



PAG-01

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR DISCHARGES OF
STORMWATER ASSOCIATED WITH SMALL CONSTRUCTION ACTIVITIES**

NPDES PERMIT NO: (PERMIT ID NO.)

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection (DEP) authorizes the permittee named below to discharge stormwater associated with small construction activities from an earth disturbance activity that involves earth disturbance less than five acres, or an earth disturbance on any portion, part, or during any stage of a larger common plan of development or sale where the larger common plan of development or sale involves earth disturbance less than five acres:

<u>Permittee</u>	<u>Project Site</u>
(Permittee Name(s))	(Project Site Name)
(Permittee Mailing Address)	(Municipality Name(s)), (County Name(s))
(Permittee City, State, Zip)	

This authorization requires adherence to DEP's enclosed PAG-01 General Permit ("General Permit") which incorporates all effluent limitations, monitoring and reporting requirements, and other terms, conditions, criteria, and special requirements for the discharge of stormwater associated, in whole or in part, with construction activity, as defined in this General Permit, to surface waters of this Commonwealth, including through storm sewers. Authorization to discharge is also subject to implementation of the plans and additional information submitted as part of the Notice of Intent (NOI).

APPROVAL OF COVERAGE TO DISCHARGE UNDER THIS GENERAL NPDES PERMIT IS AUTHORIZED BEGINNING ON _____ AND EXPIRING ON _____.

The authority granted by coverage under the General Permit is subject to the following further qualifications:

1. Operators identified on the Notice of Intent (NOI) submitted for coverage under this General Permit are co-permittees to this permit coverage.
2. The permittee's NOI, including Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan, as applicable, are incorporated into this approval of coverage.
3. If there is a conflict between the requirements in the NOI or its supporting documents and the terms and conditions of the General Permit, the permittee shall comply with the terms and conditions of the General Permit.
4. The permittee's failure to comply with the terms, conditions, or effluent limitations of the General Permit is grounds for DEP or a delegated county conservation district (DEP/CCD) to take an enforcement action, and/or to terminate or revoke coverage under this General Permit.

Coverage under the PAG-01 General Permit is authorized by:

(Manager Name)
(Manager Title)
(Name of CCD or DEP Office)

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PAG-01
NPDES GENERAL PERMIT FOR DISCHARGES OF
STORMWATER ASSOCIATED WITH SMALL CONSTRUCTION ACTIVITIES

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection (DEP) hereby authorizes, subject to the terms and conditions contained in this General Permit, the discharge of stormwater associated with small construction activity from earth disturbances less than five acres to surface waters of the Commonwealth. Upon receipt of written authorization from DEP/CCD, applicants that submit a complete General Permit NOI form and attachments in accordance with this General Permit and the NOI instructions are authorized to discharge stormwater associated with small construction activities from eligible earth disturbance activities consistent with the NOI and in accordance with the terms and conditions of this General Permit.

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

1. A pre-application meeting or call has been held unless waived by DEP/CCD, in writing.
2. A complete NOI package (3800-PM-BCW0404b and required attachments) has been submitted, as determined by DEP/CCD, in accordance with the requirements of the General Permit and the NOI instructions.
3. The applicant has received written approval of coverage under PAG-01, signed by the appropriate DEP/CCD manager or supervisor.
4. The applicant has obtained all other state and local permits and approvals arising out of the earth disturbance activities reported in the NOI, including but not limited to sewage planning approval required by the Pennsylvania Sewage Facilities Act (Act 537), if applicable.
5. A pre-construction meeting has been held unless waived by DEP/CCD, in writing.

DEP may deny coverage under this General Permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information in accordance with 25 Pa. Code § 92a.54.

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

Clean Water Act means the Federal Water Pollution Control Act, as amended. (33 U.S.C. §§ 1251 to 1387).

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)

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)

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 General Permit, the term generally applies to the agency that is the recipient of the NOI.

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 Intent or NOI means a complete and accurate form submitted for NPDES general permit coverage which contains information required by the terms of the permit and by § 92a.54 (relating to general permits). An NOI is not an application. (25 Pa. Code § 92a.2)

Notice of Termination (NOT) means a request, on a form provided by DEP, to terminate coverage under a General or Individual NPDES 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 General 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 General 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 General 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)

Point source means a discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, Concentrated Aquatic Animal Production (CAAP) facility, Concentrated Animal Feeding Operation (CAFO), landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged. (25 Pa. Code §§ 92a.2, 92a.3(b)(1) and 40 CFR § 122.2)

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 coverage under the PAG-01 General Permit.

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 coverage under the PAG-01 General Permit.

Site Restoration means, for the purpose of this General 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)

Stormwater Associated with Small Construction Activity means the discharge of stormwater from construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site. The term also means the discharge of stormwater from any other construction activity designated by the Director, or in States with approved NPDES programs either the Director or the EPA Regional Administrator, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the Commonwealth. (25 Pa. Code § 92a.32 and 40 CFR § 122.26(b)(15))

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. ELIGIBILITY CRITERIA

A. Project and Site Characteristics.

The project must meet all of the following:

