



PERMIT SUMMARY SHEET FOR GENERAL (PAG-02) OR INDIVIDUAL NPDES PERMITS FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

Please read this Summary Sheet prepared by the Department of Environmental Protection (DEP) prior to reading the instructions or completing the permit application. Provide all of the information required on the appropriate application checklist including **required** Worksheets 1 through 5 (located after Appendix C of the Permit Application Checklist) and other applicable worksheets that may be used. **Submittal of these items will result in your permit being processed and issued in a more expedient manner.** Earth disturbance activities may not commence until permit authorization has been received.

Many of the definitions and regulatory requirements for this Permit Package are contained under *Pa. Code* Title 25. These include, but are not limited to, Chapters 92, 93, 96, 102, and 105 (see www.pacode.com).

What Do I Need to Know Prior to Applying for a Permit?

It is important to know what other types of permits or authorizations are needed prior to receiving NPDES Permit authorization. Persons applying for stormwater permits should demonstrate consistency with county and local plans that regulate development, i.e., county stormwater management plans. Stormwater management options impact other project planning and design decisions. Initial stormwater management planning should be done **concurrent** with the Plot Plan and Act 537 Sewage Facilities Plan Development. This will ensure that stormwater management is integrated into the project design process. Act 537 Plan approval (if applicable) is required prior to initiation of earth disturbance activity. It is also important to know what your site restrictions are, location of floodplain and wetland areas, and prior land use.

Information on other potential permit requirements can be found at www.dep.pa.gov (select Tools – PACT Tool). Additional DEP permits, approvals and coordination could include, but not be limited to, Water Obstruction and Encroachments Permit, Chapter 105 general permits, and Brownfields Remediation. Failure to apply for and obtain all necessary permits and approvals may result in the delay of your permit being issued.

Who Needs to Apply for a Permit?

This permit applies to earth disturbance activities that disturb greater than or equal to one (1) acre of earth disturbance, or an earth disturbance on any portion, part, or during any stage of, a larger common plan of development or sale that involves greater than or equal to one (1) acre of earth disturbance.

This permit does not apply to agricultural plowing and tilling, animal heavy use areas, timber harvesting activities, road maintenance activities, and oil and gas activities.

If applying for a general permit, applicants should review the general permit conditions and requirements to ensure that they will be met. Construction activities which are not eligible for coverage under the General Permit as referenced in 25 Pa. Code Chapter 92a, must utilize the Individual NPDES Permit Application for Stormwater Discharges Associated with Construction

Activities. These activities include, but are not limited to, earth disturbance activities that are located in “special protection” watersheds (high quality, exceptional value, and exceptional value wetlands), or may affect existing water quality standards or threatened or endangered species and habitat, or have the potential for hazardous or toxic discharges.

What are the **Major** Components of an NPDES Permit Application?

- Erosion and Sediment (E&S) Control Plan
- Pennsylvania Natural Heritage Program (PNHP) Search
- Post Construction Stormwater Management (PCSM) Plan
- Thermal Impact Analysis
- Antidegradation Analysis

Additional details on these and other requirements are located in the instructions.

Is a General Information Form (GIF) required?

For purposes of this permit a GIF is only required for Individual NPDES Permit Applications. To access the GIF, go to www.elibrary.dep.state.pa.us and select Permit and Authorization Packages – Department-Wide General Information – General Information Form (GIF).

What Is a Surface Water?

Surface waters are defined at 25 Pa. Code § 92a.2 as 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.

What is a Water of This Commonwealth?

Waters of this commonwealth are defined at 25 Pa. Code § 102.1 as rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and 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.

What is the Regulatory Standard for Post Construction Stormwater Management?

A PCSM Plan Stormwater Analysis under 25 Pa. Code § 102.8(g) includes the following regulatory standards:

- Do not increase the post-development total runoff volume for all storms equal to or less than the two year/24-hour event
- Existing (pre-development) non-forested pervious areas must be considered meadow in good condition or its equivalent

Instructions

- Twenty (20) percent of existing impervious area to be disturbed must be considered meadow in good condition or better

Use of Control Guidance-1 is recommended where site conditions offer the opportunity to reduce the increase in run-off volume.

Thermal Impacts Analysis

The temperature of a stream could become elevated when riparian and project site vegetation is removed or when stormwater is exposed to surfaces with elevated temperature prior to reaching the surface water, especially when pavements and rooftops are exposed to high temperatures and high intensity, short duration storm events. Thermal impacts are particularly important for surface waters that have a fishery classification of Cold Water Fishes or Trout Stocking. This includes waters that are High Quality (HQ) waters due to an existing or designated use as a Class A wild trout stream and Exceptional Value (EV) waters. Increasing impervious areas can lead to significant degradation of surface waters by increasing water temperatures. Applicants must evaluate such potential impacts associated with their project, and avoid, minimize, and/or mitigate such changes in temperature through site development design which utilizes BMPs that address temperature, such as reductions in the impervious footprint of the project, capturing and treating the “first flush” and preservation or installation of riparian buffers. There are additional BMPs identified in the PA Stormwater Best Management Practices (BMP) Manual which may also be utilized to manage anticipated thermal impacts. The applicant must provide a summary of how thermal impacts are avoided, minimized, or mitigated.

Preparedness, Prevention & Contingency (PPC) Plan (aka Environmental Emergency Response Plan) Requirements

If the operator will be storing, using or transporting hazardous wastes and materials, fuels, chemicals, or solvents **onto, on, or from** the project site during construction, a PPC Plan must be prepared by the operator and available at the site at all times. The DEP guidance, “Guidelines for the Development and Implementation of Environmental Emergency Response Plans” (400-2200-001) is recommended for developing PPC Plans and can be found at www.elibrary.dep.state.pa.us (select Technical Guidance Final Documents – Field Operations).

