its term.
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition.
3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions.
4. DEP may terminate coverage under this permit for the reasons specified at 25 Pa. Code § 102.7

#### C. Duty to Provide Information.

1. The permittee shall furnish to DEP/CCD, within a reasonable time, any information which DEP/CCD may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under this permit, or to determine compliance with this permit.
2. The permittee shall furnish to DEP/CCD, upon request, copies of records required to be kept by this permit.
3. Other Information – Where the permittee becomes aware that it failed to submit any relevant facts in an application or submitted incorrect information in an application or in any report to DEP/CCD, it shall promptly submit the correct and complete facts or information.

#### D. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), including BMPs, which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. The permittee shall properly operate and maintain backup or auxiliary facilities or similar systems installed by the permittee, as necessary to achieve compliance with the terms and conditions of this permit.

#### E. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

### II. PENALTIES AND LIABILITY

#### A. Violations of Permit Conditions.

DEP/CCD may take an enforcement action to restrain violations, to impose criminal or civil penalties, to withhold a permit, or to seek other remedies or relief as authorized by the Clean Streams Law against a permittee that violates any condition or limitation of this permit, or any rule, regulation or order issued by DEP/CCD.

B. Falsifying Information.

The permittee or any person who engages in the conduct described below may, upon conviction, be punished by a fine and/or imprisonment pursuant to 18 Pa.C.S. § 4904.

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit; or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or non-compliance).

C. Liability.

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance pursuant to Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense.

The permittee may not maintain as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**III. OTHER RESPONSIBILITIES**

A. Right of Entry.

The permittee shall allow authorized representatives of DEP/CCD and EPA to conduct the following activities upon the presentation of credentials and other documents as may be required by law (35 P.S. §§ 691.5(b) and 691.305):

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Streams Law, any substances or parameters at any location.

B. Transferring Permit Coverage.

1. Transfer Requests by Permittees.

- a. If the permittee (i.e., the person(s) identified on the application form as the applicant(s)) decides to transfer the permit to another person(s) prior to submission of an NOT to terminate coverage, the permittee shall submit an application to DEP/CCD to transfer permit coverage at least 30 days prior to the proposed date of transfer, using DEP's Application for NPDES or WQM Permit Transfer (3800-PM-BCW0041) (Transfer Application). The permit will be automatically transferred to the new permittee on the date specified in the Transfer Application if all of the following are true:

- i. The Transfer Application is signed by the existing and new permittees and contains a specific date for transfer of permit responsibility, coverage and liability between them.
  - ii. DEP does not notify the existing permittee and the proposed new permittee in writing prior to the transfer date of its intent to modify or revoke and reissue this permit.
  - iii. The new permittee is in compliance with existing DEP/CCD issued permits, regulations, orders and schedules of compliance, or has demonstrated that any non-compliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), and other appropriate DEP regulations.
- b. If the transfer does not occur automatically as specified in paragraph B.1.a of this section, the permit may be transferred by the permittee to a new owner or operator only if both parties request a modification of the permit, using the Transfer Application, and DEP/CCD approves the modification or revokes and reissues the permit. The permit may be transferred both during the term of this permit and during period(s) of administrative extension of this permit.
  - c. In the event DEP/CCD does not approve transfer of this permit, the new owner or operator must submit a new application.
  - d. Transfer of a portion of a project site is not authorized under this permit unless otherwise approved by DEP.
  - e. The Transfer Application must include information required by Part C VI of this permit, relating to long-term operation and maintenance of PCSM BMPs, where applicable.
2. Co-Permittee Requirements for Operators. (25 Pa. Code § 102.5(h))
- a. Operators who are not the permittee shall be co-permittees. Following approval of coverage, the permittee shall require any operator, as defined in this permit, that was not identified on the application for permit coverage to complete and sign the Co-Permittee Acknowledgement for Chapter 102 Permits form (3800-FM-BCW0271a) prior to commencing earth disturbance activities covered by this permit. The permittee shall complete and sign the Co-Permittee Acknowledgement form, retain the form for a period no less than three (3) years, and submit the form to DEP/CCD prior to the operator engaging in earth disturbance activities. Upon signing the Co-Permittee Acknowledgement form, the operator is considered a co-permittee.
  - b. If an operator completes its job responsibilities, the operator may elect to terminate its responsibilities under the permit, prior to submission of an NOT by the permittee, by completing and signing a Co-Permittee Liability Release form (3800-FM-BCW0271). These forms shall be signed by the permittee, retained by the permittee for a period no less than three (3) years, and submitted to DEP/CCD.

C. Amending Permit Coverage.

The permittee shall notify DEP/CCD of any planned change to earth disturbance activities, BMPs, or any other change that may affect permit coverage prior to implementing the change. DEP/CCD will notify the permittee whether the submission of an application to amend permit coverage is required. The permittee may not proceed to implement the proposed change until the permittee receives written approval for the amendment from DEP/CCD, when applicable.

D. Terminating Permit Coverage.

1. General.

Upon permanent stabilization of earth disturbance activities under 25 Pa. Code § 102.22(a)(2) and installation of BMPs in accordance with the E&S Plan and, where applicable, the PCSM Plan, the permittee shall submit a Notice of Termination (NOT) to DEP/CCD using form 3800-PM-BCW0229b. A

copy of the NOT must be submitted to the municipality(ies) where the project site is located. The NOT must include:

- a. The project site name, address, and location.
- b. The operator name and address.
- c. The permit number.
- d. The reason for the permit termination.
- e. Information required by Part C VI of this permit, relating to long-term operation and maintenance of PCSM BMPs, where applicable.

2. Responsibility.

Until the permittee has received written approval of the NOT, the permittee, and co-permittees, 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. DEP/CCD will conduct an inspection and approve or deny the NOT within 30 days of receipt. (25 Pa. Code § 102.7(c))

3. PCSM BMP Final Certification.

- a. The permittee shall enclose with the NOT "Record Drawings" with a final certification statement from a licensed professional, which reads as follows:

"I (name) do hereby certify pursuant to the penalties of 18 Pa. C.S.A. § 4904 to the best of my knowledge, information, and belief, that the accompanying record drawings accurately reflect the as built conditions, are true and correct, and are in conformance with Chapter 102 of the rules and regulations of the Department of Environmental Protection and that the project site was constructed in accordance with the approved PCSM Plan, all approved plan changes, and accepted construction practices."

- b. The permittee shall retain a copy of the record drawings as part of the approved PCSM Plan. The permittee shall also provide a copy of the record drawings as part of the approved PCSM Plan to the following: 1) the persons identified as responsible for the long-term operation and maintenance of PCSM BMPs; 2) DEP/CCD; and 3) the municipality(ies) where the project is located. (25 Pa. Code § 102.8(l))

E. Property Rights.

The approval of coverage under this permit does not convey any property rights, or any exclusive privilege.

F. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

G. Incorporation of Application.

The approval of coverage is granted based, in part, on information provided by the applicant in the application. The information provided by the applicant, including all attachments, plans and supporting documentation, are incorporated by reference as part of the approval and are enforceable as a condition of the approval. If there is any conflict between the permit and the application, including any attachments, plans, and other supporting documentation, the more protective provision applies.

H. Other Laws.

No condition of this permit releases the permittee from any responsibility, requirement, or liability under other federal or Pennsylvania statutes or regulations or any local ordinance.

## PART C – SPECIAL CONDITIONS

### I. AUTHORIZED DISCHARGES

#### A. Authorized Stormwater Discharges.

The following stormwater discharges associated with construction activity are authorized under the permit provided that the appropriate stormwater controls are designed, installed, and maintained by the permittee in accordance with applicable laws, regulations and guidance administered by DEP or EPA:

1. Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity as defined at 40 CFR § 122.26(b)(14)(x).
2. Stormwater discharges designated by DEP as needing permit coverage under 40 CFR § 122.26(a)(1)(v), 40 CFR § 122.26(b)(15)(ii) or the Pennsylvania Clean Streams Law that are associated with construction activity resulting in an earth disturbance of less than five acres.
3. Stormwater discharges from off-site construction support activities (off-site support activities) including but not limited to concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal (spoil) areas, borrow areas, stockpiling of topsoil, transfer of topsoil to other locations, and turnaround areas, provided that:
  - a. The off-site support activity is part of the same common plan of development or sale required to have permit coverage for stormwater discharges.
  - b. The area of the off-site support activity, in combination with the project site it supports (i.e., the same common plan of development or sale), involves less than five acres of earth disturbance in total.
  - c. The off-site support activity is not a commercial operation, nor does it serve multiple unrelated construction sites.
  - d. The off-site support activity does not continue to operate beyond the completion of the construction activity at the project site it supports and will be restored to approximate original condition, as defined in the permit.

#### B. Authorized Non-Stormwater Discharges.

The following non-stormwater discharges associated with construction activity are authorized under the permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on the project site and the operator complies with any applicable requirements for these discharges under the permit:

1. Discharges from emergency fire-fighting activities.
2. Fire hydrant and waterline flushings that do not contain measurable concentrations of Total Residual Chlorine (TRC).
3. Landscape irrigation water.
4. Water used to wash vehicles and equipment where cleaning agents are not used.
5. Water used to control dust.
6. External building washdown where cleaning agents are not used and external surfaces do not contain hazardous substances.
7. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred and where cleaning agents are not used if such wash waters are directed to a sediment basin or similar BMP.

8. Uncontaminated air conditioning or compressor condensate.
9. Uncontaminated, non-turbid discharges of groundwater or spring water.
10. Foundation or footing drainage where flows are not contaminated with process materials such as solvents or contain pollutants from groundwater.
11. Construction dewatering water that complies with the construction dewatering discharge requirements of the permit.

## II. COMMENCEMENT OF DISCHARGES

No new discharge may be commenced under this permit until the applicant demonstrates compliance with and/or completes all of the following:

- A. A complete application package (3800-PM-BCW0407b and required attachments) has been submitted, as determined by DEP/CCD, in accordance with the requirements of the permit and permit instructions.
- B. The applicant has received the written permit, signed by the appropriate DEP manager.
- C. The applicant has obtained all other state and local permits and approvals arising out of the earth disturbance activities reported in the application, including but not limited to sewage planning approval required by the Pennsylvania Sewage Facilities Act (Act 537), if applicable.
- D. A pre-construction meeting has been held unless waived by DEP/CCD, in writing.