1. Total earth disturbance:
 - a. Earth disturbance activities that involve earth disturbance (including off-site support activities) less than five (< 5) acres. While the earth disturbance area must be less than five acres, the project site area may exceed five acres; or
 - b. Earth disturbance activities on any portion, part, or during any stage of a larger common plan of development or sale where the larger common plan of development or sale involves earth disturbance less than five (< 5) acres.
2. The project does not involve earth disturbance associated with the construction, installation or repair of a transmission pipeline, gathering line, or local distribution or service line that is, or is intended to, transport hazardous liquids, natural gas, or natural gas liquids to refining, storage, or processing facilities, or for use of further distribution by large volume customers such as factories, power plants, public utilities, or institutional users within or outside of Pennsylvania.
3. Stormwater runoff from the project site will not discharge to surface waters, including wetlands, with a designated or existing use classified as High Quality (HQ) or Exceptional Value (EV) waters under 25 Pa. Code Chapter 93 (relating to Water Quality Standards).
4. The applicant is not in violation of any DEP or EPA enforceable document, including any permit, schedule of compliance, consent assessment of civil penalty, or order at the project site or other sites or facilities owned or operated by the applicant in Pennsylvania, and has not shown a lack of ability or intention to comply with laws administered by DEP or EPA as indicated by past or continuing violations.
6. The Pennsylvania Natural Diversity Index (PNDI) receipt indicates either 1) "No Impact", or 2) "Conservation Measures", or 3) "Avoidance Measures" that have been agreed to by the applicant, or 4) "Potential Impact" or "Avoidance Measures" not agreed to by the applicant but clearance letters from jurisdictional agencies are attached to the NOI. If the PNDI receipt indicates either "Avoidance Measures" in which the applicant has not agreed to implement the recommendations, or "Potential Impact", clearance letters from the appropriate jurisdictional agencies must be attached to the NOI to qualify for PAG-01 coverage.
7. Soils in the area of the earth disturbance are not contaminated at levels exceeding residential medium-specific concentrations (MSCs) in 25 Pa. Code Chapter 250.

8. Projects must be located on the same or contiguous tax parcels, with the exception of off-site support activities, as defined in Section I.

B. Design Requirements.

1. In order to use the PAG-01 General Permit for NPDES permit coverage, applicants must demonstrate compliance with the technical criteria for Best Management Practices (BMPs) summarized below and detailed in Part A I.C:

- a. Erosion and Sediment Control (E&S) during construction.

Applicants must select E&S BMPs to control stormwater runoff during earth disturbance activities that will be designed, installed and maintained in accordance with DEP's Erosion and Sediment Pollution Control Program Manual (363-2134-008) (E&S Manual), as amended, with the exception of sediment traps and sediment basins which cannot be utilized under this General Permit. In addition, applicants are not authorized to use alternative E&S BMPs unless authorized to do so by DEP in writing.

The introduction of chemicals to stormwater during construction is prohibited unless authorized by DEP's Bureau of Clean Water, in writing, in advance of NOI submission. A copy of any DEP Bureau of Clean Water approval must be attached to the NOI.

- b. Post-Construction Stormwater Management (PCSM).

Applicants must select PCSM BMPs from Part A I.C.2 to control stormwater runoff after earth disturbance activities. These BMPs must be designed, installed and maintained in accordance with DEP's Pennsylvania Stormwater Best Management Practices Manual (363-0300-002) (BMP Manual), as amended, except where otherwise authorized in writing by DEP. In addition, applicants are not authorized to use alternative PCSM BMPs.

PCSM BMP(s) are prohibited in areas of known sinkholes or surface depressions. The applicant must demonstrate that areas designated for PCSM BMPs under the Rooftop and Roadway Standards are clear of known sinkholes and surface depressions as identified through the DCNR interactive map or other published government data.

2. The total area of impervious surface following construction must be:

- a. Less than or equal to twenty thousand square feet ($\leq 20,000$ sf) (within the area of disturbance), and
- b. Less than or equal to twelve percent ($\leq 12\%$) of the total project site area.

3. No stormwater from off-site impervious areas (i.e., outside the project site boundary) may flow onto the project site. Stormwater runoff from impervious areas originating outside of the project site must be diverted around the project site to qualify for PAG-01.

4. Stormwater discharges (during or after construction) may not be directed to a combined sewer system.

5. Regulated fill requiring a Waste Management permit may not be used for projects requesting coverage under this General Permit. Refer to DEP's Management of Fill Policy (258-2182-773) for the definition of regulated fill.

C. Change in Conditions.

If a discharge approved for coverage under this General Permit subsequently exhibits a condition that renders the discharge ineligible for coverage as set forth in this General Permit, the permittee is not authorized to discharge stormwater under this General Permit. The permittee shall promptly take action to restore eligibility, to notify DEP/CCD in writing of the condition, and, if eligibility cannot be restored, to submit an individual NPDES permit application or NOI for an alternative general permit to DEP/CCD. DEP/CCD may pursue enforcement action and shall revoke coverage under this General Permit should the discharge of stormwater continue to not be eligible for the Permit and/or if potential or actual adverse impacts to water quality occur as a result of the permittee's discharge(s).

D. Denial of Coverage.

DEP will deny coverage under this General Permit when one or more of the following conditions exist:

1. Stormwater discharges that, individually or in combination with other similar discharges, are or have the potential to be a contributor of pollution, as defined in the Pennsylvania Clean Streams Law, which is more appropriately controlled under an individual permit. (25 Pa. Code § 92a.54(e)(1))
2. The discharger is not, or will not be, in compliance with any one or more of the conditions of the General Permit. (25 Pa. Code § 92a.54(e)(2))
3. The applicant and/or operator has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, schedule of compliance or order issued by DEP/CCD. (25 Pa. Code § 92a.54(e)(3))
4. Stormwater discharges that contain pollutants for which a change has occurred in the availability of demonstrated technology or practices for the control or abatement of the pollutants. (25 Pa. Code § 92a.54(e)(4))
5. Categorical point source effluent limitations are promulgated by the U.S. Environmental Protection Agency (EPA) for those point sources covered by the General Permit where such limitations are not incorporated into the General Permit. (25 Pa. Code § 92a.54(e)(5))
6. Stormwater discharges that are not in compliance or will not result in compliance with an applicable effluent limitation or water quality standard. (25 Pa. Code § 92a.54(e)(6))
7. Stormwater discharges from a facility for which an individual permit is required for other point source discharges, and issuance of both an individual permit and authorization for coverage under a General Permit for the facility would constitute an undue administrative burden on DEP. (25 Pa. Code § 92a.54(e)(7))
8. Stormwater discharges that DEP/CCD determines require an individual NPDES permit to ensure compliance with the Federal Clean Water Act, the Pennsylvania Clean Streams Law or DEP regulations. (25 Pa. Code § 92a.54(e)(8))
9. Stormwater discharges to surface waters, including wetlands, with designated or existing uses classified as High Quality (HQ) or Exceptional Value (EV) waters under 25 Pa. Code Chapter 93 (relating to Water Quality Standards). (25 Pa. Code § 92a.54(e)(9))