Notice of Termination

Upon permanent stabilization of the earth disturbance activity under § 102.22, and upon completion of proper installation of PCSM BMPs, the person who obtains permit coverage must submit a Notice of Termination and record drawings with a final certification statement from a licensed professional in accordance with § 102.8(l) to the appropriate DEP regional office or county conservation district (appropriate processing entity). The Notice of Termination (NOT) is available at www.elibrary.dep.state.pa.us (select Permit and Authorization Packages – Clean Water – Chapter 102 – Notice of Termination).

Licensed Professional Seal Requirements

The seal of a licensed professional (Professional Engineer, Land Surveyor, Geologist or Landscape Architect) licensed to practice in the Commonwealth of Pennsylvania is required on

erosion and sediment control plans and post construction stormwater management plans for engineered structural BMP calculations and specifications.

Future Phases of a Project

See Application, Section B, Part 3, page 1

Plans for future phases should be submitted in accordance with the most recent version of the “Permit Guidelines for Phased NPDES Stormwater Discharges Associated with Construction Activity Permits” (363-2134-013). A copy of this policy is available online at www.elibrary.dep.state.pa.us (select Technical Guidance Final Documents – Watershed Management) For submission of subsequent phases for approval, the applicant shall utilize the appropriate application checklist located after Section I in the Permit Application Form.

Potential Pollution

See Application, Section D, Part 6, page 6

As referenced at 25 Pa. Code § 92a.54(a)(5), if you have provided data confirming that there is a potential for toxic or hazardous pollutants to be discharged from the site during construction, you may not qualify for General Permit coverage and may need to resubmit your application for coverage under an Individual NPDES permit.

If the applicant has determined through environmental due diligence that the site’s past or present land use or suspected soil contaminants provide a potential for contaminated runoff from the project site, the applicant must provide the requested data for the concerned geologic features, soil conditions or existing stormwater discharges.

Fill Material

See Application, Section C, Part 3, page 2

If the site will need to have fill imported from an off-site location, the responsibility for performing environmental due diligence and the determination of clean fill will in most cases reside with the Operator. The designer must include a note on the drawings to identify the Operator’s responsibility and provide the definition of Clean Fill and Environmental Due Diligence. If the site will have excess fill that will need to be exported to an off-site location, the responsibility of clean fill determination and environmental due diligence rests on the applicant. This information should be completed prior to submitting a permit application. If all cut and fill materials will be used on the site, a clean fill determination is not required by the operator unless there is a belief that a spill or release of a regulated substance occurred on-site.

Applicants and/or operators must use environmental due diligence to ensure that the fill material associated with the project qualifies as Clean Fill. Definitions of Clean Fill and Environmental Due Diligence are provided below. All fill material must be used in accordance with DEP’s policy, “*Management of Fill*” (258-2182-773). A copy of this policy is available online at www.elibrary.dep.state.pa.us (select Technical Guidance Final Documents – Waste Management – Management of Fill).

Clean Fill is defined as uncontaminated, non-water soluble, non-decomposable, inert, solid material. The term includes soil, rock, stone, dredged material, used asphalt, and brick, block or concrete from construction and demolition activities that is separate from other waste and is recognizable as such. The term does not include materials placed in or on the

waters of the Commonwealth unless otherwise authorized. (The term "used asphalt" does not include milled asphalt or asphalt that has been processed for re-use.)

Clean Fill affected by a spill or release of a regulated substance:

Fill materials affected by a spill or release of a regulated substance may still qualify as clean fill if the testing reveals that the fill material contains concentrations of regulated substances that are below the residential limits in Tables FP-1a and FP-1b found in DEP's "Management of Fill" policy.

Any person placing clean fill that has been affected by a spill or release of a regulated substance must use Form FP-001 to certify the origin of the fill material and the results of the analytical testing to qualify the material as clean fill. Form FP-001 must be retained by the owner of the property receiving the fill and must be kept on-site and made available upon request by DEP or authorized conservation district. Failure to produce the form upon request may result in the revoking, suspension or termination of permit coverage. A copy of Form FP-001 can be found at the end of these instructions.

Environmental Due Diligence:

Investigative techniques, including, but not limited to, visual property inspections, electronic data base searches, review of property ownership, review of property use history, Sanborn maps, environmental questionnaires, transaction screens, analytical testing, environmental assessments or audits. Analytical testing is not a required part of due diligence unless visual inspection and/or review of the past land use of the property indicates that the fill may have been subjected to a spill or release of regulated substance. If the fill may have been affected by a spill or release of a regulated substance, it must be tested to determine if it qualifies as clean fill. Testing should be performed in accordance with Appendix A of DEP's "Management of Fill" policy.

Fill material that does not qualify as clean fill is regulated fill. Regulated fill is waste and must be managed in accordance with DEP's residual or municipal waste regulations in 25 Pa. Code Chapters 287 Residual Waste Management or 271 Municipal Waste Management, whichever is applicable.

Antidegradation Analysis Module

See Application, Section E, page 7

Maintaining and protecting existing water quality for HQ and EV waters or watersheds, and EV Wetlands and protecting designated and existing uses for all surface waters is critical. These performance standards must be met by following the process set out in 25 Pa. Code § 93.4c(b) (relating to implementation of antidegradation requirements). The Antidegradation Analysis outlines that process.

In circumstances where a discharge cannot be avoided an applicant must utilize ABACT BMPs in their E&S and PCSM Plans to demonstrate that any discharge will maintain and protect the existing quality and water uses of receiving surface waters. ABACT means environmentally sound and cost effective treatment, land disposal, pollution prevention and stormwater reuse BMPs that individually or collectively manage the difference in the net change in stormwater volume, rate, and quality for storm events up to and including the 2-year/24-hour storm when compared to the stormwater rate, volume and quality prior to the earth disturbance

activities to maintain and protect the existing quality of the receiving surface waters of this Commonwealth.