## III. PRE-CONSTRUCTION MEETING AND NOTIFICATION

- A. A pre-construction meeting is required unless the permittee has been notified otherwise in writing by DEP/CCD. The permittee shall invite the agency approving coverage under this permit to attend the pre-construction meeting and provide at least 7 days' notice of the pre-construction meeting to all invited attendees. Permittees, co-permittees, operators, and licensed professionals or designees responsible for the earth disturbance activity, including implementation of E&S and PCSM Plans and critical stages of implementation of the approved PCSM Plan, shall attend a pre-construction meeting. (25 Pa. Code § 102.5(e))
- B. The permittee shall provide written or verbal notification to DEP/CCD upon completing the installation or stabilization of all perimeter sediment control BMPs and at least three (3) days prior to proceeding with the bulk earth disturbance activities.

## IV. E&S PLANS

- A. The permittee shall implement an E&S Plan that meets the requirements of 25 Pa. Code § 102.4(b) and contains E&S BMPs that will be designed, implemented and maintained to minimize the potential for accelerated erosion and sedimentation and achieve the effluent limitations set forth in Part A of this permit.
- B. The E&S Plan, including construction sequencing and operation and maintenance of BMPs, shall be implemented at all times.
- C. The permittee shall maintain the approved E&S Plan on-site during earth disturbance activities at all times and shall make the plan available for inspection by DEP/CCD upon request.

## V. STABILIZATION

- A. The time period between the trench excavation to the beginning of disturbed area stabilization for the main line pipeline installation shall not exceed thirty (30) calendar days, unless sufficient justification for an extension of time is provided to and approved by DEP in writing. Completion of final grading, topsoil replacement, and the installation of permanent erosion control structures shall not exceed 20 calendar days after backfilling the trench (10 days in residential areas).

- B. Upon temporary cessation of any earth disturbance activity, including topsoil and soil stockpiles, for which the cessation of the earth disturbance activities will exceed four (4) calendar days, the disturbed area shall be temporarily stabilized in accordance with the E&S Plan and with 25 Pa. Code § 102.22(b).
- C. Proper E&S BMPs shall be implemented and maintained throughout the entire project until permanent stabilization and Notice of Termination approval.

## VI. PCSM PLANS

- A. The permittee shall implement a PCSM Plan that meets the requirements of 25 Pa. Code § 102.8 and contains PCSM BMPs that will be designed, implemented and maintained to achieve the effluent limitations set forth in Part A of this permit.
- B. The PCSM Plan, including construction sequencing and operation and maintenance of BMPs, shall be implemented at all times.
- C. The permittee shall maintain the authorized PCSM Plan on-site during earth disturbance activities at all times and shall make the plan available for inspection by DEP/CCD upon request.

## VII. LONG-TERM OPERATION AND MAINTENANCE OF PCSM BMPs

- A. The permittee shall be responsible for long-term operation and maintenance (O&M) of PCSM BMPs unless a different person is identified in the NOT and that person has agreed to long-term O&M of PCSM BMPs. (25 Pa. Code § 102.8(m)(1))
- B. For any property containing PCSM BMPs, the permittee shall record an instrument with the Recorder of Deeds which will assure disclosure of the PCSM BMPs and the related obligations in the ordinary course of a title search of the subject property within 45 days of approval of coverage under this Permit, unless extended in writing by DEP or CCD. The recorded instrument must:
  - 1. Identify the PCSM BMPs. PCSM BMPs under this Permit include all BMPs identified in the PAG-01 NOI and PCSM Plan, including vegetated areas used for managing stormwater through overland flow.
  - 2. Provide for necessary access related to long-term O&M for PCSM BMPs.
  - 3. Provide notice that the responsibility for long-term O&M of the PCSM BMPs is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees.

The permittee shall provide proof of filing the instrument with the Recorder of Deeds as an attachment to the Transfer Application required by Part B III.B of this Permit, if applicable, and the NOT required by Part B III.D of this Permit. (25 Pa. Code § 102.8(m)(2))

- C. For Commonwealth-owned or federally-owned property, a covenant that runs with the land is not required until the transfer of the land containing a PCSM BMP to a non-Commonwealth or non-federal entity occurs. Upon transfer of the Commonwealth-owned or federally-owned property containing the PCSM BMP, the deed must comply with 25 Pa. Code § 102.8(m). (25 Pa. Code § 102.8(m)(3))
- D. The person responsible for performing long-term O&M may enter into a written agreement with another person, including a CCD, nonprofit organization, municipality, authority, private corporation, or other person, to transfer the responsibility for PCSM BMPs or to perform long-term O&M and provide notice thereof to DEP/CCD. (25 Pa. Code § 102.8(m)(4))
- E. A permittee that fails to transfer long-term O&M of the PCSM BMPs or otherwise fails to comply with this requirement, shall remain jointly and severally responsible with the landowner for long-term O&M of the PCSM BMPs located on the property. (25 Pa. Code § 102.8(m)(5))
- F. The permittee shall include record drawings that accurately reflect as-built conditions and contain a long-term O&M schedule as an attachment to the recorded instrument, either directly or by reference. The long-term O&M schedule must provide for access to the PCSM BMPs in addition to information on inspection, repair, replacement, and routine maintenance to ensure proper function and operation of the PCSM BMPs.



- G. For PCSM BMPs that are located within urbanized areas or otherwise discharge to a municipal separate storm sewer system (MS4), the permittee shall specify in the long-term O&M schedule that copies of all inspection reports be submitted by the person responsible for long-term O&M to the municipality or other entity that owns or operates the MS4.
- H. Unless an alternative process is approved by DEP/CCD in writing, upon the sale or other transfer of any parcel, lot, road or other real property included within the permit boundary, the permittee shall notify the purchaser, grantee, or transferee of the long-term PCSM BMP O&M requirements. The permittee shall expressly identify:
  - 1. The PCSM BMPs on each property.
  - 2. The schedule for inspection and reporting.
  - 3. The person or entity responsible for long-term O&M of the PCSM BMPs.
  - 4. How access to the BMPs will be achieved.

The permittee shall provide notice of compliance with this section at the time the permittee submits the NOT.

### **VIII. CLEAN FILL AND SITE CONTAMINATION**

- A. With the exception of sites enrolled in DEP's Land Recycling and Environmental Remediation Standards (Act 2) program, all fill material excavated and used on-site, imported to the site, and exported from the site, must meet the definition of clean fill, as defined in this permit. Regulated fill may only be used on Act 2 sites, in accordance with standards established by that program.
- B. The permittee shall conduct environmental due diligence to verify that fill excavated on-site that is used to establish final grade, fill imported to the project site, and fill exported from the project site is considered clean fill. If due diligence results in evidence of a release, as defined in DEP's Management of Fill Policy (285-2182-773), that has affected the fill material, the permittee shall test the material to determine whether the material qualifies as clean fill, and Form FP-001 (Certification of Clean Fill) must be completed, retained by the permittee or the property owner on-site, and be made available to DEP/CCD upon request.
- C. In the event that fill excavated on-site that is used to establish final grade, fill imported to the project site, or fill exported from the project site is found to be regulated fill during the term of permit coverage, where the utilization of the regulated fill will require a permit from DEP's Waste Management Program, earth disturbance activities shall cease until such time that the permittee obtains all necessary permits or approvals from DEP, including new E&S permit coverage.
- D. If the permittee becomes aware during earth disturbance activities that soils in the area of earth disturbance contain concentrations of regulated substances exceeding the residential medium-specific concentrations for soil in 25 Pa. Code Chapter 250, the permittee shall notify DEP/CCD in accordance with Part A III.D of this permit and cease earth disturbance activities in areas of known soil contamination until authorized to resume by DEP/CCD.
- E. If the permittee encounters groundwater during excavation that the permittee knows or has reason to believe is contaminated by one or more pollutants at concentrations exceeding water quality criteria contained in 25 Pa. Code Chapter 93, the permittee shall notify DEP/CCD in accordance with Part A III.D of this permit. Contaminated groundwater may not be pumped or otherwise diverted to surface waters unless specifically authorized by DEP/CCD.

### **IX. IMPLEMENTATION OF PERMIT REQUIREMENTS**

- A. Prior to commencement of construction activities or commencement of work on the project site, the permittee and co-permittees shall ensure that the following personnel understand the requirements of and their specific responsibilities under this permit:

1. Personnel responsible for the installation, maintenance, and/or repair of E&S and PCSM BMPs and implementation of the PPC Plan.
  2. Personnel responsible for the application and storage of treatment chemicals (if applicable).
  3. Personnel responsible for conducting inspections.
  4. Personnel responsible for taking corrective actions.
- B. The permittee and co-permittee(s) are responsible for ensuring that all activities on the project site comply with the requirements of this permit. The permittee and co-permittee(s) are not required to provide or document formal training for subcontractors or other outside service providers, but the permittee and co-permittee(s) must ensure that personnel understand any requirements of this permit that are relevant to the work they are subcontracted to perform.
- C. At a minimum, the permittee and co-permittee(s) must ensure that personnel understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections).
1. When and how to conduct site inspections, record applicable findings, and take correction actions.
  2. The permit deadlines associated with installation, maintenance, removal of stormwater controls, and site stabilization.
  3. The location of all stormwater controls on the project site required by this permit and how they are to be maintained.
  4. The proper procedures to follow with respect to the permit's pollution prevention requirements and when to notify DEP/CCD of potential pollution and changes to earth disturbance activities.
- D. A training log must be kept on-site and made available upon request from EPA, DEP, or CCD staff.
- E. All personnel must have access at all times during earth disturbance activities to an electronic or paper copy of this permit, the approved copies of the E&S, PCSM and PPC Plans, and other relevant documents or information that must be kept with these plans.