III. AUTHORIZED DISCHARGES

A. Authorized Stormwater Discharges.

The following stormwater discharges associated with construction activity are authorized under the PAG-01 General 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 small construction activity as defined at 40 CFR § 122.26(b)(15).
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 areas (spoil), 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 PAG-01 General Permit.

B. Authorized Non-Stormwater Discharges.

The following non-stormwater discharges associated with small construction activity are authorized under the PAG-01 General 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 General 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 PAG-01 General Permit. See Part A I.A.3.

IV. DISCHARGES AND ACTIVITIES NOT AUTHORIZED

The following discharges and activities are not authorized by the PAG-01 General Permit:

- A. Stormwater discharges from project sites where PCSM BMP(s) will be located within areas of known sinkholes or surface depressions.
- B. Stormwater discharges associated with small construction activities from project sites on tax parcels that are not contiguous, with the exception of off-site support activities.
- C. Stormwater discharges to combined sewer systems (i.e., sewers where both sanitary waste and stormwater are conveyed).

- D. Earth disturbances and/or stormwater discharges that would adversely affect a listed endangered or threatened species or its critical habitat. (25 Pa. Code § 102.6(a)(2))
- E. Discharges of any waste streams other than stormwater associated with small construction activity and authorized non-stormwater discharges.
- F. Projects in which fill material that is determined to be regulated fill in accordance with DEP's Management of Fill Policy (258-2182-773) is imported to, exported from, or otherwise utilized on the project site, and utilization of the regulated fill requires a permit from DEP's Waste Management Program.
- G. Stormwater discharges that would contain toxic or hazardous pollutants as defined in sections 307 and 311 of the Clean Water Act (33 U.S.C. §§ 1317 and 1321) or any other substance that – because of its quantity, concentration, or physical, chemical or infectious characteristics – may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters. (25 Pa. Code § 92a.54(a)(5))

V. NOI REQUIREMENTS

A. Pre-Application Meeting.

A pre-application meeting or call with the appropriate DEP/CCD office must be held prior to submission of the NOI package, unless DEP/CCD waives the meeting or call in writing. Applicants are encouraged to mail, fax or email DEP's Chapter 102 Pre-Application Meeting Request Form (3800-FM-BCW0271e) to the appropriate DEP or CCD office to arrange for the meeting or call.

B. Deadlines for NOI.

Persons seeking new coverage (i.e., not a renewal or amendment) under the PAG-01 General Permit must submit a complete NOI package at least 30 calendar days prior to the planned date for commencing construction if the applicant can demonstrate that all of the following criteria are met:

1. The county has a DEP-approved Act 167 plan (or plan update), in which DEP has approved the plan or plan update within the five-year period prior to the date of the NOI;
2. The county has certified that the project is consistent with the Act 167 plan, without waiver;
3. The municipality has enacted a stormwater management ordinance; and
4. The municipality has certified that the project is consistent with the ordinance, without waiver.

If the applicant is unable to demonstrate that all of these criteria are met, persons seeking new coverage under the PAG-01 General Permit must submit a complete NOI package at least 60 calendar days prior to the planned date for commencing construction.

C. Contents of the NOI.

The applicant shall complete the PAG-01 NOI form provided by DEP, sign the NOI in accordance with 25 Pa. Code § 92a.22 (relating to signatories to permit applications and reports) and 40 CFR § 122.22, complete all supporting documentation required by the NOI instructions as identified on the checklist (3800-PM-BCW0404c), and submit the NOI package to DEP/CCD.

D. Where to Submit the NOI.

For all counties except Forest and Philadelphia Counties, the applicant must submit the complete NOI package (as specified on the checklist, 3800-PM-BCW0404c) including applicable fees identified in the NOI Instructions (3800-PM-BCW0404a) to the CCD that has jurisdiction over the county where the project is located AND one copy of the completed NOI form and the disturbed acreage fee to the applicable DEP regional office. For Forest and Philadelphia Counties, the complete NOI package including all applicable fees must be submitted to DEP's Northwest and Southeast Regional Offices, respectively.

For CCD mailing addresses, please visit the Pennsylvania Association of Conservation Districts, Inc. (PACD) website at www.pacd.org, and select Your District and Find Your Conservation District. DEP regional office mailing addresses can be found at www.dep.pa.gov (select Regional Resources).

VI. NOTICE OF TERMINATION (NOT)

A. 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-BCW0229a or 3800-PM-BCW0229b, as applicable. A copy of the NOT must be submitted to the municipality(ies) where the project site is located. The NOT must include:

1. The project site name, address, and location.
2. The operator name and address.
3. The permit number.
4. The reason for the permit termination.
5. Information required by Part C IV of this General Permit, relating to long-term operation and maintenance of PCSM BMPs, where applicable.

B. 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))

C. PCSM BMP Final Certification.

1. 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."