To satisfy the antidegradation implementation requirements the applicant should refer to § 102.4(b)(6) and ensure they (1) evaluate and include non-discharge alternatives in the E&S Plan, and; (2) If non-discharge alternatives do not exist the E&S Plan must include ABACT BMPs.

Where ABACT BMPs will be utilized, the applicant's pre to post comparative analysis must demonstrate no net change in stormwater runoff will occur utilizing ABACT BMPs that will protect and maintain water quality and uses.

Alternatives to riparian buffers or riparian forest buffers - Identify any and all best management practices, design standards and alternatives that collectively are substantially equivalent to a riparian buffer or riparian forest buffer in effectiveness, to minimize the potential for accelerated erosion and sedimentation and to protect, maintain, reclaim and restore water quality and for existing and designated uses of a perennial or intermittent river, stream or creek or lake, pond or reservoir of this Commonwealth to ensure compliance with 25 Pa. Code Chapter 93 (relating to water quality standards).

INSTRUCTIONS FOR A GENERAL (PAG-02) OR INDIVIDUAL NPDES PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

GENERAL INFORMATION

DEP requires that you use the most up-to-date Notice of Intent (NOI) or application package available. Please type or print clearly when completing the form. If information needed is more than space allows, attach additional sheets. If a question is not applicable to you or your project, check N/A in the appropriate box.

Persons proposing stormwater discharges associated with construction activities must file an administratively complete and acceptable NOI or application no later than 60 days prior to the proposed commencement of earth disturbance activities for PAG-02 General Permit coverage, and no later than 120 days for Individual Permits. Any construction activities, including clearing and grubbing, may not commence until the permit is authorized. Persons who have not obtained NPDES permit coverage (General or Individual permit) and undertake earth disturbance activities are subject to possible enforcement actions by DEP, conservation district or to third party litigation.

Permit Application Filing Fees.

The administrative filing fee for PAG-02 coverage is \$500.00 made payable to the appropriate county conservation district "Clean Water Fund" or Commonwealth of Pennsylvania "Clean Water Fund," whichever is the processing entity. The Individual NPDES permit administrative filing fee is \$1,500.00 made payable as indicated above. For both individual and general permits, a \$100.00 fee per each disturbed acre is required, payable to the "Commonwealth of Pennsylvania Clean Water Fund." The number of disturbed acres should be rounded to the nearest whole number. The check is to be dated within ten days of the application submittal date. **Only certain State Government Agencies are exempt from the filing fee.** A federal or state agency or independent state commission that provides funding for program administration by DEP through terms and conditions of a mutual agreement may be exempt from fees.

Operator Requirement.

When the operator/contractor and owner/developer of the facility or activity are not the same individual, corporation, partnership, or other entity, DEP requires that both the owner and operator apply for coverage under a permit as co-permittees (see § 102.5(h)). If no operator/contractor has been selected at the time of permit application, then once selected, the operator/contractor must either be made a co-permittee or the permit must be transferred to the contractor. Failure of the operator to be added to the permit is a violation of federal law, and DEP regulations at 25 Pa. Code Chapter 102, Erosion and Sediment Control.

E&S Plan Requirement.

An E&S Plan should contain BMPs designed to minimize point source discharges to surface waters, preserve the integrity of stream channels and protect the physical, biological and chemical qualities of the receiving water. The plan must be developed utilizing guidelines and BMP information provided in the Erosion and Sediment Control BMP Manual and submitted to the "reviewing entity" (DEP or

authorized county conservation district) along with the completed application. Complete and attach the appropriate BMP worksheet(s) as part of your administrative completeness check. If the construction activities are or will be located in a HQ or EV watershed pursuant to Chapter 93, the required E&S Plan must address the antidegradation requirements at §102.4(b)(6).

NOTE: All technical guidance, application forms and instructions related to the E&S, NPDES, and PCSM Programs can be found at www.dep.pa.gov/constructionstormwater. **BMPs not included in DEP's guidance will require documentation to support the effectiveness of the BMP.**

PCSM Plans.

A PCSM Plan identifying BMPs to be installed, which manage and treat the stormwater discharges to protect water quality after construction, should be prepared and implemented in accordance with DEP's Stormwater Best Management Practices Manual. Such BMPs should be designed to maximize replication of the natural hydrologic cycle, to protect the structural integrity of the stream, and to protect and maintain existing and designated uses of surface waters.

Technical references for both E&S and PCSM BMPs can be found at www.dep.pa.gov/constructionstormwater. **BMPs not included in DEP's guidance will require documentation to support the effectiveness of the BMP.**

Municipal Notification Requirement.

Acts 67, 68 and 127 require permit applicants to notify local governments of planned land development activities and to provide local governments the opportunity to identify any land use planning or zoning ordinance conflicts associated with the proposed project before DEP or the authorized county conservation district completes its review of the NOI/permit application. DEP may consider and under certain conditions rely upon comprehensive planning and zoning ordinances in the decision-making process or authorizations related to facilities and infrastructure. Written notice must be received by the municipality and county government in which the activity is located at least 30 days before DEP may issue or deny an NPDES Permit. The written notice (letter) must also include either a completed GIF or answers to the 5 Land Use Information questions found in Appendix A. A sample notification letter and the list of Land Use Questions are included as Appendices A, B, and C in the permit application form.

For Permit Application Submission – The permit applicant must submit the following along with the application:

- (1) A copy of correspondence (Appendix B and C) notifying the municipality and county government of your intention to discharge under this permit; and

- (2) Evidence that the municipality and county government has received your notification. Acceptable forms of this evidence include certified mail receipt or written acknowledgement of the notification from the municipality.

In addition, applicants are encouraged to submit copies of local zoning approvals with their permit application. Failure to provide a copy of the notification correspondence and evidence of municipal receipt of your notification with the application will delay processing of your application. Failure to comply with municipal notification will result in the return of the application as incomplete.