## **X. OTHER REQUIREMENTS**

### **A. Cessation of Earth Disturbance Activities.**

The permittee shall cease earth disturbance activities resulting in stormwater discharges during construction upon written notification from DEP/CCD in the form of an order or inspection report, and may not resume such activities until authorized to do so by DEP/CCD. DEP/CCD may require cessation of earth disturbance activities where required plans are not in place, where plans are significantly deficient and could result in environmental harm, or where potential or actual harm is identified during on-site inspections.

### **B. Compliance and Enforcement.**

1. A person aggrieved by an action of a CCD shall request an informal hearing with DEP within 30 days following the notice of the action. DEP will schedule the informal hearing and make a final determination within 30 days of the request. Any final determination by DEP under the informal hearing may be appealed to the Environmental Hearing Board (EHB) in accordance with established administrative and judicial procedures. (25 Pa. Code § 102.32(c))

### **C. Waste Management.**

The permittee shall handle, recycle and/or dispose of collected screenings, slurries, sludges, and other solids in compliance with state and federal law, including the Solid Waste Management Act (35 P.S. §§ 6018.101

– 6018.1003), 25 Pa. Code Chapters 287, 288, 289, 291, 295, 297, and 299 (relating to requirements for landfilling, impoundments, land application, composting, processing, and storage of residual waste), Chapters 261a, 262a, 263a, and 270a (related to identification of hazardous waste, requirements for generators and transporters, and hazardous waste, requirements for generators and transporters, and hazardous waste permit programs), and The Clean Streams Law.

D. Non-Stormwater Discharges.

Except as set forth in Part C I.B of this permit, non-stormwater discharges are not authorized under this permit. The permittee shall cease any non-stormwater discharge upon receipt of written notification from DEP/CCD that the discharge is not authorized under the permit.

E. Off-Site Support Activities.

The permittee may utilize only those off-site support activities meeting the following criteria:

1. The off-site support activities have been identified in the application.
2. If the off-site support activities have not been identified in the application, the permittee has notified DEP/CCD of the identification of the off-site support activities, and DEP/CCD has approved a minor amendment of the permittee's coverage under this permit.
3. A written E&S Plan has been developed for the off-site support activities if earth disturbance is greater than or equal to 5,000 square feet, and E&S BMPs are implemented and maintained. The permittee shall submit a copy of the E&S Plan, if applicable, to DEP/CCD upon request.

F. Discharges to Non-Surface Waters.

The permittee shall ensure that E&S and PCSM BMPs are installed and maintained for all discharges to non-surface waters, including but not limited to swales, ditches, and the ground surface.

G. Corrective Action.

1. The permittee shall identify all deficiencies in E&S or PCSM Plan implementation on Visual Site Inspection Reports and document the corrective action that will be taken to mitigate the deficiency.
2. The permittee shall implement corrective action immediately upon becoming aware of any deficiency that results in an incident causing or threatening pollution to waters of the Commonwealth and shall notify DEP in accordance with Part A III.D.1 of this permit. For all other deficiencies, the permittee shall implement corrective action as soon as possible but no later than seven (7) days following identification of the deficiency, unless otherwise approved by DEP/CCD.

H. Archaeological Specimens.

The permittee and its agents shall visually inspect for archaeological specimens, as the term is defined in the Pennsylvania State History Code (37 Pa. C.S.A., Section 101 *et seq.*), during earth disturbance activities, and shall immediately cease earth disturbance activities upon discovery of archaeological specimens. Upon discovery the permittee shall immediately notify DEP/CCD and the Pennsylvania Historical and Museum Commission (PHMC) (Phone: (717) 783-8947).

I. Threatened and Endangered Species Protection.

1. If applicable, the permittee shall comply with the provisions of any Habitat Conservation Plan approved by the jurisdictional resource agencies to protect State or Federal threatened and endangered species.
2. If any potential impact to federal or state threatened or endangered species is identified on the Pennsylvania Natural Diversity Inventory (PNDI) receipt, the permittee shall implement any avoidance/mitigation measures indicated on the PNDI receipt and/or other measures determined necessary by the resource agencies in a clearance letter, determination or other correspondence to

resolve potential species impacts and ensure compliance with applicable federal and State laws pertaining to the protection of Federal or state threatened and endangered species.

3. When conducting earth disturbance activities, the permittee has a continuing obligation to ensure compliance with applicable federal and state laws pertaining to the protection of federal or state threatened and endangered species.

J. Wetland Protection.

If hydric soils or other wetland features are present on the project site, the permittee shall conduct a wetland determination in accordance with DEP procedures. A copy of that wetland determination must be provided to DEP/CCD as an attachment to the application, and all wetlands must be identified on the E&S Plan and PCSM Plan. Special precautions must be taken to protect wetlands and other water resources identified in the application, plans, and other supporting documents during earth disturbance activities.

K. Infiltration BMPs.

Where infiltration BMPs are being utilized, the permittee and co-permittee must ensure that soil compaction is avoided or minimized in those areas. If the areas planned for infiltration BMPs are compromised through compaction or other means, additional soil testing must be performed to verify that the BMP will perform as planned.

L. Antidegradation Requirements.

The permittee shall implement the non-discharge alternatives and the ABACT E&S and PCSM BMPs identified in Antidegradation Analysis and the approved E&S and PCSM Plans to satisfy antidegradation implementation requirements of 25 Pa. Code §§ 93.4c, 102.4(b)(6) and 102.8(h).

M. Acid-Forming Materials.

The application identified that formations with the potential to contain iron disulfide (pyrite) are within the limits of earth disturbance, and the plan preparer has determined that there may be evidence of pyritic or other acid-forming materials on-site. If acid-forming materials are encountered during earth disturbance, the permittee and co-permittee(s) shall notify DEP and CCD. Additionally, the permittee and co-permittee(s) shall take immediate action to isolate, treat, neutralize, properly dispose of, and otherwise handle the acid-forming materials to prevent pollution to waters of the Commonwealth.



## CHAPTER 102 VISUAL SITE INSPECTION REPORT

### GENERAL INFORMATION

Inspection Date: \_\_\_\_\_ Inspection Time: \_\_\_\_\_ AM / PM Inspection No.: \_\_\_\_\_

Inspection Type: \_\_\_\_\_ Precipitation in Previous 24 hours: \_\_\_\_\_ inches

Current Site Conditions:  Active Earth Disturbance  Fully Stabilized  Snow Covered

Current Weather Conditions:  Rain/Sleet/Snow  Overcast  Sunny/Partly Sunny

Permittee Name: \_\_\_\_\_ Inspector Name: \_\_\_\_\_

Permittee Address: \_\_\_\_\_ Inspector Phone: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_ Inspector Firm: \_\_\_\_\_

Project Name: \_\_\_\_\_ Inspector Title: \_\_\_\_\_

Municipality: \_\_\_\_\_ County: \_\_\_\_\_

Permit Type:  PAG-02  IP  ESCGP  ESP Permit No.: \_\_\_\_\_

### INSPECTION INFORMATION

Areas for Inspection	Check if Inspected	Problems Observed
1. Areas that have been cleared and grubbed, graded, excavated, or otherwise disturbed and are not yet stabilized.	<input type="checkbox"/>	
2. BMPs installed to comply with permit.	<input type="checkbox"/>	
3. Material, waste, borrow and equipment storage and maintenance areas covered by permit or E&S Plan approval.	<input type="checkbox"/>	
4. Areas where stormwater flows within the site, including drainageways designed to divert, convey and/or treat stormwater.	<input type="checkbox"/>	
5. Discharge points on-site.	<input type="checkbox"/>	
6. Locations where stabilization measures have been implemented.	<input type="checkbox"/>	
Questions	Check One	
7. Are the approved E&S Plan and drawings available on-site?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
8. Are the approved PCSM Plan and drawings available on-site?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
9. Are E&S BMPs properly installed, operational, and working as intended?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
10. Are PCSM BMPs properly installed, operational, and working as intended?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
11. Has a PPC Plan been prepared, implemented, and available on-site?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
12. Is all earth disturbance within the permitted limit of disturbance?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
13. Have all disturbed areas in which disturbance has ceased for more than 4 days been stabilized?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

Questions	Check One
14. Is the approved construction sequence being followed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
15. Are areas intended for PCSM BMPs being protected from compaction and sediment laden runoff?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
16. For Questions 7 through 15, explain any answers of "No" in the space below or on a separate sheet.	
17. Are there signs of visible accelerated erosion and sedimentation due to discharges from the site?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
18. Are there any unauthorized non-stormwater discharges occurring from the site?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
19. Do stormwater discharges, if occurring during inspection, contain floating solids, foam, scum, sheen, or substances that result in observed deposits or produce an observable change in the color, taste, odor or turbidity of the receiving water?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
20. Were any instances of non-compliance observed during the inspection?	<input type="checkbox"/> Yes <input type="checkbox"/> No
21. For Questions 17 through 20, explain any answers of "Yes" in the space below or on a separate sheet.	
22. Are critical stages of implementation of the PCSM Plan occurring at the time of inspection?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
23. If No. 22 is "Yes", is or was a licensed professional present on-site and responsible?	<input type="checkbox"/> Yes <input type="checkbox"/> No
24. Has any fill material excavated on-site, imported to the site, or exported from the site been tested for clean fill since the last inspection? (if "Yes" attach Form FP-001 to this report)	<input type="checkbox"/> Yes <input type="checkbox"/> No
25. Identify the names and addresses of all new operators that have commenced work on the project site since the last inspection was conducted (see 25 Pa. Code § 102.1 for the definition of "operator").	
Name: _____	Name: _____
Address: _____	Address: _____
City, State, ZIP: _____	City, State, ZIP: _____
For new operators listed above, has the Transferee/Co-Permittee Application been completed and submitted?	<input type="checkbox"/> Yes <input type="checkbox"/> No
26. <b>Corrective Action</b> – Describe any corrective actions that should be taken by the permittee to comply with the permit.	
27. Have photograph(s) been taken during the inspection and are attached to this report?	<input type="checkbox"/> Yes <input type="checkbox"/> No
28. Are additional pages attached to this report?	<input type="checkbox"/> Yes <input type="checkbox"/> No

I certify under penalty of law (see 18 Pa.C.S. § 4904 (relating to unsworn falsification)) that the information reported herein was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the information, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
 Inspector Signature

\_\_\_\_\_  
 Date of Signature



## CHAPTER 102 VISUAL SITE INSPECTION REPORT INSTRUCTIONS

Completion of the Visual Site Inspection Report is a requirement of National Pollutant Discharge Elimination System (NPDES) permits for stormwater discharges associated with construction activities issued under Chapter 102 by the Department of Environmental Protection (DEP) and authorized county conservation districts (CCDs). The latest version of the Visual Site Inspection Report must be used by permittees when provided with the permit or permit authorization (new, renewed or amended permits). Where an earlier version of the inspection report was provided with a permit or permit authorization, an existing permittee may continue to use that version of the report. This form is to be used for during the earth disturbance activities at a project site. For project sites that do not require permit coverage, this form may be used but is not required. The Visual Site Inspection Report may be converted for electronic use by a permittee/co-permittee, and such use is acceptable under the terms of the permit as long as: 1) there are no changes to the content of DEP's report template, and 2) the permittee/co-permittee is capable of printing physical copies of completed reports on-site. Inspection reports must be retained on-site for a period of time specified in the permit and be made available to DEP/CCDs upon request.