2. 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))

VII. CONDITIONS

The authority granted by this General Permit is subject to the following conditions:

- A. This General Permit will expire 5 years from the date of its issuance. Coverage granted under the General Permit will remain in effect for the term authorized in the coverage approval issued by DEP/CCD, not to exceed 5 years.
- B. To reissue or amend this General Permit, DEP will publish a notice in the *Pennsylvania Bulletin* of a draft General Permit and provide a 30-day public comment period. After the comment period, DEP will publish notice of the final reissued or amended General Permit in the *Pennsylvania Bulletin*.
- C. If a discharge approved for coverage under this General Permit subsequently exhibits a condition that renders the discharge ineligible for coverage as set forth in this General Permit, the permittee is not authorized to discharge stormwater under this Permit. The permittee shall promptly take action to restore eligibility, to notify DEP/CCD in writing of the condition, and, if eligibility cannot be restored, to submit an individual NPDES permit application or NOI for an alternative general permit to DEP/CCD. DEP/CCD may pursue enforcement action and shall revoke coverage under this General Permit should the discharge of stormwater continue to not be eligible for the General Permit and/or if potential or actual adverse impacts to water quality occur as a result of the permittee's discharge(s).
- D. The approval of coverage is granted based, in part, on information provided by the applicant in the NOI. 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 NOI, including any attachments, plans, and other supporting documentation, the more protective provision applies.
- E. No condition of this General Permit releases the permittee from any responsibility or requirements under other federal or Pennsylvania environmental statutes or regulations or local ordinances.

General Permit (PAG-01) Issued

By

**Director
Bureau of Clean Water**

Effective: _____

Expires: _____

PART A – EFFLUENT LIMITATIONS, RECORDKEEPING AND REPORTING REQUIREMENTS

I. EFFLUENT LIMITATIONS

A. BMPs.

Except as required by 25 Pa. Code § 102.11(c), this General 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. Section 102.11(c) incorporates by reference federal Effluent Limitation Guidelines in 40 CFR Part 450 (relating to the construction and development point source category).

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) and 40 CFR § 450.22(c))
 - a. Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges.
 - b. Control stormwater discharges, including both peak flowrates 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 protection 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) and 40 CFR § 450.22(e))
 - 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) and 40 CFR § 450.22(f))
 - 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. In addition to the prohibited discharges identified in the “Discharges and Activities Not Authorized” section of this General Permit, the permittee may not discharge the following: (25 Pa. Code § 102.11(c) and 40 CFR § 450.22(g))
 - 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) and 40 CFR § 450.22(h))

C. Water Quality-Based Effluent Limitations.

Persons proposing or conducting earth disturbance activities shall develop, implement and maintain BMPs to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater. The BMPs shall be undertaken to protect, maintain, reclaim and restore water quality and the existing and designated uses of waters of this Commonwealth. (25 Pa. Code § 102.2)

1. E&S BMPs – The permittee shall implement and maintain E&S BMPs to minimize the potential for accelerated erosion and sedimentation in accordance with 25 Pa. Code §§ 102.4(b) and 102.11. E&S BMPs shall be planned and implemented to the extent practicable in accordance with the following: (25 Pa. Code § 102.4(b)(4))
 - a. Minimize the extent and duration of the earth disturbance.
 - b. Maximize protection of existing drainage features and vegetation.
 - c. Minimize soil compaction.
 - d. Utilize other measures or controls that prevent or minimize the generation of increased stormwater runoff.
2. Post-Construction Stormwater Management (PCSM) BMPs.

For the purpose of this General Permit, DEP has identified three standards for the treatment of stormwater from development activities: 1) Site Restoration; 2) Rooftop Standard; and 3) Roadway Standard. The applicant must identify all post-construction impervious surfaces on PCSM Plan Drawings and identify the standard that will be met. The Site Restoration Standard applies to projects with earth disturbances less than 5 acres that will restore areas of disturbance to approximate original condition. The Rooftop Standard applies to all roofs and other surfaces that will result in concentrated stormwater flows. The Roadway Standard applies to all roadways, driveways, and other surfaces that will result in sheet flow. Parking lots may be treated by either the Rooftop or Roadway Standards depending on whether stormwater will be collected in storm sewers or be designed to run off as sheet flow. Both Rooftop and Roadway Standards rely upon the disconnection of impervious surfaces to obtain the benefits of infiltration and evapotranspiration.

Implementation of these standards will satisfy the requirements of 25 Pa. Code § 102.8(g) to manage the net change in stormwater volume and water quality up to and including the 2-year/24-hour storm event and manage the net change in peak flow rates for the 2-year, 10-year, 50-year, and 100-year/24-hour storms. In addition, when these standards are implemented applicants do not need to identify the site-specific net change in the volume and rate of stormwater (25 Pa. Code § 102.8(f)(4)) and do not need to supply supporting PCSM calculations (25 Pa. Code § 102.8(f)(8)). **Applicants that cannot**

implement any standard due to site constraints or other factors are not eligible for PAG-01 coverage.

a. Site Restoration.

Projects with earth disturbances less than 5 acres that will restore areas of disturbance to approximate original condition (site restoration) may be eligible for PAG-01 coverage. Projects that will involve site restoration for some areas of earth disturbance while other areas are treated to meet Rooftop and/or Roadway Standards may also be eligible for PAG-01 coverage. Projects that will involve site restoration for some areas of earth disturbance while other areas are treated by PCSM BMPs that differ from the Rooftop and/or Roadway Standards are not eligible for PAG-01 coverage.