Pennsylvania Natural Heritage Program (PNHP) & Pennsylvania Natural Diversity Inventory (PNDI)

Coordination with the Pennsylvania Natural Heritage Program (PNHP) regarding the presence of State and Federal threatened and endangered (T&E) species on the project site is a regulatory requirement for this permit application. Early coordination (prior to submission) with the appropriate jurisdictional agencies using the PA Conservation Explorer, previously known as the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Tool (PNDI ER Tool), is the most effective means of timely permit decisions. The PA Conservation Explorer can be accessed at www.naturalheritage.state.pa.us. First time users will have to register at the website before conducting the review. Upon completion of the review, a PNDI receipt, valid for a period of two years from the date the search was conducted, is automatically available for printing. To provide proof of coordination with PNHP and PNDI, applicants must submit a signed PNDI receipt as part of the permit application.

PNDI reviews can still be obtained free-of-charge for users without access to a computer using the standard process of requesting a project review directly from each jurisdictional agency – PA Department of Conservation and Natural Resources (DCNR), PA Game Commission (PGC), PA Fish and Boat Commission (PFBC) and the U.S. Fish and Wildlife Service (USFWS) – instead of generating a PNDI receipt instantly through the PA Conservation Explorer. The standard PNDI review process user is responsible for securing PNDI receipts from each jurisdictional agency.

- PNDI receipts from each jurisdictional agency, signed as appropriate, must be included with the application package. The PNDI review is not complete or satisfied unless PNDI receipts are included from all four jurisdictional agencies listed above. Applicants are encouraged to use the PA Conservation Explorer because using this tool is the most effective means of a timely permit decision.

If the review determines there are potential impacts to a T&E species, the PNDI receipt will provide an explanation of the potential impact(s) and instructions on how to resolve the potential impact(s). **READ AND FOLLOW THESE INSTRUCTIONS CAREFULLY.** Following the procedure outlined by DEP in the “Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation” (021-0200-001) (PNDI Policy) will allow applicants to meet regulatory requirements.

There are two options available to applicants for handling PNDI coordination in conjunction with DEP’s Permit Review Process: sequential review and concurrent review.

Sequential Review:

- The applicant runs the PNDI search and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with the application a signed PNDI receipt, and clearance letter(s) from the jurisdictional agency(ies) if the PNDI receipt shows potential impact(s).
- If selecting sequential review, different items are required to be included as part of the permit application package based on the search results:
 - If the PNDI receipt shows “No Known Impact”, please provide a copy of the signed PNDI receipt.
 - If the PNDI receipt contains “Avoidance Measures”, the PNDI review is not complete or satisfied unless the applicant has signed where required on the PNDI receipt, indicating he/she can and will fulfill the Avoidance Measure(s) for the project. The applicant should include the Avoidance Measures in the project description. Please provide a copy of the PNDI receipt signed as explained above and in the certification section.
 - If the applicant cannot or chooses not to meet the Avoidance Measure(s), he/she must follow the same process for PNDI receipts showing “Potential Impact”, outlined below.
 - If the PNDI receipt shows “Potential Impact”, DEP and the jurisdictional agencies require that the applicant provides additional information, outlined in the PNDI receipt, to the agencies noted on the receipt for further review. Please provide a copy of the signed PNDI receipt showing “Potential Impact” AND the additional information outlined in the PNDI receipt along with proof of delivery to the appropriate jurisdictional agency(ies) where further coordination is required. If this coordination was not completed prior to submitting the permit application package, the application will be subject to the concurrent review process as outlined below.

Concurrent Review:

- The applicant runs the PNDI search and will engage in consultation with the applicable jurisdictional agency(ies). DEP will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency(ies).
- If selecting a concurrent review, the applicant will include with the permit application a signed PNDI receipt processed through the PA Conservation Explorer **OR** PNDI receipts from each jurisdictional agency if the standard process of requesting a project review was used.

It is important to note, however, that the concurrent review option carries certain risks and consequences to the applicant, including:

- The permit may not be issued until each potential impact is resolved. See *DEP’s Permit Review Process and Permit Decision Guarantee Policy, Document No. 021-2100-001 (PRP/PGD Policy)*.
- The proposed activity subject to the permit application may need to be redesigned as a result of the PNDI consultation (*PNDI Policy* pages 7-8). *Note: Any substantive project or design changes to the application will require a new application and fee to be submitted.*

INFORMATION REQUIRED TO BE CONSIDERED COMPLETE PERMIT APPLICATION

The reviewing entity will give the applicant written notification of permit approval or denial. If DEP or the conservation district determines the NOI/application is incomplete or contains insufficient information, the applicant will be notified in writing. The applicant will have 60 days to provide the necessary information along with any required fees. If the requested information is not submitted within 60 days, the application will be considered withdrawn, and no fees will be refunded. The following information must be submitted for the application to be considered complete.

Section A. Applicant Information

Check the appropriate box for a general or individual NPDES permit.

New – a new application for a project that has not yet been permitted.

Renewal – An application to renew an existing permit that is nearing expiration. This renewal should be submitted a minimum of 180 days prior to expiration. **NOTE: An expired permit cannot be renewed.**

Major or Minor Amendment – An application that will modify an existing permit, which could include such activities as: expanding the total disturbed area or permit boundary, adding a new discharge, or substantial changes to BMPs. Please refer to the Frequently Asked Questions (FAQ) document on DEP's website (www.dep.pa.gov/constructionstormwater, select E&S Resources) entitled, "Chapter 102 Permit Amendments," for guidance on the types of changes that are considered Major and Minor Amendments.

Phased – An application where an additional phase of construction is being added to an already existing permit that was established as a phased project at the time of original permit issuance.