### General Information

Report the following information in the space provided:

- **Inspection Date and Time** – Enter the date of the inspection (month, date, and year) and the time of the inspection (circle AM or PM).
- **Inspection Number** – List the inspection ID number if desired (i.e., optional). If used, an inspection number should be unique for each inspection and project site.
- **Inspection Type** – Enter either "Routine" (i.e., weekly), "Post-Storm" (i.e., an inspection conducted within 24 hours of a measurable stormwater event), "Corrective Action" (i.e., an inspection done in response to a finding by the permittee/co-permittee or by DEP/CCD that correction action must be taken).
- **Precipitation in Previous 24 Hours** – Identify the amount of precipitation, in inches, that have occurred over the 24 hours prior to the inspection, based on an on-site rain gauge or local weather station measurement.
- **Current Site Conditions** – Check the appropriate box(es) to specify the overall condition of the site with respect to earth disturbance activities. More than one box may be selected.
- **Current Weather Conditions** – Check the appropriate box to specify the weather conditions at the start of the inspection.
- **Permittee and Inspector Information** – List the permittee's name and mailing address as it appears on the first page of the permit issued by DEP/CCD. List the name of the person who completed the inspection, the inspector's phone number, the company (firm) employing the inspector, and the inspector's title with the firm, as applicable.
- **Project Name** – Identify the project (or project site) name as it appears on the first page of the permit issued by DEP/CCD.
- **Municipality and County** – Record the municipality and county where the project site is located.
- **Permit Type and Permit No.** – Check the appropriate box to indicate the type of permit held by the permittee, if applicable; either General NPDES Permit coverage (PAG-02); an Individual NPDES Permit (IP); an Erosion and Sediment Control General Permit (ESCGP); or an Erosion and Sediment Control Individual Permit (ESP). Enter the permit number associated with the authorization for earth disturbance activities, if applicable.

### Inspection Information

Questions 1 through 6 relate to areas or best management practices (BMPs) on a project site (including off-site areas supporting the project site, as applicable) that should be inspected, where applicable, during routine and post-storm event inspections. Check the box in the "Check if Inspected" column for the corresponding area if an inspection of the

area was completed. Use the column for “Problems Observed” to note any conditions that should, in the opinion of the inspector, be corrected to comply with the permit. Attach additional pages if necessary. If an area is not applicable to a project site or to the timing of the inspection, it need not be inspected. For example, if there are no locations on-site where temporary or permanent stabilization measures have been or must be taken, the box corresponding to Question 6 may remain un-checked.

Questions 7 through 15 request a response of Yes, No, or Not Applicable (N/A). Provide a response for each desired question by checking the appropriate box. Where appropriate the inspector may check the box for N/A. For example, for question 10, “Are PCSM BMPs properly installed, are operational, and are working as intended?” the inspector may check the box for N/A if temporary erosion and sediment control (E&S) BMPs are still in place and post-construction stormwater management (PCSM) BMPs have not been constructed. Where temporary E&S BMPs have been removed, the inspector may check the box for N/A for question 9, “Are E&S BMPs properly installed, are operational, and are working as intended?”

For question 16, provide an explanation for any “No” responses for questions 7 through 15 in the space provided. Attach additional sheets as necessary. Refer to the question number and project location in your explanation.

Questions 17 through 20 request a response of Yes, No, or Not Applicable (N/A). Provide a response for each desired condition by checking the appropriate box. Where appropriate the inspector may check the box for N/A. For question 18, unauthorized non-stormwater discharges are those that are not identified in the permit as being allowable discharges. For example, the discharge of sewage from portable restrooms is an unauthorized non-stormwater discharge.

For question 21, provide an explanation for any “Yes” responses for questions 17 through 20 in the space provided. Attach additional sheets as necessary. Refer to the question number and project location in your explanation.

For question 22, check the appropriate box to identify if critical stages of implementation of the PCSM Plan are occurring at the time of inspection. If there are no critical stages for a project, then check the box for N/A. The critical stages of PCSM implementation are identified in the approved PCSM Plan. If the answer to question 22 is Yes, check the appropriate box for question 23, to identify if a licensed professional is or was on-site during these critical stages and was responsible.

For question 24, check the appropriate box if fill material excavated on-site, imported to the site, or exported from the site has been tested for clean fill under DEP’s [Management of Fill Policy](#) and Form FP-001 is attached to the inspection report. Form FP-001 should be attached to the next inspection report that is completed following receipt of information necessary to complete Form FP-001.

For question 25, list the name(s) and address(es) of all new operators that have commenced work on the project site since the last inspection was conducted. An operator is a person who has one or more of the following: (i) oversight responsibility of earth disturbance activity on a project site or a portion thereof who has the ability to make modifications to the E&S Plan, PCSM Plan or site specifications, or (ii) day-to-day operational control over earth disturbance activity on a project site or a portion thereof to ensure compliance with the E&S Plan or PCSM Plan (see 25 Pa. Code § 102.1). If no new operators have commenced work at the project site since the last inspection, this section may remain blank.

If new operators are identified, check the appropriate box if the Transferee/Co-Permittee Application has been completed and submitted to DEP or an authorized CCD for those new operators.

For question 26, use the space provided to describe any corrective actions that should be taken by the permittee/co-permittee to comply with the permit based on the results of the inspection. The anticipated timeframe for completion of the corrective actions should also be identified. Attach additional sheets as necessary.

For question 27, check the appropriate box if photographs have been taken during the inspection and are attached to the inspection report.

For question 28, check the appropriate box if additional pages have been attached to the report.

### Certification

The inspector should read the certification statement and must sign and date the inspection report, attesting to the accuracy and validity of the contents of the inspection report.





## CO-PERMITTEE ACKNOWLEDGEMENT FORM FOR CHAPTER 102 PERMITS INSTRUCTIONS

In accordance with 25 Pa. Code § 102.5(h), operators who are not the permittee shall be co-permittees. An operator is a person who has oversight responsibility of earth disturbance activities on a project site or a portion thereof who has the ability to make modifications to the Erosion and Sediment Control Plan (E&S Plan), the Post-Construction Stormwater Management Plan (PCSM Plan) or site specifications and/or has day-to-day operational control over earth disturbance activities to ensure compliance with the E&S or PCSM Plans.

For example, if a gas station/convenience store company submits a Chapter 102 permit application, Notice of Intent (NOI) or registration identifying itself as the applicant and permit coverage is approved, the gas station/convenience store company then becomes the permittee. If the gas station/convenience store company hires a general contractor to oversee the site construction, the general contractor becomes an operator. The general contractor may then hire an excavating company to handle the bulk earth disturbance, who also becomes an operator. However, if the general contractor hires an electrical contractor to install the underground electric lines, the electrical contractor would not become an operator.

Every time an operator is selected for a project with Chapter 102 permit coverage, the permittee(s) and the operators must complete and sign the Co-Permittee Acknowledgement form when required by the permit. The completed form must be retained by the permittee and co-permittee for a period of time specified in the permit, and must be sent to the office of the Department of Environmental Protection or the delegated county conservation district (DEP/CCD) that approved permit coverage. If an operator completes their job responsibilities, the operator may elect to terminate its responsibilities under the permit, prior to submission of a Notice of Termination (NOT) by the permittee, by completing and signing a Co-Permittee Liability Release form ([3800-FM-BCW0271](#)). This form must also be signed and retained by the permittee and must be sent to DEP/CCD.

**Permittee / Project Information** – This section must be completed by permittee(s). For a permit held by multiple individuals or entities (i.e., co-applicants on the original NOI or application that become co-permittees), each individual or entity must complete this section (use separate sheets).

- Identify the permittee name, address, city, state, ZIP code, contact name, contact phone number, and contact email address as reported on the Chapter 102 NOI or permit application, or as identified on an applicable transfer form.
- Identify the name of the project, as reported on the Chapter 102 application.
- Report the municipality(ies) and county(ies) where the construction activity is located.
- Specify the type of permit coverage the permittee has by checking the appropriate box for PAG-01, PAG-02, IP (individual NPDES permit), ESCGP (erosion and sediment control general permit) or E&S (erosion and sediment control permit). Identify the permit number assigned by the issuing agency; for PAG-01 coverage, identify the permit number if known.
- Report the date of permit issuance and the date construction commenced.

**Co-Permittee Information** – This section must be completed by the individual or entity that will be added as a co-permittee.

- Identify the co-permittee name, address, city, state, ZIP code, contact name, contact phone number, and contact email address.
- Identify the co-permittee's role in the construction project by selecting the appropriate box.
- Report the date on which this role will commence.
- Describe the co-permittee's responsibilities for the project.

### Certification

The Certification section of the form must be completed and signed by the permittee(s) and the individual or entity that is seeking to be added as a co-permittee as follows:

- For individually owned operations, the owner of the facility must complete and sign the Certification section.
- For a corporation, a responsible corporate officer must complete and sign. 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 proposed construction activity.
- For a partnership or sole proprietorship, a general partner or the proprietor, respectively, must complete and sign.
- For a municipality, state, federal or other public agency, either a principal executive officer, ranking elected official or other authorized employee must complete and sign.