For the purpose of this General Permit, site restoration projects can be characterized by one or more of the following criteria, where earth disturbance is less than 5 acres:

- Projects 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.
- Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects.
- Bike paths, walking paths and trails associated with vegetated open space (natural grass) or forests. For the purpose of the PAG-01 General Permit, bike paths, walking paths and trails are limited to a maximum of 10-foot width to be considered for site restoration.
- Sidewalk construction projects that are not part of road or highway construction or reconstruction project or a common plan of development or sale. For the purpose of the PAG-01 General Permit, sidewalk construction is limited to a maximum of 10-foot width to be considered for site restoration.
- Slope stabilization projects not associated with a road maintenance activity.
- Slope flattening, not associated with a road maintenance activity, that changes the grade of the site, but does not significantly change the runoff characteristics.
- Spoil or borrow areas that will be covered with vegetation equivalent to a meadow in good condition or will be forested/wooded.
- 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.
- Athletic fields (natural grass) that do not alter hydrology from pre- to post-construction conditions.
- Demolition projects where vegetation will be established and no redevelopment is planned.

b. Rooftop Standard (Concentrated Flow).

- i. Maximum Area – The maximum area of impervious surface that can be treated by any PCSM BMP under the Rooftop Standard is 2,000 square feet (sf). In other words, if a roof or other impervious surface is greater than 2,000 sf, the applicant must delineate and divide sections of impervious surface of $\leq 2,000$ sf and identify the PCSM BMP(s) that will be implemented for each section of impervious.
- ii. Fundamental BMP – All impervious surfaces under this standard must be treated through a vegetated filter strip that is consistent with standards contained in the BMP Manual (363-0300-002), as amended, including the selection of vegetation, construction sequence and maintenance, except as specified herein.

- (1) The vegetated filter strip must be constructed to achieve an infiltration rate equivalent to Hydrologic Soil Group (HSG) B soils or better. If an NRCS soil survey identifies soils as HSG A or B soil type, no further testing is necessary. If native soils in the area of vegetated filter strips are not classified as HSG A or B soils, the permittee shall amend the first 8 inches and the first 20 inches of depth for HSG C and D soils, respectively, with sand, prior to establishing the filter strips.
 - (2) The permittee shall utilize a soils scientist or other professional with education and training in soils science to determine when native soils classified as HSG C or D soils have been adequately amended to meet infiltration properties of HSG A or B soils prior to establishing vegetation. A record of the professional's evaluation and confirmation of adequate amendment shall be maintained on-site during construction of the filter strip(s).
 - (3) The slope of the vegetated filter strip along its length may not exceed 2% unless the strip is designed to transport higher velocities without erosion.
- iii. Distributing Concentrated Flows – A splash pad, gravel level spreader, or other level spreading device must be used to distribute all concentrated flows over the width of the receiving vegetated filter strip at the point of entry.
 - iv. Vegetated Filter Strip Length – The length of the vegetated filter strip must be in accordance with the following:
 - For impervious areas of 1,000 sf or less, the length of the vegetated filter strip must be at least 5% of the contributing impervious area (e.g., 50-foot length for an impervious area of 1,000 sf), with a minimum of 12 feet.
 - For impervious areas > 1,000 sf and ≤ 2,000 sf, the length of the vegetated filter strip must be at least 10% of the area of the rain garden that must be used at the downstream end (terminus) of the filter strip (see criterion 6.c below), with a minimum of 12 feet.
 - v. Vegetated Filter Strip Width – The width of all vegetated filter strips must be at least one-half the length.
 - vi. Post-Vegetated Filter Strip Requirements – One of the following BMPs must be used at the terminus of the receiving vegetated filter strip, depending on the area of impervious surface to be disconnected:
 - (1) For impervious areas ≤ 500 sf, the vegetated filter strip must be followed by either:
 - An overland flow path that is at least 500 feet measured from the end of the vegetated filter strip to a property line (unless contiguous property is owned by the applicant), surface water, storm sewer inlet or other conveyance that would concentrate flows. The entire overland flow path must be vegetated and free of slopes greater than 5% as measured from the first definable break in slope at stream bank or other conveyance.
 - A retentive grading berm with a height that is at least 2% of the length of the vegetated filter strip and spans the downstream width of the vegetated filter strip.
 - (2) For impervious areas greater than 500 sf and less than or equal to 1,000 sf, the vegetated filter strip must be followed by a retentive grading berm with a height of at least 6 inches that spans the downstream width of the vegetated filter strip.
 - (3) For impervious areas > 1,000 sf and ≤ 2,000 sf, the vegetated filter strip must discharge to a rain garden sized at 12.5% (or more) of the contributing impervious area. The rain garden must include a berm at its terminus with a minimum height of 10 inches.

The rain garden must be constructed to achieve an infiltration rate equivalent to Hydrologic Soil Group (HSG) B soils or better. If an NRCS soil survey identifies soils as HSG A or B soil type, no further testing is necessary. If native soils in the area of the rain garden are not

classified as HSG A or B soils, the permittee shall amend the first 8 inches and the first 20 inches of depth for HSG C and D soils, respectively, with sand, prior to establishing the rain garden.

The permittee shall utilize a soils scientist or other professional with education and training in soils science to determine when native soils classified as HSG C or D soils have been adequately amended to meet infiltration properties of HSG A or B soils prior to establishing the rain garden. A record of the professional's evaluation and confirmation of adequate amendment shall be maintained on-site during construction of the rain garden.

- vii. Pre-Filter Strip Alternative – Dry wells that are consistent with the standards contained in the BMP Manual (363-0300-002), as amended, may be installed prior to a vegetated filter strip receiving rooftop flows only as credit toward treatment of impervious surfaces.