Applicant Name. If the applicant is an individual use the individual's name. If the applicant is a corporation, partnership, or municipal, state, federal or other public agency use the name of the corporation, partnership, or public agency.

Mailing Address. The physical mailing address of the Owner/Operator (applicant) identified above is required. P.O. Box is not acceptable.

City, State, ZIP+4. Do *not* use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code.

Employer ID Number (EIN). Also referred to as "Federal Tax ID Number," the EIN aids DEP in identifying the organization and prevents duplicate data entry.

Email Address. Primary email address of the applicant.

Contact Information. If the applicant is not an individual, provide the name, title, phone number, and email address for the site contact. This contact must be an employee of the applicant, not a consultant.

Section B. Project Information

All questions must be answered.

1. Project Name. Provide the name by which this project is or will be known.

2. Total Project Site. Includes the entire area of activity, development or sale currently planned and proposed in the future. This includes areas that are not subject to an earth disturbance activity. Enter the size of the area in acres to the nearest tenth of an acre.

3. Total Disturbed Area. Includes that portion of the total project area where earth disturbance activities are planned to occur. Enter the size of the area in acres to the nearest tenth of an acre.

3.a. For phased projects, the total disturbed area should include only the initial phase(s) for which complete E&S and PCSM plans have been developed and are being submitted with this application.

4. Project Description. Provide a brief description of the project.

5. Project Location. Provide the physical address of the location where the permitted activities will occur. No PO Box Numbers will be accepted for site location information. If a physical address is not available for the project site, provide the name of the road along which primary access to the site is located in the Address box and the number of miles east or west of an intersection in the Supplemental Address box. Provide the city (or municipality), state, and the ZIP+4. For linear projects which do not have a physical address and cross municipal boundaries, find the project center point and provide the name of the nearest road, city (or municipality), state and the ZIP+4.

6. Project County and Municipality. If more than two municipalities or counties are affected, please list them on an attached separate sheet.

7. Type of Ownership. Provide the unique description identifying the type of facility located at the project site.

8. Project Latitude and Longitude. Provide the latitude and longitude coordinates for the approximate center of the project area or facility. The coordinates should be in degrees, minutes and seconds, rounded to the nearest tenth of a second. Check the appropriate box matching the collection method used. Check the appropriate box matching the Horizontal Reference Datum (or projection datum) employed in the latitude and longitude collection process. Identify the date of collection (mm/dd/yyyy) if latitude and longitude coordinates were collected via GPS, WAAS and LORAN.

8.a. Description of collection methods.

EMAP: Method based on eMAP Pa program. (<http://www.depgis.state.pa.us/emappa/>).

HGIS: Method based on the Pennsylvania Natural Heritage Program database (formerly known as PNDI). The database is located at www.naturalheritage.state.pa.us.

GISDR: Method based on the use of GIS and Digital Raster Graphic 1:24,000 scale USGS 7.5 minute quadrangle maps.

ITPMP: Method based on map interpolation of USGS 7.5 minute quadrangle maps.

GPS: Global Positioning method with unspecified parameters.

WAAS: Method base on GPS WAAS differentially correct.

LORAN: Method based on Loran C.

8.b. Types of Horizontal Reference Datum (or projection datum)

NAD27: North American Datum of 1927

NAD83: North American Datum of 1983

WGS84: World Geodetic System of 1984 (GEO84)

9. USGS Quad Map Name. Locate the project boundaries on a photocopy of the USGS topo map area. The map must include the name of the appropriate 1:24,000 scale USGS 7.5-minute series quadrangle map where the project is located.

10. Primary NAICS Code. Provide the appropriate six-digit North American Industry Classification System (NAICS) code that represents the primary economic activity of the project site. If none of the provided codes represent the primary economic activity, choose "other," and specify a primary NAICS code found on the NAICS website (part of the US Census Bureau) at www.census.gov/eos/www/naics (the "Downloads" list on the left side of the screen contains the most recent list).

11. Additional NAICS Code(s). Provide any additional six-digit North American Industry Classification System code(s) that represents the economic activity of the project site. More than one six-digit code may be entered into the box provided.

Section C. Site Analysis

1. Existing and Historic Uses. Check all appropriate boxes and provide appropriate information.

1.a. Existing land uses are the dominant land uses of the project site for the five (5) years preceding the planned project, not just the zoning of the land. If checking "other," provide description of land use.

1.b. Historic land uses are the actual land use(s) of the project site for the past 50 years, or longer if known, not just the zoning of the land.

Descriptions of Land Use Types.

Agriculture: cropland, pasture, orchards, vineyards, nurseries, horticulture areas, confined animal feeding operations, fallow fields, reverting cropland or pasture/field.

Forest/Woodland: deciduous, evergreen or mixed forestland, woodlots in suburban or urban areas.

Barren: beaches, sandy areas other than beaches, bare exposed rock (bedrock, talus or fill), strip mines, quarries, transitional zones (refers to areas previously bare but becoming vegetated).

Urban: cities, towns, residential areas, institutional areas, commercial areas, industrial areas, suburban or built-up areas, transportation corridors, railways, airports, ports, utilities; water, sewer, electric, petroleum, communications, etc.

Brownfield: land that is presently contaminated is being remediated or has been remediated under DEP's Land Recycling program.

"A property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential

presence of a hazardous substance, pollutant, or contaminant."

Other: provide a brief description of land use or cover.

2. Potential Pollutants.

Identify the pollutants that were analyzed, their concentrations, present source (where the samples were taken), the sample type, and the date(s) and number of samples that were taken. Use separate sheets as necessary. **If no potential pollutants exist, check N/A.**

3. Fill Materials.

The NPDES Permit covers the "moving, depositing, stockpiling, or storing of soil rock or earth materials." Use the check boxes to identify the fill activities for the project site.