The Certification statement includes one section specific to permittees only, one section specific to co-permittees only, and one section that applies to both permittees and co-permittees.

For a permit that is held by multiple individuals or entities, provide multiple copies of this section as necessary. Each permittee must sign the certification section.



## TRANSFEE/CO-PERMITTEE APPLICATION FOR AN EROSION AND SEDIMENT CONTROL GENERAL PERMIT (ESCGP) FOR EARTH DISTURBANCE ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS OR TRANSMISSION FACILITIES

A. PERMIT INFORMATION				
<input type="checkbox"/> Permit Transfer		<input type="checkbox"/> Add Co-Permittee		
EROSION AND SEDIMENT CONTROL GENERAL PERMIT (ESCGP) FOR EARTH DISTURBANCE ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS OR TRANSMISSION FACILITIES FOR WHICH APPLYING AS TRANSFEE/CO-PERMITTEE.				
PERMIT NO.: _____		DATE ISSUED: _____		
B. CURRENT PERMITTEE INFORMATION				
DEP Client ID No. (if known)				
Organization Name or Registered Fictitious Name			Employer ID No. (EIN)	
Individual Last Name	First Name	MI	Suffix	
Additional Individual Last Name	First Name	MI	Suffix	
Address		E-mail Address		
City	State	Zip Code	County	Telephone
C. SITE INFORMATION				
DEP Site ID No. (if known)		Site Name		
Development Name (if applicable):				
Site Address/Location:				
County: _____		Municipality: _____		
Date of Transfer of Permit Responsibility, Coverage, and Liability: _____, 20_____				
<b>CO-PERMITTEE/TRANSFEE AGREEMENT:</b> Attach a written agreement signed by all parties involved with the change of operational control. The letter should provide a specific date (not less than 30 days after the date this application is submitted) for the transfer or sharing of permit responsibility, coverage, and liability between the current and new permittee/co-permittee. A SAMPLE Co-Permittee Agreement letter and a SAMPLE Transferee Agreement letter are attached for reference.				

<b>D. TRANSFEREE/CO-PERMITTEE INFORMATION</b>			
Corporations for profit, corporations not-for-profit, limited liability companies, partnerships or sole proprietorships, limited partnerships, professional associations and business or statutory trusts that were not created or formed under the laws of Pennsylvania desiring to do business in this Commonwealth must register with the Pennsylvania Department of State.			
DEP Client ID No. (if known)		Applicant Type (e.g. Owner, Operator, etc.)	
Organization Name or Registered Fictitious Name		Employer ID No. (EIN)	
Individual Last Name	First Name	MI	Suffix
Additional Individual Last Name	First Name	MI	Suffix
Address			
City	State	Zip Code	County
E-mail Address		Telephone	
<b>E. COMPLIANCE REVIEW</b>			
Does the applicant (owner and/or operator) have or require other environmental permits issued by the Department for this project? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Is/was the applicant(s) in violation of any Department regulation, order, schedule of compliance or permit or in violation of any department regulated activities within the past five years? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, provide the permit number or facility name, a brief description of the violation, the compliance schedule (including dates and steps to achieve compliance) and the current compliance status. (Attach additional information on a separate sheet, when necessary)			
Permit Program or Activity:		Permit No. (if applicable):	
Brief description of non-compliance:			
Steps taken to achieve compliance:		Date(s) compliance achieved:	
Current compliance status: <input type="checkbox"/> In-compliance <input type="checkbox"/> In Non-compliance			
If in non-compliance, attach schedule for achieving compliance.			
If the applicant is not in compliance with any environmental law or regulation, or Department permit, order or schedule of compliance, or has failed and continues to fail to comply, or has shown a lack of ability or intent to comply with environmental laws or regulations or any Department permit, order, or schedule of compliance, as indicated by past or continuing violations, provide a narrative description of how the applicant will achieve compliance including the appropriate milestones.			

**F. CERTIFICATION AND SIGNATURE OF APPLICANT**

Applicant Certification

I certify under penalty of law, as provided by 18 Pa. C.S.A. § 4904, that this application and all related attachments were prepared by me or under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my own knowledge and on inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. The responsible official's signature also verifies the applicant agrees to abide by the terms and conditions of the permit. BMP's, E&S Plan, PPC Plan, PCSM Plan, and other controls are being or will be, implemented to ensure that water quality standards and effluent limits are attained.

I grant permission to the agencies responsible for the permitting of this work, or their duly authorized representative to enter the project site for inspection purposes. I will abide by the terms and conditions of the permit if issued and will not begin work prior to permit issuance in accordance with 25 Pa. Code Section 102.5 (m)(4).

(For individuals no indication of title is necessary, choose the box below. All others proceed to the next paragraph)

**Individual; proceed to signature portion.**

I hereby certify under penalty of law, as provided by 18 Pa. C.S.A. § 4904, that I am the person who is responsible for decision-making regarding environmental compliance functions for \_\_\_\_\_, the manager of one or more manufacturing, production, or operating facilities of the applicant and am authorized to make management decisions which govern the operation of regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure the applicant's long term environmental compliance with environmental laws and regulations; and I am responsible for ensuring that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements.

(choose one of the following; not applicable for individuals):

The responsible corporate officer     president     vice president     secretary     treasure of \_\_\_\_\_ Corporation/Company

The person either holding a position designated or individually listed on a "Certificate of Limited Liability Company Authority" filed with the Pennsylvania Department of State as a position/person with the authority to bind the company OR the person listed in the LLC's most current and active operating agreement as having the authority to bind the company. Please attach the applicable "Certificate of Limited Liability Company Authority" or operating agreement. If the operating agreement is attached, please identify the page and paragraph containing the applicable information.

The general partner of \_\_\_\_\_ partnership/LP/LLP.

The principal executive officer or ranking elected official of \_\_\_\_\_ Municipality/State/Federal/other public agency.

Power of Attorney/delegation of contractual authority (documentation supporting delegation of contracting authority must be provided) for \_\_\_\_\_.

\_\_\_\_\_  
Print Name and Title of Applicant

\_\_\_\_\_  
Print Name and Title of Co-applicant

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Co-Applicant

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

Please note below the name, address and telephone number of the individual that should be contacted in the event additional information is required.

Name \_\_\_\_\_ Telephone \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Co-Applicant

\_\_\_\_\_  
Date Application Signed

\_\_\_\_\_  
Date Application Signed

**Notarization:**

Commonwealth of Pennsylvania

Sworn to and Subscribed to Before Me This

County of \_\_\_\_\_

\_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_\_

Notary Public

My Commission expires on \_\_\_\_\_

**AFFIX SEAL**



**CO-PERMITTEE AGREEMENT  
ASSUMPTION OF RESPONSIBILITY UNDER AN EROSION AND SEDIMENT  
CONTROL GENERAL PERMIT (ESCGP) FOR EARTH DISTURBANCE  
ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION,  
PROCESSING, OR TREATMENT OPERATIONS OR TRANSMISSION  
FACILITIES**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Permit Number)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Name of Facility/Project)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (County)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Municipality)

The following parties agree to a change in ownership and/or operational control under the above referenced permit effective \_\_\_\_\_ (Date).

\_\_\_\_\_ (New Co-Permittee Name and Address) hereby assumes joint and severable responsibility, coverage, and liability under the permit for any obligations, duties, responsibilities and violations under said permit. \_\_\_\_\_ (Current Permittee) shall remain liable under the permit for violations of the permit conditions up to and including the above referenced date AND until a Notice of Termination is filed and acknowledged by the \_\_\_\_\_ (Conservation District, DEP Regional Office OR DEP Bureau of District Oil and Gas Operations).

**[The following paragraph should be used for multiple co-permittees.]**

Attached is a description of site responsibilities and a map or plan drawing depicting the limits of permit responsibility, coverage, and liability for each co-permittee.

_____ (Current Permittee(s)) (Company Name, if applicable)	_____ (New Co-permittee(s))
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

# TRANSFeree AGREEMENT ASSUMPTION OF RESPONSIBILITY UNDER AN EROSION AND SEDIMENT CONTROL GENERAL PERMIT (ESCGP) FOR EARTH DISTURBANCE ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS OR TRANSMISSION FACILITIES

\_\_\_\_\_ (Permit Number)  
\_\_\_\_\_ (Name of Facility/Project)  
\_\_\_\_\_ (County)  
\_\_\_\_\_ (Municipality)

The following parties agree to transfer ownership and/or operational control under the above referenced permit. (Transferee Name and Address) hereby assumes, effective \_\_\_\_\_ (Date) all responsibility, coverage and liability under the permit for any obligations, duties, responsibilities, and violations under said permit. \_\_\_\_\_ (Transferor, Name and Address) shall remain liable under the permit for violations of the permit up to and including \_\_\_\_\_ (date) AND until the \_\_\_\_\_ (Conservation District/DEP Regional Office/ DEP Bureau of District Oil and Gas Operations) acknowledges the Co-Permittee/Transferee Form. The DEP may hold \_\_\_\_\_ (Transferor) and \_\_\_\_\_ (Transferee) jointly and severably liable under said permit for any breach of permit obligations, responsibilities, or violations.

**[The following paragraph should be used for multiple transferees.]**

Attached is a description of site responsibilities and a map or plan drawing depicting the limits of permit responsibility, coverage, and liability for each transferee.