- (1) The impervious area reduction credit may be calculated by the following equation:

$$A_{ir} = V_{dw} / (P / 12)$$

Where:

A_{ir} =	Area of impervious area reduction (sf)
V_{dw} =	Volume of dry well void space credit (cf), not to exceed 100 cf
P =	Rainfall depth of the 2-year/24-hour storm event (in) from NOAA Atlas 14 Point Precipitation frequency estimates or other reputable sources for the site location
12 =	Inches/foot

- (2) All downspouts connected to the dry well must have leaf filter guards either on each downspout or on all gutters leading to downspouts that prevent leaves and other large debris from entering the dry well.
- (3) The dry well must be designed to overflow to a level spreader followed by a vegetated filter strip that is sized based on the revised rooftop area.
- (4) The dry well must be constructed to achieve an infiltration rate equivalent to Hydrologic Soil Group (HSG) B soils or better. If an NRCS soil survey identifies soils as HSG A or B soil type, no further testing is necessary. If native soils in the area of the dry well are not classified as HSG A or B soils, the permittee shall amend the first 8 inches and the first 20 inches of depth for HSG C and D soils, respectively, with sand, prior to establishing the dry well.

The permittee shall utilize a soils scientist or other professional with education and training in soils science to determine when native soils classified as HSG C or D soils have been adequately amended to meet infiltration properties of HSG A or B soils prior to establishing the dry well. A record of the professional's evaluation and confirmation of adequate amendment shall be maintained on-site during construction of the dry well.

c. Roadway Standard (Sheet Flow).

- i. Maximum Area – The maximum area of impervious surface that can be treated by any PCSM BMP under the Roadway Standard is 1,000 square feet (sf). In addition, roadways or driveways that are greater than 20 feet wide or are on steep slopes (i.e., > 10%) should be treated under the Rooftop Standard.
- ii. Fundamental BMP – All impervious surfaces under this standard must be treated through a vegetated filter strip that is consistent with the standards contained in the BMP Manual (363-0300-002), as amended, including the selection of vegetation, construction sequence and maintenance, except as specified herein. Paragraphs (1), (2), and (3) under the Rooftop Standard also apply to the Roadway Standard (see Section I.C.2.b.(ii)).

- iii. Gravel Verge – A 12-inch wide level gravel verge or diaphragm with a minimum 2-inch drop from the pavement edge is required to facilitate sheet flow into a receiving vegetated filter strip. This gravel verge must extend the entire length of the roadway to be treated.
- iv. Vegetated Filter Strip Length – The length of the vegetated filter strip must be in accordance with the following:
 - For impervious areas of 500 sf or less, the length of the vegetated filter strip must be at least 5% of the contributing impervious area (e.g., 25-foot length for an impervious area of 500 sf), with a minimum of 12 feet.
 - For impervious areas > 500 sf and ≤ 1,000 sf, the length of the vegetated filter strip must be at least 30 feet.
- v. Vegetated Filter Strip Width – The width of all vegetated filter strips must span the entire edge of the roadway.
- vi. Post-Vegetated Filter Strip Requirements – One of the following BMPs must be used at the terminus of the receiving vegetated filter strip, depending on the area of impervious surface to be disconnected:
 - (1) For impervious areas ≤ 500 sf, the vegetated filter strip must be followed by either:
 - An overland flow path that is at least 500 feet measured from the end of the vegetated filter strip to a property line (unless contiguous property is owned by the applicant), surface water, storm sewer inlet or other conveyance that would concentrate flows. The entire overland flow path must be vegetated and free of slopes greater than 5% as measured from the first definable break in slope at stream bank or other conveyance.
 - A retentive grading berm with a height that is at least 2% of the length of the vegetated filter strip and spans the downstream width of the vegetated filter strip.
 - (2) For impervious areas > 500 sf and ≤ 1,000 sf, the vegetated filter strip must be followed by either:
 - An overland flow path that is at least 800 feet measured from the end of the vegetated filter strip to a property line (unless contiguous property is owned by the applicant), surface water, storm sewer inlet or other conveyance that would concentrate flows. The entire overland flow path must be vegetated and free of slopes greater than 5% as measured from the first definable break in slope at stream bank or other conveyance.
 - A retentive grading berm with a height of at least 6 inches and spans the downstream width of the filter strip.

Tables 1 and 2 present a summary of the requirements to meet the Rooftop and Roadway Standards (note the term “filter strip” means vegetated filter strip in these tables).

Table 1: Rooftop Standard Summary.

Impervious Area	Pre-Filter Strip	Filter Strip Slope	Filter Strip Length	Filter Strip Width	Post-Filter Strip
≤ 500 sf	Dry well (optional), level	Max 2% (unless calculations supplied)	5% of contributing impervious area, Min 12 ft	≥ 50% of filter strip length	500 ft of pervious area at ≤ 5% slope or berm with height of 2% of filter strip length

> 500 sf and ≤ 1,000 sf	spreader (required)			Berm with height of ≥ 6 in
> 1,000 sf and ≤ 2,000 sf			10% of rain garden area	Rain garden sized at 12.5% (or more) of the contributing impervious area

Table 2: Roadway Standard Summary.

Impervious Area	Pre-Filter Strip	Filter Strip Slope	Filter Strip Length	Filter Strip Width	Post-Filter Strip
≤ 500 sf	12-in gravel verge	Max 2% (unless calculations supplied)	5% of contributing impervious area, Min 12 ft	Span of roadway	500 ft of pervious area at ≤ 5% slope or berm with height of 2% of filter strip length
> 500 sf and ≤ 1,000 sf			Min 30 ft		800 ft of pervious area at ≤ 5% slope or berm with height of ≥ 6 in

C. 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 General 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.

D. The permittee may not discharge:

1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa. Code § 92a.41(c))
2. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline. (25 Pa. Code §§ 92a.47(a)(7), 95.2(2))
3. 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))
4. Foam or substances that produce an observable change in the color, taste, odor or turbidity of the receiving water. (25 Pa. Code § 92a.41(c))

II. MONITORING, REPORTING AND RECORDKEEPING

A. When stormwater samples are collected and analyzed or measurements are taken under this General Permit, the permittee shall assure:

1. Samples and measurements taken for the purpose of monitoring are representative of the monitored activity. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(1))
2. Records of monitoring information includes: (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(3))
 - 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. Monitoring is conducted according to test procedures approved under 40 CFR Part 136 unless another method is required under 40 CFR Subchapters N or O. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(4))

4. Sampling and analysis of samples meet proper quality assurance and quality control (QA/QC) procedures. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(i) and 40 CFR §§ 122.41(e), 122.41(i)(3), 122.41(i)(4))

B. Records Retention.

1. The permittee shall retain all records of monitoring activities and results, copies of all plans and reports required by this General Permit, and records of all data used to complete the NOI for this General 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. (25 Pa. Code § 92a.3(c) and 122.41(j)(2))
2. The permittee shall retain a physical or electronic copy of this General Permit, the NOI form submitted for General Permit coverage, all attachments to the NOI form, 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.
 - d. If the permittee suspends earth disturbance activities due to frozen conditions, the permittee may temporarily suspend inspections until earth disturbance resumes or until the ground surface thaws, whichever occurs first.
 - e. Inspections may cease upon completion of permanent stabilization of disturbed areas, if completed prior to submission of the NOT.
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. Annual Fee.

The permittee shall submit a payment in the amount of \$250 to the CCD that approved coverage under the General Permit by January 31 each year until an NOT is submitted by the permittee and is approved by the CCD. The check or money order must be payable to the "Conservation District Clean Water Fund." The permittee shall begin submitting annual fees to the CCD by the first instance of January 31 following one year of coverage under the General Permit. The annual fee is due regardless of whether an invoice or reminder of payment due is issued. Failure by the permittee to submit the annual fee may subject the permittee to enforcement action and/or revocation of coverage under this General Permit. Permittees of earth disturbance activities in counties that lack a CCD delegated to conduct reviews of Chapter 102 NOIs and permittees that are exempt from fees in accordance with 25 Pa. Code § 102.6(b)(4) are not required to pay the annual fee.

E. 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 and 92a.41(b) 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 in accordance with the requirements of 40 CFR § 122.41(l)(6) (as incorporated into 25 Pa. Code § 92a.41). 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 E.2 of this section on the Visual Site Inspection Report. The reports shall contain the information listed in paragraph E.2.b of this section. (25 Pa. Code § 92a.41 and 40 CFR § 122.41(l)(7))

F. Signatory Requirements.

1. NOIs, reports and other information submitted to DEP/CCD shall be signed and certified by either of the following applicable persons, in accordance with 40 CFR § 122.22 (as incorporated into 25 Pa. Code § 92a.22):
 - 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 NOI 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.

G. 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 NOI 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 in 40 CFR § 122.29(b). (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(1)(i))
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(1)(ii))

For stormwater discharges, this may include:

- a. The construction of additional impervious surfaces not reported in the NOI.
- 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. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(2))

H. 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 General Permit. Upon receipt of written notification from DEP, the permittee shall perform stormwater monitoring. (25 Pa. Code § 92a.61(b))

PART B – STANDARD CONDITIONS

I. MANAGEMENT REQUIREMENTS

A. Compliance.

The permittee shall comply with all conditions of this General Permit. Any General 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. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(a))

B. Change in Coverage of General Permit.

1. DEP/CCD may require a permittee with discharges authorized by this General Permit to apply for and obtain an individual NPDES permit by notifying the permittee in writing that an individual NPDES permit application is required. Any interested person may petition DEP to require an individual NPDES permit for a discharge authorized under this General Permit.

DEP/CCD's notice will include the following:

- A brief statement of the reason(s) for this decision;
 - An individual NPDES permit application form;
 - A deadline for the owner or operator to submit the application; and
 - A statement that the permittee's failure to submit an individual NPDES permit application by the required deadline will result in termination of the permittee's authorization to discharge under this General Permit.
2. Any person authorized to discharge by this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual NPDES permit or alternative general permit.
 3. If the permittee has alternative general permit coverage on the date that an NOI is submitted for coverage under this General Permit, coverage under the alternative general permit is automatically terminated on the effective date of coverage under this General Permit.
 4. When DEP issues an individual NPDES permit to a person whose discharge(s) is covered by this General Permit, the applicability of this General Permit is automatically terminated on the effective date of the individual permit. When DEP denies an individual permit to a person whose discharge(s) is covered by this General Permit, the person may continue discharging if DEP advises that all eligibility requirements under this General Permit are met, or shall cease discharging if DEP advised that such requirements are not met.

C. Permit Modification, Termination, or Revocation and Reissuance.

1. DEP may modify, terminate or revoke and reissue this General Permit during its term. (25 Pa. Code §§ 92a.3, 92a.41(a), 92a.72 – 92a.75 and 40 CFR § 122.41(f))
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. (25 Pa. Code §§ 92a.3, 92a.41(a) and 40 CFR § 122.41(f))
3. In the absence of DEP action to modify or revoke and reissue this General Permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(a)(1))
4. DEP may terminate coverage under this General Permit for the reasons specified at 40 CFR § 122.64(a). (25 Pa. Code § 92a.74(c) and 40 CFR § 122.64(a))

D. 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 General Permit, or to determine compliance with this General Permit. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(h))
2. The permittee shall furnish to DEP/CCD, upon request, copies of records required to be kept by this General Permit. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(h))
3. Other Information – Where the permittee becomes aware that it failed to submit any relevant facts in an NOI, or submitted incorrect information in an NOI or in any report to DEP/CCD, it shall promptly submit the correct and complete facts or information. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(8))

E. 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 General 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 General Permit. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(e))