4. Estimated Timetable for Phased Project Buildout.

Large projects requiring a period of years for total development can be phased. The entire anticipated project plan should be identified in the initial permit application with specific site plans for individual phases being submitted for review and approval as they are developed. Do **not** provide construction sequencing information. Below is an example of what should be documented:

Example: Phase I – 20 acre residential lots with roads and other supporting infrastructures – Time span: 2 years.

5. Stormwater Discharges.

Receiving Water/Watershed Name and Chapter 93 Receiving Water Classification.

Receiving water designated use information can be obtained from Chapter 93 at www.pacode.com. Existing use information is available at www.dep.pa.gov (select Businesses – Water – Bureau of Clean Water – Water Quality Standards – Statewide Existing Use Classifications).

- If the discharge will be to surface waters identified as impaired waters according to Category 4 or 5 of the Integrated Water Quality Monitoring and Assessment Report, there may be no net change (pre-condition to post-condition) in volume or rate or water quality of the stormwater discharge to use the General (PAG-02) NPDES Permit. The applicants may use the recommended control guidelines as listed in the Stormwater BMP Manual (363-0300-002), as amended and updated, or other alternative BMPs or design standards that achieve the regulatory standards.
- If there will be a net change (pre- to post-construction) in volume, rate or water quality, the applicant may use worksheets 11 through 13 to document how water quality protection is being achieved through the use of BMPs. If the applicant's discharge meets the water quality treatment criteria, the applicant may use the PAG-02 General Permit.
- Persons are not eligible for coverage under the PAG-02 General Permit for discharges of pollutants of concern to waters for which there is a total maximum daily load (TMDL) established or approved by EPA unless the E&S and PCSM Plans include implementation measures or controls that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, persons must implement

conditions applicable to their discharges necessary for consistency with the assumptions and requirements of such TMDL. If a specific wasteload allocation has been established that would apply to the discharge, persons must implement necessary steps to meet that allocation. Any questions on how to comply with a TMDL should be directed to the appropriate DEP regional office.

If the project discharges to waters other than surface waters, check "Other." This category includes off-site discharges which may require the applicant to obtain the legal right to discharge. See Section D (5) for further guidance.

Municipal Storm Sewer or Private Storm Sewer Operator. Provide storm sewer operator names.

- If the discharge is to a location other than those listed above, provide a description of where the stormwater is discharged (a separate sheet may be attached).

Section D. Erosion and Sediment (E&S) Pollution Control and Post Construction Stormwater Management (PCSM) Plan

See attachment for corrections to the section below;

Worksheets 1 through 5 and 10 or 11 through 13, as applicable, are required when applicants have utilized the Stormwater Best Management Practices (BMP) Manual to meet design standards. Complete and attach the appropriate worksheets. A separate Section D is required for each point of discharge. Three copies of the E&S and PCSM plans must be provided. The PCSM Plan must be a separate, standalone final plan. The plan should address rate, volume, and water quality impacts to each drainage area. The Chapter 102 regulations require that the design standards be based on a 2-year/24-hour frequency storm unless the applicant demonstrates to DEP that an alternative approach will be more protective, or will protect and maintain existing and designated uses. The permit application allows the use of other design standards provided that certain criteria is adhered to. The PCSM Plan should be designed to maximize volume reduction technologies, eliminate (where possible) or minimize point source discharges to surface waters, preserve the integrity of stream channels, and must protect the physical, biological and chemical qualities of the receiving surface water. DEP recommends the use of CONTROL GUIDANCE-1 to accomplish this goal. If the PCSM Plan is consistent with a DEP approved and current County Act 167 Plan, and meets applicable local Stormwater ordinances without variance or exemptions (from 2005 and after), and/or if the Plan is consistent with existing local ordinances that satisfy the requirements of an MS4 NPDES permit, a letter should be provided by the municipal or county planning engineer that states this. If neither of these is applicable, the PCSM Plan should be consistent with the practices contained within the Stormwater BMP Manual. In addition to these water quality features, all PCSM Plans must comply with local water quantity and/or flood control requirements.

Permittees and co-permittees are responsible for proper installation of the PCSM Plan BMPs prior to the submission of the Notice of Termination for this permit. BMPs not included in DEP's guidance will require documentation to support the effectiveness of the BMP.

1. **E&S BMPs.** Provide a brief summary of proposed BMPs and their performance to manage E&S on-site. If these

BMPs and their application do not follow E&S Manual guidelines, provide documentation to demonstrate performance equivalent to, or better than, the Manual's BMPs.

2. **PCSM Plan Information.** Check all applicable boxes.
3. **Summary Table for Supporting Calculation and Measurement Data.** Please provide this summary data from the calculations and measures submitted as part of the PCSM Plan. For a project involving multiple point of discharge boundaries, please submit a complete separate Section D for each additional point of discharge. If choosing other design standards, **do not** fill out the summary table **only** check off the appropriate box(es) and provide supporting documentation in the PCSM narrative. This documentation must include:

- A summary of the alternative approach's design criteria for rate, volume and water quality.
- Calculations demonstrating that the criteria were met.
- A statement and demonstration that the alternative approach will either be more protective than the requirements under 102.8(g)(2)(i-iii) and 102.8(g)(3)(i-ii), or will protect and maintain existing and designated uses.

If the PCSM Plan is consistent with a DEP approved Act 167 plan from 2005 or later and the Act 167 plan differs from 102.8(g) in any way **do not** fill out the summary table, **only** check off the appropriate box(es) and provide supporting documentation in the PCSM narrative. This documentation must include:

- A summary of the PCSM requirements for rate, volume and water quality.
- Calculations demonstrating that rate, volume, and water quality were met in accordance with the ACT 167 plan. A separate demonstration and summary should be done for each plan in the project area.
- A statement indicating that the PCSM Plan is consistent with the DEP approved and current Act 167 plan and meets the requirements without variance or exemptions.