(Current Permittee(s))  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Transferee(s))  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





## CO-PERMITTEE ACKNOWLEDGEMENT FORM FOR CHAPTER 102 PERMITS

### PERMITTEE / PROJECT INFORMATION

Permittee Name: \_\_\_\_\_ Contact Name: \_\_\_\_\_  
Permittee Address: \_\_\_\_\_ Contact Phone: \_\_\_\_\_  
Permittee City, State, ZIP: \_\_\_\_\_ Contact Email: \_\_\_\_\_  
Project Name: \_\_\_\_\_  
Municipality: \_\_\_\_\_ County: \_\_\_\_\_  
Permit Type:  PAG-01  PAG-02  IP  ESCGP  E&S Permit No.: \_\_\_\_\_  
Permit Issuance Date: \_\_\_\_\_ Construction Commencement Date: \_\_\_\_\_

### CO-PERMITTEE INFORMATION

Co-Permittee Name: \_\_\_\_\_ Contact Name: \_\_\_\_\_  
Co-Permittee Address: \_\_\_\_\_ Contact Phone: \_\_\_\_\_  
Co-Permittee City, State, ZIP: \_\_\_\_\_ Contact Email: \_\_\_\_\_  
Co-Permittee's Role in Project:  General Contractor  Consultant  Excavation Contractor  Other  
Date Role Will Commence: \_\_\_\_\_  
Description of Responsibilities: \_\_\_\_\_

### CERTIFICATION

**Permittees:** I am aware that I will be held jointly and severally liable for an activity conducted by any co-permittee that results in non-compliance with the Pennsylvania Clean Streams Law (CSL), 25 Pa. Code Chapter 102 regulations, and/or a permit issued pursuant to the CSL and Chapter 102 regulations.

**Co-Permittees:** I understand that I am assuming joint and severable responsibility, coverage, and liability under the permit for all duties, responsibilities, and non-compliance with the Chapter 102 permit. I certify that I will implement the requirements of the permit and the approved design plans and will notify the permittee and the agency that issued permit coverage prior to implementing changes to the plans.

**Permittees and Co-Permittees:** I certify under penalty of law (see 18 Pa.C.S. § 4904 (relating to unsworn falsification)) that the information reported herein was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the information, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
Permittee Name

\_\_\_\_\_  
Co-Permittee Name

\_\_\_\_\_  
Permittee Signature

\_\_\_\_\_  
Co-Permittee Signature

\_\_\_\_\_  
Permittee Title

\_\_\_\_\_  
Co-Permittee Title

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature



**CO-PERMITTEE LIABILITY RELEASE FORM FOR PERMITS  
ASSOCIATED WITH 25 PA CODE CHAPTER 102**

**Applicability:** This form may be used by a co-permittee presently covered under an Individual National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities, the General NPDES Permit for Stormwater Discharges Associated with Construction Activities (PAG-02), an Erosion and Sediment Control Permit (ESCP), or an Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities (ESCGP), regardless of when the permit was issued or authorized.

**Who May File a Co-Permittee Liability Release Form:**

A co-permittee presently covered under a permit referenced above may submit this release form to the Department of Environmental Protection (Department) or delegated conservation district when the co-permittee is no longer an operator. The form must be complete and accurate, and the site must be in compliance. A written response will be provided within 20 business days of receipt by the Department or delegated conservation district.

1. **PERMIT INFORMATION:**

Check the appropriate box.

NPDES Stormwater Construction Permit # \_\_\_\_\_

Erosion and Sediment Control Permit # \_\_\_\_\_

Erosion and Sediment Control General Permit # \_\_\_\_\_

2. **PROJECT LOCATION OR PHYSICAL ADDRESS:**

Facility/Development Name: \_\_\_\_\_

Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ County: \_\_\_\_\_

Latitude: \_\_\_\_° / \_\_\_\_' / \_\_\_\_" Longitude: \_\_\_\_° / \_\_\_\_' / \_\_\_\_"

3. **PERMITTEE ACKNOWLEDGEMENT:**

I hereby acknowledge that the co-permittee, as identified in Section 4 of this Liability Release Form, has completed their responsibilities, as they pertain to the permit referenced above, and is withdrawing as a co-permittee. I understand that the remaining permittee or co-permittees, as applicable, shall be jointly and severally responsible for compliance with all conditions of this permit and associated laws.

**PERMITTEE**

Organization/Individual Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**PERMITTEE (additional)**

Organization/Individual Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

4. **CO-PERMITTEE CERTIFICATION:**

I certify, under penalty of law, that I am no longer an operator of the construction activity. I understand that by submitting this Liability Release Form, I am no longer authorized to conduct earth disturbance activities under the above referenced permit. I also understand that the submittal of this Liability Release Form does not release a permittee from liability for any violations of this permit or of the federal Clean Water Act, the Pennsylvania Clean Streams Law and the regulations promulgated pursuant thereto or from liability for any environmental damages occurring as a result of any earth disturbance activities conducted at the site. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

**CO-PERMITTEE**

Organization/Individual Name:

\_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_



**NOTICE OF TERMINATION  
FOR A GENERAL (PAG-02) OR INDIVIDUAL NPDES PERMIT, ESCP, or ESCGP  
FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

**PLEASE READ THE NOTICE OF TERMINATION INSTRUCTIONS PROVIDED WITH THIS NOTICE OF TERMINATION FORM BEFORE COMPLETING THIS FORM AND THE ATTACHED CHECKLIST. PLEASE PRINT OR TYPE INFORMATION IN BLACK OR BLUE INK.**

**Applicability:** A permittee(s) presently covered under an Individual National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities, the General NPDES Permit for Stormwater Discharges Associated with Construction Activities (PAG-02), an Erosion and Sediment Control Permit (ESCP), or an Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities (ESCGP) shall submit this notice of Termination (NOT) form to the Department of Environmental Protection (Department) or delegated conservation district.

**1. PERMIT INFORMATION:**

Check the appropriate box.

- NPDES Stormwater Construction Permit # \_\_\_\_\_
- Erosion and Sediment Control Permit # \_\_\_\_\_
- Erosion and Sediment Control General Permit # \_\_\_\_\_

**2. PROJECT LOCATION OR PHYSICAL ADDRESS:**

Facility/Development Name: \_\_\_\_\_

Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ County: \_\_\_\_\_

Latitude: \_\_\_\_\_°/ \_\_\_\_\_'/ \_\_\_\_\_" Longitude: \_\_\_\_\_°/ \_\_\_\_\_'/ \_\_\_\_\_"

**3. REASON FOR PERMIT TERMINATION:**

Check the appropriate box.

- Full Permit Termination – all planned activities were conducted and are complete, and the entire site is encompassed by this NOT
- Full Permit Termination – some planned activities were conducted, and the entire site is encompassed by this NOT
- Full Permit Termination – no planned activities were conducted, and the entire site is encompassed by this NOT
- Partial Permit Termination – all planned work is complete for a portion of the site, described as \_\_\_\_\_, encompassed by this NOT

**4. PERMITTEE(S) INFORMATION:**

**PERMITTEE**

**PERMITTEE (additional)**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**5. FINAL CERTIFICATION OF LICENSED PROFESSIONAL:**

**This section is to be completed by a licensed professional as defined in 25 Pa. Code §102.1.**

*I, \_\_\_\_\_, do hereby certify pursuant to the penalties of 18 Pa. C.S.A. § 4904 to the best of my knowledge, information and belief, that the accompanying record drawings accurately reflect the as-built conditions, are true and correct, and are in conformance with Chapter 102 of the rules and regulations of the Department of Environmental Protection and that the project site was constructed in accordance with the approved PCSM Plan or Site Restoration/Reclamation plan, all approved plan changes and accepted construction practices.*

*Name and Official Title of Licensed Professional*

\_\_\_\_\_  
\_\_\_\_\_

Licensed  
Professional  
Seal

*Signature:* \_\_\_\_\_

**6. LONG-TERM OPERATION AND MAINTENANCE AND RESTORATION/RECLAMATION:**

This project involves: (check the appropriate box)

Installation or utilization, and subsequent long-term operation and maintenance of PCSM BMPs per 25 Pa. Code §102.8(a) through (m).

OR

Installation of PCSM BMPs identified as restoration or reclamation activities per 25 Pa. Code §102.8(n).

*Note: For projects solely involving restoration or reclamation activities, proceed to Section 8.*

**7. PROOF OF INSTRUMENT FILING WITH THE RECORDER OF DEEDS OFFICE:**

Per 25 Pa. Code §102.8(m)(2), the instrument will assure disclosure of the PCSM BMP(s) and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP(s), provide for the necessary access related to long-term operation and maintenance of the PCSM BMP(s) and provide notice that the responsibility for long-term operation and maintenance of the PCSM BMP(s) is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees. A long-term operation and maintenance plan should be recorded along with the instrument.

*For either Commonwealth or federally-owned property, a covenant that runs with the land is not required until the transfer of the land containing the PCSM BMP(s) occurs. Upon said transfer, the deed must then comply with 25 Pa. Code § 102.8(m)(2).*

a. *Is the project located entirely on Commonwealth or federally-owned property?*  Yes  No

*If the answer to question a., above, is Yes, proceed to Section 8.*

*If the project is not located entirely on Commonwealth or federally-owned property, proceed to Section 7.b. The completed Section 7.b and an attached copy of the Recorder of Deeds Office receipt constitutes proof of instrument filing as required by 25 Pa. Code §102.7(b)(5).*

*Also attach copies of the "landowner notice(s)" provided to all landowners who have bought or accepted ownership or other legal responsibility for parcels within the permit boundary.*

b.

I certify, under penalty of law, that the below checked items have been recorded at the project county's Recorder of Deeds Office to assure disclosure of the PCSM BMP(s) and the related obligations in the ordinary course of a title search of the subject property, and which meet the requirements of 25 Pa. Code §102.8(m)(2).

- Legal instrument which addresses 25 Pa. Code §102.8(m)(2) *(required)*
- Record drawings which accurately reflect as-built conditions *(recommended)*
- Long-term operation and maintenance plan which clearly outlines the operation and maintenance activities necessary for the associated PCSM BMP(s) *(recommended)*
- Long-term operation and maintenance agreement(s) *(recommended if any individual other than the permittee is identified in Appendix C as being responsible for the long-term operation and maintenance of one or more PCSM BMPs)*

**8. Permit Termination Certification:**

**This Section is to be completed by the person(s) listed in Section 4.**

I, \_\_\_\_\_, certify under penalty of law that either permanent stabilization, under 25 Pa. Code §102.22(a)(2), of the earth disturbance activities has occurred or the site has been returned to agricultural operation regulated under 25 Pa. Code §102.4(a). I certify under penalty of law that either the installation of BMPs in accordance with an approved plan\* prepared and implemented per §§ 102.4 and 102.8 (relating to erosion and sediment control requirements; and PCSM requirements) has occurred or all approved restoration/reclamation activities have been completed. I understand that by submitting this NOT, I am no longer authorized to conduct earth disturbance activities under the referenced permit and that discharging stormwater from earth disturbance activities to waters of the Commonwealth is unlawful where the discharge is not authorized by a permit. I also understand that the submittal of this NOT does not release a permittee or co-permittee from liability for any violations of the permit, the federal Clean Water Act (if applicable), the Pennsylvania Clean Streams Law and the rules and regulations promulgated thereunder, or from liability for any environmental damages occurring as a result of any earth disturbance activities conducted at the site. I understand that there are significant penalties for submitting false information, including possible fines and imprisonment for knowing violations.