F. 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. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(d))

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 General 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, or 40 CFR §§ 122.41(j)(5) or (k)(2). (25 Pa. Code § 92a.41(c))

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

C. Liability.

Nothing in this General Permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this General 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 Water Act and 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 General Permit. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(c))

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, 25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(i)(2)):

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 General Permit; (40 CFR § 122.41(i)(1))
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit; (40 CFR § 122.41(i)(2))
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this General Permit; and (40 CFR § 122.41(i)(3))
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. (40 CFR § 122.41(i)(4))

B. Transferring Permit Coverage.

1. Transfer Requests by Permittees. (25 Pa. Code § 92a.71 and 40 CFR § 122.61(b))
 - a. If the permittee (i.e., the person(s) identified on the General Permit NOI form as the applicant(s)) decides to transfer General Permit coverage to another person(s) prior to submission of an NOI 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). General Permit coverage 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 General 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), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations.
 - b. If the transfer does not occur automatically as specified in paragraph B.1.a of this section, General Permit coverage may be transferred by the permittee to a new owner or operator only if both parties request a modification of General Permit coverage, using the Transfer Application, and DEP/CCD approves the modification or revokes and reissues the General Permit coverage. General Permit coverage may be transferred both during the term of this General Permit and during period(s) of administrative extension of this General Permit.
 - c. In the event DEP/CCD does not approve transfer of this General Permit, the new owner or operator must submit a new NOI.

- d. Transfer of a portion of a project site is not authorized under this General Permit unless otherwise approved by DEP.
- e. The Transfer Application must include information required by Part C IV of this General 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 General Permit, that was not identified on the NOI for permit coverage to complete and sign the Co-Permittee Acknowledgement form (3800-FM-BCW0271a) prior to commencing earth disturbance activities covered by this General 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 General Permit, prior to submission of an NOI 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 General Permit coverage prior to implementing the change. DEP/CCD will notify the permittee whether the submission of an NOI to amend General 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. Property Rights.

The approval of coverage under this General Permit does not convey any property rights, or any exclusive privilege. (25 Pa. Code § 92a.41(a) and 40 CFR 122.41(g))

E. 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. (25 Pa. Code §§ 92a.3(c), 92a.41(a)(2) and 40 CFR § 122.41(b))

F. Incorporation of NOI.

The approval of coverage is granted based, in part, on information provided by the applicant in the NOI. 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 NOI, including any attachments, plans, and other supporting documentation, the more protective provision applies.

G. Other Laws.

The approval of coverage under this General Permit does not convey any property rights of any sort nor does it authorize any injury to persons or property or invasion of other private rights. No condition of this General 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. 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 General 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.

II. 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 General 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.

III. 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 General 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.

IV. 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. The recorded instrument must:
 - 1. Identify the PCSM BMPs. PCSM BMPs under this General 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 NOT required by Section VI of this General 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 record the instrument as required by Part C IV.B of this General Permit at the time a Transfer Application is submitted to DEP/CCD in accordance with Part B III.B of this General Permit. If a Transfer Application is not submitted during the term of permit coverage, the instrument shall be recorded prior to submission of the NOT. If a Transfer Application is submitted and the instrument is recorded, but subsequently the PCSM BMPs are modified, the permittee shall record a new instrument to amend the previously recorded instrument prior to submission of the NOT.
- G. 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.
- H. 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.
- I. 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.

V. 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 General 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 NPDES 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 II.E.2 of this General 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 II.E.2 of this General Permit. Contaminated groundwater may not be pumped or otherwise diverted to surface waters unless specifically authorized by DEP/CCD.

VI. REQUIRED TRAINING

- A. The permittee shall ensure that all personnel conducting work on the project site relating to earth disturbance activities are aware of, understand, and have adequate qualifications and training to conduct the activities in accordance with approved plans and the terms and conditions of this General Permit, including, but not limited to:
 - 1. Personnel responsible for the installation, maintenance and repair of E&S and PCSM BMPs.
 - 2. Personnel responsible for the application and storage of treatment chemicals and for implementing the PPC Plan, if applicable.
 - 3. Personnel responsible for conducting on-site inspections of BMPs and for taking corrective action.
- B. The permittee shall ensure that all personnel conducting work on the project site relating to earth disturbance activities understand and are adequately trained to implement the following, at a minimum:
 - 1. When and how to conduct site inspections, record findings of inspections, and recognize and correct or plan for correction of deficiencies during inspections.
 - 2. When DEP/CCD must be notified under this General Permit.
 - 3. Proper procedures for pollution prevention requirements.
 - 4. The location, function, maintenance and repair of all BMPs required by this General Permit.
 - 5. Proper sequencing and timing associated with installation, maintenance and removal of BMPs and with temporary and permanent stabilization.
- C. Documentation of training provided by the permittee to personnel conducting earth disturbance activities shall be maintained by the permittee on-site and shall be made available to DEP/CCD upon request.

VII. 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))
2. For enforcement action taken under this General Permit, DEP/CCD may collect or recover, from the responsible party, costs and expenses involved in taking enforcement action and initiating cost recovery actions. DEP/CCD may collect the amount in the same manner as civil penalties are collected under section 605 of The Clean Streams Law (35 P.S. § 691.605). (25 Pa. Code § 102.32(d))

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), 40 CFR Part 257 (relating to criteria for classification of solid waste disposal facilities and practices), The Clean Streams Law, and the Clean Water Act.

D. Non-Stormwater Discharges.

Except as set forth in section III.B of this General Permit, non-stormwater discharges are not authorized under this General 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 General 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 NOI for General Permit coverage and satisfy the Eligibility Criteria of this General Permit.
2. If the off-site support activities have not been identified in the NOI for General Permit coverage, 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 General 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.E.1 of this General 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 NOI, 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 NOI, 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.