If the PCSM Plan is consistent with a DEP approved Act 167 plan from 2005 or later and the Act 167 plan is consistent without variance with the standard design criteria from the 25 Pa. Code Chapter 102.8(g)(2) and (3) then utilizing applicable worksheets and the summary table are recommended.

If none are applicable, the PCSM plan should be consistent with the Chapter 102 regulations and practices contained within the DEP Stormwater Best Management Practices (BMP) Manual. If choosing this, reference the Stormwater Methodology used, and check off the appropriate volume measurement used (acre-feet or cubic feet).

4. **Summary Description of Post Construction Stormwater BMPs.** Please check all the appropriate boxes. If there is no check box for a planned BMP, check the box for "other" and list the BMP. **Do not list** erosion and sediment control BMPs.

5. **Off-site Discharge Analysis.** If an applicant proposes off-site discharges of stormwater from E & S or PCSM to areas other than surface waters, documentation must be provided to demonstrate that the discharge will not cause erosion, damage, or a nuisance to off-site properties. It is the applicant's responsibility to obtain a legal right to discharge onto adjacent properties. Please check the appropriate box in this block.
6. **Potential Naturally Occurring Pollution-Causing Materials.** If an applicant proposes a project that is located where naturally occurring geologic or soil formations exist that may cause or contribute pollution to receiving waters or contribute to the development of sinkholes, the applicant must identify the potential pollutant or sinkhole hazard and identify BMPs they intend to utilize to avoid or minimize pollution and/or sinkhole development.
7. **Riparian Buffer Information.** Check off the appropriate boxes and provide information as applicable. If an applicant is required to provide a riparian buffer or a riparian forest buffer as part of the project they may (a) protect, convert, or establish a riparian buffer or riparian forest buffer as required in Section 102.14; or (b) use other BMPs which will be functionally equivalent to either a riparian buffer or a riparian forest buffer whichever is applicable to the project. If choosing this option the applicant must complete an equivalency demonstration that shows that the alternative BMPs implemented will be functionally equivalent to either a riparian buffer or riparian forest buffer, whichever is applicable to the project. If the applicant chooses option (b) and the earth disturbance is within 100 feet of a surface water they must provide an offset riparian buffer. This offset must equal "the reduction in the total square footage of the buffer zone that would have been utilized as a BMP, with a replacement buffer elsewhere along special protection waters in the same drainage list and as close as feasible to the area of disturbance at a ratio of one-to-one."
8. **Thermal Impact Analysis.** This analysis must be completed as part of the NPDES General and Individual Permit Application. The applicant shall provide a summary of how thermal impacts are avoided, minimized, or mitigated. Some examples are: minimizing impervious surfaces, green roofs, porous pavement, shading and discharging from the bottom of surface impoundments, subsurface impoundments, and maximum use of vegetated areas. Please see page 2 of the summary sheet for additional guidance.
9. **Critical PCSM plan stages.** Identify the critical stages of implementation of the PCSM plan for which a licensed professional or designee shall be present on site. The critical stages may include the installation of underground treatment or storage BMPs, structurally engineered BMPs or other BMPs as deemed appropriate by DEP or conservation district.

Section E. Antidegradation Analysis Module (this section must be completed for all Individual NPDES Permit Applications where activities will be conducted in special protection waters.)

Part 1. Non-Discharge Alternative Evaluation

Project designs and BMP selections that do not accomplish non-discharges should be reconsidered. All reasonable efforts should be made to reduce and eliminate discharges. Non-discharge Alternative is environmentally sound and cost-effective BMPs that individually or collectively eliminate the net change in stormwater volume, rate and quality for storm events up to and including the 2-year/24-hour storm when compared to the stormwater rate, volume and quality prior to the earth disturbance activities to maintain and protect the existing quality of the receiving surface waters of this Commonwealth.

Part 2. Antidegradation Best Available Combination of Technologies (ABACT)

Choose the E&S and PCSM BMPs that will manage the net change during and after construction.

Erosion and Sediment Control ABACT

ABACT BMPs and their design standards are listed in the Erosion and Sediment Control BMP Manual.

Post Construction Stormwater Management ABACT

BMPs listed in the Pa. Stormwater BMP Manual may qualify as ABACT BMPs. For ABACT BMPs not listed in the Department's manuals, the applicant must provide data to support the BMPs, including a demonstration that they will maintain and protect the existing quality of receiving surface waters.

▪ **Riparian Buffer and Riparian Forest Buffer Alternatives**

Identify any and all best management practices, design standards and alternatives that collectively are substantially equivalent to a riparian buffer or riparian forest buffer in effectiveness, to minimize the potential for accelerated erosion and sedimentation and to protect, maintain, reclaim and restore water quality and for existing and designated uses of a perennial or intermittent river, stream or creek or lake, pond or reservoir of this Commonwealth to ensure compliance with 25 Pa. Code Chapter 93 (relating to water quality standards).

Part 3. Social or Economic Justification (SEJ)

The SEJ can only be used in HQ waters after the applicant has exhausted all reasonable non-discharge alternatives and ABACT approaches. If the applicant intends to demonstrate that a degrading discharge to a High Quality water is necessary to accommodate important economic or social development in the area in which the waters are located, the procedure identified in Chapter 10 of the Water Quality Antidegradation Implementation Guidance, Document #391-0300-002, must be fully and accurately completed. Check Yes or No if project will be completing SEJ analysis.

Section F. Consultant for This Project

If this application was prepared by a consultant, agent, or someone other than the applicant, that individual should complete this section of the form. The plans and specifications for engineered structural BMPs **must** be sealed by a qualified professional engineer. Qualified

professional land surveyors, professional geologist or landscape architects may seal applications, plans and specifications for nonstructural and the following structural stormwater BMPs that may involve engineering which they are qualified to perform Vegetated Swales, Vegetated Filter Strips, Infiltration Berms and Retentive Grading, Riparian Buffer Restoration, Landscape Restoration, and Soil Amendment and Restoration. Licensed professionals who use engineered structural BMPs must provide their seal in Section F of the application.