\*Upon NOT approval, the submitted record drawings or site restoration/reclamation plan equates an approved plan.

**Individual; proceed to signature portion.**

I hereby certify that I am the signatory pursuant to 25 Pa. Code § 92a.22 and 40 CFR §122.22 and that I am the person who is responsible for decision-making regarding environmental compliance functions for Enter Entity name, the manager of one or more manufacturing, production, or operating facilities of the permittee and am authorized to make management decisions which govern the operation of regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure the permittee's long term environmental compliance with environmental laws and regulations.

(choose one of the following; not applicable for individuals):

president     vice president     secretary     treasurer

of \_\_\_\_\_ Corporation/Company  
Entity name

member or  manager of \_\_\_\_\_ LLC  
Entity name

general partner of \_\_\_\_\_ partnership/LP/LLP  
Entity name

principal executive officer or ranking elected official of \_\_\_\_\_ Municipality/State/Federal/other  
public agency Entity name

Power of Attorney/delegation of contractual authority (documentation supporting delegation of contracting authority must be provided) for \_\_\_\_\_  
Entity name

SIGNATURE

**Permittee**

\_\_\_\_\_  
Print Name and Title of Person Signing

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date Signed

**APPENDIX A**  
**Summary Table of Installed PCSM BMPs**

Check all applicable PCSM BMPs that have been installed as part of the approved PCSM Plan along with their associated function(s).

**Note: VC = Volume Control, RC = Rate Control and WQ = Water Quality**

Permit No.: \_\_\_\_\_

BMP		Function(s)					No. of BMPs	Total Acres Treated	Total Volume Treated
<input type="checkbox"/>	Wet Ponds	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Constructed Wetlands	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Retention Basins	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Detention Basins	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC				
<input type="checkbox"/>	Underground Detention	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC				
<input type="checkbox"/>	Dry Extended Detention Basin	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC				
<input type="checkbox"/>	Sediment Fore Bay	<input type="checkbox"/>	VC			<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Infiltration Trench	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Infiltration Berm/Retentive Grading	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Subsurface Infiltration Bed	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Infiltration Basin	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Pervious Pavement	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Dry Well/Seepage Pit	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Bio-Infiltration Areas	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Rain Gardens/Bio-Retention	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Vegetated Swales	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Constructed Filters	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Protect Sensitive & Special Value Features	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Protect/Convert/Establish Riparian Buffers	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Restoration: Buffers/Landscape/Floodplain	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Disconnection From Storm Sewers	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Rooftop Disconnections	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Vegetated Roofs	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Runoff Capture/Reuse	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Oil/Grit Separators					<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Water Quality Inserts/Inlets					<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Street Sweeping					<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Soil Amendment/Soil Restoration	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Other	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Other	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		
<input type="checkbox"/>	Other	<input type="checkbox"/>	VC	<input type="checkbox"/>	RC	<input type="checkbox"/>	WQ		



**APPENDIX B**  
**Record Drawings (accurately reflecting as-built conditions) Checklist**

Permit No.: \_\_\_\_\_

Indicate whether each item is included or not applicable		
		<b>Building Improvements</b>
<b>Included</b>	<b>Not Applicable</b>	<b>Item</b>
<input type="checkbox"/>	<input type="checkbox"/>	Building Footprint
<input type="checkbox"/>	<input type="checkbox"/>	Limits of Paving and other impervious areas
<input type="checkbox"/>	<input type="checkbox"/>	Property Lines
<input type="checkbox"/>	<input type="checkbox"/>	Finish Grading
<input type="checkbox"/>	<input type="checkbox"/>	Downspout Locations
		<b>Site Utilities</b>
<b>Included</b>	<b>Not Applicable</b>	<b>Item</b>
<input type="checkbox"/>	<input type="checkbox"/>	Well location
<input type="checkbox"/>	<input type="checkbox"/>	Septic tanks, dosing tanks, distribution boxes and on-lot absorption area
		<b>Stormwater Conveyance</b>
<b>Included</b>	<b>Not Applicable</b>	<b>Item</b>
<input type="checkbox"/>	<input type="checkbox"/>	Pipe locations including pipe material, diameter, slope and length
<input type="checkbox"/>	<input type="checkbox"/>	Inlets and endwall locations including inverts and grate elevations
<input type="checkbox"/>	<input type="checkbox"/>	Swale locations and dimensions
<input type="checkbox"/>	<input type="checkbox"/>	Rock aprons and other pipe outlets locations
		<b>Post Construction Storm Water Management (PCSM)</b>
<b>Included</b>	<b>Not Applicable</b>	<b>Item</b>
<input type="checkbox"/>	<input type="checkbox"/>	Structural PCSM BMP locations and access
<input type="checkbox"/>	<input type="checkbox"/>	Non-Structural PCSM BMP locations
<input type="checkbox"/>	<input type="checkbox"/>	Construction details of PCSM BMPs in as-built condition
<input type="checkbox"/>	<input type="checkbox"/>	BMP berm elevations
<input type="checkbox"/>	<input type="checkbox"/>	BMP bottom elevations
<input type="checkbox"/>	<input type="checkbox"/>	Emergency spillway elevation
<input type="checkbox"/>	<input type="checkbox"/>	Emergency spillway length
<input type="checkbox"/>	<input type="checkbox"/>	Emergency spillway protection (TRW, Riprap, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	Outlet structure elevations, orifice sizes
<input type="checkbox"/>	<input type="checkbox"/>	Pipe size, length, material, elevations and slope
<input type="checkbox"/>	<input type="checkbox"/>	Show all rain barrels, seepage pits, infiltration trenches
<input type="checkbox"/>	<input type="checkbox"/>	Show limits (soil amendments, new wood line, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	Cover condition (lawn, meadow, woods, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	PCSM BMP Long-Term O&M
		<b>PCSM – Irrigation BMPs only</b>
<b>Included</b>	<b>Not Applicable</b>	<b>Item</b>
<input type="checkbox"/>	<input type="checkbox"/>	Spray Head and Valve Locations and Spray Radii
<input type="checkbox"/>	<input type="checkbox"/>	Pump Location
<input type="checkbox"/>	<input type="checkbox"/>	Pump Information (Duty point, HP)
<input type="checkbox"/>	<input type="checkbox"/>	Controller Location
<input type="checkbox"/>	<input type="checkbox"/>	Intake Location
<input type="checkbox"/>	<input type="checkbox"/>	Location of main (size and material)
<input type="checkbox"/>	<input type="checkbox"/>	Laterals (size and material)
<input type="checkbox"/>	<input type="checkbox"/>	Dosing Schedule
<input type="checkbox"/>	<input type="checkbox"/>	Drip Field with tubing location

**APPENDIX C**

Permit No.: \_\_\_\_\_

<b>Person(s) Responsible for Long-Term Operation and Maintenance of PCSM BMPs:</b>				
Statement: The following person(s) understand and have agreed to the long-term operation and maintenance of the PCSM BMPs as per the long-term operation and maintenance plan.				
<b>PCSM BMPs (list one BMP per row)</b>	<b>Latitude and Longitude, of each PCSM BMP</b>	<b>Name of Responsible Party</b>	<b>Address</b>	<b>Phone #</b>

Attach additional Appendix C Forms as needed.

Page \_\_\_\_ of \_\_\_\_

**NOTICE OF TERMINATION (“NOT”) COMPLETENESS REVIEW  
 AND FIELDWORK CHECKLIST FOR  
 POST-NOVEMBER 19, 2010 PERMIT SUBMISSIONS**

Facility/Development Name: \_\_\_\_\_ Permit No.: \_\_\_\_\_

C = Complete, NC = Not Complete, N/A = Not Applicable

**Paperwork Requirements:**

SECTION 1 - NON-COMMONWEALTH/NON-FEDERAL PROPERTY			
Permittee Included	Reviewer		Item
	C	NC	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Completed Sections 1-8 of the NOT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Record Drawings which accurately reflect as-built conditions
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Copy of Recorder of Deeds Office receipt for instrument filing
<input type="checkbox"/> <input type="checkbox"/> N/A	<input type="checkbox"/> <input type="checkbox"/> N/A	<input type="checkbox"/>	Copy of Landowner Notices <i>(required if sale or other transfer of any parcel, lot, road, or other real property occurred within the permit boundary during the life of the permit)</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Completed Appendices A, B, and C
SECTION 2 - COMMONWEALTH/FEDERAL PROPERTY			
Permittee Included	Reviewer		Item
	C	NC	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Completed Sections 1-7.a. and 8 of the NOT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Record Drawings which accurately reflect as-built conditions
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Completed Appendices A, B, and C
SECTION 3 - RESTORATION/RECLAMATION ACTIVITY			
Permittee Included	Reviewer		Item
	C	NC	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Completed Sections 1-6 and 8 of the NOT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Record Drawings or Site Restoration/Reclamation Plan

**Fieldwork Requirements:**

SECTION 4 - FIELD INSPECTION (Required for permit termination)			
Permittee Addressed	Reviewer		Item
	C	NC	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Permanent Stabilization per 25 Pa. Code §102.22(a)(2) <u>or</u> the return to agricultural operation regulated under 25 Pa. Code §102.4(a)
<input type="checkbox"/> <input type="checkbox"/> N/A	<input type="checkbox"/> <input type="checkbox"/> N/A	<input type="checkbox"/>	Installation of PCSM BMPs per 25 Pa. Code §102.8(a) through (m) and approved permit <i>(required for non-restoration/reclamation activities)</i>
<input type="checkbox"/> <input type="checkbox"/> N/A	<input type="checkbox"/> <input type="checkbox"/> N/A	<input type="checkbox"/>	Installation of PCSM BMPs per 25 Pa. Code §102.8(n) and approved permit <i>(required for restoration/reclamation activities)</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Removal of E&S BMPs per 25 Pa. Code §102.22(a)(1) and approved permit

**OFFICIAL USE ONLY**

Determination:  Approve  Deny

Inspection Report No: \_\_\_\_\_

Reviewer Name: \_\_\_\_\_

Date: \_\_\_\_\_

### DOCUMENT REVISION HISTORY

<b>Date</b>	<b>Revision Reason</b>
September 2020	The record drawings, long-term O&M plan, and long-term O&M agreements are only recommended, not required, to be included with the recorded instrument.
January 2018	Revised Appendix C to replace "individual(s)" with "person(s)"; Updated Checklist Section 2 to include Appendix C.