Section G. Compliance History Review

List any violations of any permits issued by DEP or any regulated activities within the past five years. List each permit or project that is/was in violation and provide compliance status update and steps taken to achieve compliance.

Section H. Permit Coordination

Answer all permit coordination questions and indicate if you have, have pending, or require any additional permits or approvals for this project.

Section I. Certification

The applicant(s) must complete the required certification to include the printed applicant name and title. The application shall be signed as follows:

- a. Corporations:
 - (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (2) The manager of one or more manufacturing, production or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. Partnerships or sole proprietorships - a general partner or the proprietor, respectively.
- c. Municipalities, State, Federal or other public agencies - either a principal executive officer or ranking elected official:
 - (1) The chief executive officer of the agency; or
 - (2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- d. For individuals, no indication of title is necessary.

If anyone else signs on behalf of a corporation, partnership, or public agency, documentation supporting delegation of contracting authority must be provided.

General NPDES Application Checklist

Individual NPDES Application Checklist

Complete the appropriate Application Checklist attached to the NOI/Application and return it with the General Permit NOI and/or the Individual permit application.

Appendix A. Land Use Information Questions

When applying for General Permit coverage, please detach this page, complete the information and submit along with your municipal notification letter to the appropriate municipality and county. (For further information please see page 6 of the instructions.)

Appendix B and C. Sample Notice Letters to Municipality and County

Municipal notification is required and evidence of municipal receipt of your notification.

Appendix D. Worksheet Attachments

All Worksheets are located in Appendix D of the permit application form. Worksheets 1-5 and 10 or 11 through 13, as applicable, are required when applicants have utilized the Stormwater Best Management Practices (BMP) Manual to meet design standards). Additional worksheets should be used if applicable. Please complete and submit all additional applicable worksheets referenced in the application checklist. **Completion of all items referenced in the application checklist will result in your permit being processed and issued in a more expedient manner.**



FORM FP-001 - CERTIFICATION OF CLEAN FILL

Prior to completing this form and signing this certification, please review the entire Management of Fill policy (#258-2182-773), including the certification requirements. Please note that historic fill, as defined in the Management of Fill policy, may meet the definition of clean fill if the material is limited to uncontaminated soil, rock, stone, dredged material, used asphalt, and brick, block or concrete from construction and demolition activities that is separate from other waste and recognizable as such.

Fill containing a concentration of total PCBs greater than 2 ppm may be subject to regulation under the Toxic Substances Control Act (TSCA), 15 U.S.C. Section 2601 *et seq.*, and 40 C.F.R. Part 761, which is administered and implemented by the USEPA. For all such material, contact the PCB Coordinator for EPA Region 3 by email at R3_PCB_Coor@epa.gov to determine the allowable PCB level for your site and situation prior to transporting the material off the site of origin or accepting the material for use.

Instructions: Sections 1 and 2 of this form must be completed by the person making the determination of clean fill at the site of origin. Section 3 must be completed by the person using the material as clean fill. Both the person determining clean fill and the user of the clean fill are responsible for maintaining copies of this completed form on site for a period of five (5) years for Department inspection.

Section 1: Person Determining Clean Fill

Name (Print): _____ Title: _____ Date: _____

Company Name: _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Telephone Number: _____ E-mail Address: _____

Clean Fill Material originated on the following property:

Site Name: _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Section 2: Site Characterization

Check the following that applies:

A. IF the site of origin for the fill material has undergone or is undergoing cleanup or remediation pursuant to a local state or federal regulatory program that requires site characterization, provide the following information along with a copy of the entire site characterization and laboratory analysis for the material to be used as clean fill.

Name of local, state, or federal agency: _____

Identification number assigned to the project: _____

Name of the local, state, or federal contact person: _____

Telephone Number: _____ E-mail Address: _____

Name of the Laboratory that conducted the analysis: _____

Laboratory Accreditation Number: _____

B. IF the material proposed to be used as clean fill has otherwise been subject to analytical testing or other procedure identified in the definition of "environmental due diligence" contained in the Management of Fill policy, provide or attach the following:

Copies of **ALL** lab analytical testing performed as part of environmental due diligence (see Management of Fill policy, #258-2182-773).

Name of the Laboratory that conducted the analysis: _____
Laboratory Accreditation Number: _____

C. IF the proposed material to be used as clean fill was subject to environmental due diligence procedures as defined in the Management of Fill policy other than those listed in A and B, describe those procedures.

I, the undersigned, certify under penalty of law (18 Pa. C.S.A. §4904) that the information provided in Sections 1 and 2 of this form is true and correct to the best of my knowledge, information and belief.

Signature: _____

Section 3: Person Receiving or Placing Clean Fill

Name and address of person completing this form:

Name (Print): _____ Date: _____
Mailing Address: _____ City: _____ State: _____ Zip Code: _____
Telephone Number: _____ E-mail Address: _____

Fill material that has been determined to be clean fill will be placed on the following property solely for property improvement or construction purposes:

Property Address: _____ City: _____ State: _____ Zip Code: _____
Current Owner of Property: _____
Telephone Number: _____ E-mail Address: _____

The quantity of clean fill to be placed on the property is:

<3,000 cubic yards 3,000 cubic yards to 20,000 cubic yards >20,000 cubic yards

I, the undersigned, certify under penalty of law (18 Pa. C.S.A. §4904) that the information provided is true and correct to the best of my knowledge, information and belief.

Signature: _____

* * * * *

Prior to placement of the clean fill, the owner of the property receiving fill material shall provide a copy of this completed form and attachments to the DEP Regional Office serving the county in which the receiving site is located. If a property receives fill from multiple sources, a separate Form FP-001 is required for each source.