## DISCLAIMER

This document is a sample Instrument for the Declaration of Restrictions and Covenants (Instrument). Use of this template is not mandatory, but it is strongly recommended. The language included in this document serves as acceptable baseline terms and conditions for purposes of 25 Pa. Code §102.8(m)(2). The availability of this document does not constitute legal, accounting or tax advice. Not all Instruments necessarily follow the same format and should be tailored for their particular purpose. Formally completed Instruments are intended to be recorded, enforceable, legal documents. All persons considering the use of this Instrument to meet the requirements of 25 Pa. Code §102.8(m)(2) should obtain the services of an attorney, licensed to practice law in the Commonwealth of Pennsylvania.

### **Instructions:**

- In this sample instrument, the grantor is the property owner, and the grantee is the person responsible for the implementation of the approved O&M Plan for the PCSM BMPs located on the property.
- Therefore, if the property owner and the person responsible for the implementation of the approved O&M Plan for the PCSM BMPs are the same person, the grantor and grantee would be the same person who would sign the instrument as both grantor and grantee.
- **The Commonwealth of Pennsylvania Department of Environmental Protection should not be listed as the grantee.**

**INSTRUMENT FOR THE DECLARATION OF RESTRICTIONS AND  
COVENANTS**

This Instrument for the Declaration of Restrictions and Covenants (Instrument) is being made as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (the "Grantor"), having an address of \_\_\_\_\_ and \_\_\_\_\_ the "Grantee"), having an address of \_\_\_\_\_.

**WITNESSETH:**

WHEREAS, Grantor is the owner of certain land situated in \_\_\_\_\_ Township/Borough, \_\_\_\_\_ County, Pennsylvania, containing +/- \_\_\_\_\_ acres and being designated as \_\_\_\_\_ on that certain Subdivision Plan recorded in \_\_\_\_\_ County Plot Book Volume \_\_\_\_\_, Page \_\_\_\_\_, and being \_\_\_\_\_ County Tax Parcel #/ Uniform Parcel Identifier \_\_\_\_\_, and being more particularly described in that certain Deed recorded to \_\_\_\_\_ County Instrument No. \_\_\_\_\_ (the "Property");

WHEREAS, Grantor has agreed to provide this Instrument to protect the Property;

WHEREAS, the Property is included within the boundary of an Individual National Pollution Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities, the General NPDES Permit for Discharges of Stormwater Associated with Construction Activities (PAG-02), an Erosion and Sediment Control Permit (ESCP), or an Erosion and Sediment Control General Permit (ESCGP) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities (Permit No. \_\_\_\_\_) which identifies certain Post Construction Stormwater Management Best Management Practices (PCSM BMPs) located on the Property;

WHEREAS, the documents attached to this Instrument and incorporated herein shall include: either record drawings which accurately reflect as-built conditions or the approved PCSM Plan (if record drawings are not yet available), attached hereto as Appendix A; the long-term Operation and Maintenance Plan (O&M Plan), attached hereto as Appendix B; and, any Operation and Maintenance Agreements (O&M Agreements) between the permittee and the party responsible for implementation of the O&M Plan, attached hereto as Appendix C;

WHEREAS, Grantee has agreed to be responsible for implementation of the approved O&M Plan for the PCSM BMPs located on the Property as described in the O&M Plan, for which an agreement is attached hereto as Appendix C, and incorporated herein;

WHEREAS, Grantor has agreed to provide for necessary access, to applicable parties, related to long-term operation and maintenance of the PCSM BMPs;

NOW THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions hereinafter set forth in this Instrument, and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor provides and files this Instrument:

1. Purpose. The purpose of this Instrument is to provide notice and to ensure the operation and maintenance, and necessary access for operation and maintenance, of the PCSM BMPs on the Property and to prevent the use or development of the Property in any manner that may impair or conflict with the long-term O&M Plan. Per 25 Pa. Code §102.8(m)(2), this Instrument identifies the PCSM BMP(s), provides for the necessary access related to long-term operation and maintenance of the PCSM BMP(s) and provides notice that the responsibility for long-term operation and maintenance of the PCSM BMP(s) is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees.

2. Declaration of Restrictions and Covenants. Grantor hereby declares that the Property shall be held, transferred, conveyed, leased, occupied or otherwise disposed of and used subject to this Instrument which shall run with the land and be binding on all heirs, successors, assigns, occupiers, and lessees.

3. Perpetual Duration. The provisions of this Instrument shall remain in effect in perpetuity, shall be deemed covenants running with the land regardless of ownership or use, and be binding upon all subsequent property owner(s); and the personal representatives, heirs, successors, or assigns of the Grantor.

4. Reserved Rights. Grantor reserves and accepts unto itself and the personal representatives, heirs, successors, or assigns of the Grantor, all rights accruing from ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not inconsistent with the purpose of this Instrument.

5. Subsequent Transfers. The terms of this Instrument shall be incorporated by reference into any deed or other legal instrument by which Grantor divests itself by sale, exchange, devise or gift of all or any portion of the Property. Failure of Grantor to perform any act required by this Instrument shall not impair the validity of this Instrument or limit its enforceability in any way. Upon valid sale or transfer of Grantor's ownership interest to a successor or assign and notice as required by this paragraph, Grantor shall be released from any responsibility for any violation of the terms of this Instrument caused by Grantor's successors or assigns or any third party which occurs subsequent to such sale or transfer.

6. Recordation. Grantor shall record this Instrument in the Official Records of \_\_\_\_\_ County, Pennsylvania. Grantor shall pay all recording costs necessary to record this Instrument in the public records.

7. Notices. All notices, consents, approvals or other communications required under the provisions of this Instrument shall be in writing and shall be deemed properly given if hand delivered, sent by a nationally recognized overnight courier, or sent by United States certified mail,

return receipt requested, addressed to the appropriate party or successor in interest, at the address most recently provided.

8. Access Provisions. The party responsible for the implementation of the O&M Plan may enter the Property upon reasonable notice, in a reasonable manner and at reasonable times for purposes of implementation of the O&M Plan.

9. Miscellaneous Provisions.

(a) Severability. If any provision of this Instrument or the application of it to any person or circumstance is found to be invalid, the remainder of the provisions of this Instrument and the application of the provisions to persons or circumstances other than those as to which it is found to be invalid, shall not be affected by the invalid provision.

(b) Amendment. Upon any reduction, loss, or failure of any PCSM BMP, the Grantor shall take immediate action to restore, repair, or replace the BMP or provide an alternative method of treatment. If a modification to the installed PCSM BMPs is proposed for any reason, this Instrument shall not be amended, terminated or in any way modified by the Grantor without the express prior written approval of the Commonwealth of Pennsylvania Department of Environmental Protection (Department). After receiving approval from the Department, the Grantor shall record any such amendment, termination or modification of this Instrument as described in Paragraph 6, above. If an amendment or modification of this Instrument is needed for reasons other than PCSM BMP modification or site redevelopment, the Grantor shall provide notice to the Department or delegated county conservation district in writing at least 20 business days prior, unless otherwise approved by Department, to recording any amendment, termination or modification of this Instrument. After the 20 business days have elapsed without written notification from the Department, the Grantor may record any such amendment, termination or modification of this Instrument as described in Paragraph 6, above.

(c) Controlling Law. The interpretation and performance of this Instrument shall be governed by the laws of the Commonwealth of Pennsylvania.

(d) Captions. The captions in this Instrument have been inserted solely for convenience of reference and are not a part of this Instrument and shall have no effect upon construction or interpretation.

(e) Rights of the Department. The rights of the Department shall be preserved under the laws of the Commonwealth of Pennsylvania, and include, but not be limited to, the following:

- (i) To identify, to preserve and to protect in perpetuity the PCSM BMPs in a manner consistent with the O&M Plan.
- (ii) To enter upon the Property in a reasonable manner and at reasonable intervals and times for the purpose of monitoring compliance with this Instrument.



- (iii) To proceed at law or in equity to enforce the provisions of this Instrument, and to prevent the occurrence of any of the prohibited activities hereinafter set forth.
- (iv) To approve or disapprove a request for an amendment submitted under Paragraph 9(b), above.

IN WITNESS WHEREOF, the undersigned, being the Grantor and Grantee, herein, has hereunto executed on the day and year first above written.

\_\_\_\_\_  
**Grantor Signature** Date

\_\_\_\_\_  
 Printed Name

ATTEST: Commonwealth of Pennsylvania  
 County of \_\_\_\_\_

On this, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, having a title of \_\_\_\_\_ within the business entity of \_\_\_\_\_, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing document, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

**NOTARY SEAL**

\_\_\_\_\_  
 Notary Public My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
**Grantee Signature** Date

\_\_\_\_\_  
 Printed Name

ATTEST: Commonwealth of Pennsylvania  
 County of \_\_\_\_\_

On this, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, having a title of \_\_\_\_\_ within the business entity of \_\_\_\_\_, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing document, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

**NOTARY SEAL**

\_\_\_\_\_ My Commission Expires: \_\_\_\_\_  
Notary Public

SAMPLE