



**APPROVAL OF COVERAGE UNDER THE GENERAL NPDES  
PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH  
CONSTRUCTION ACTIVITIES  
PAG-2 (2002 Amendment)**

NPDES PERMIT NO: PAG-2

Project Name & Address

Permittee Name & Address

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In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq., the Department of Environmental Protection hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater to the following surface water(s)

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

from a  1 to less than 5 acre project with a point source discharge  5 acres or larger project

subject to the Department's enclosed PAG-2 which incorporates all effluent limitations, monitoring and reporting requirements and other terms, conditions, criteria and special requirements for the discharge of stormwater from point sources composed entirely of stormwater associated, in whole or in part, with construction activity, as defined in this general permit, to surface waters of the Commonwealth, including to municipal separate storm sewers and non-municipal separate storm sewer.

**APPROVAL TO DISCHARGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREIN MAY COMMENCE ON THE DATE OF THE APPROVAL OF COVERAGE, AND IS VALID FOR A PERIOD OF FIVE YEARS WHEN CONDUCTED PURSUANT TO SUCH TERMS AND CONDITIONS. COVERAGE MAY BE EXTENDED BY THE DEPARTMENT IF A TIMELY ADMINISTRATIVELY COMPLETE AND ACCEPTABLE NOI RENEWAL IS SUBMITTED TO THE DEPARTMENT AT LEAST 90 DAYS PRIOR TO DATE OF COVERAGE TERMINATION, UNLESS PERMISSION FOR SUBMISSION AT A LATER DATE HAS BEEN GRANTED BY THE DEPARTMENT. THE PERMIT MAY BE TERMINATED PRIOR TO THE EXPIRATION DATE UPON NOTICE TO AND APPROVAL BY THE DEPARTMENT OR AUTHORIZED COUNTY CONSERVATION DISTRICT. NO CONDITION OF THIS PERMIT SHALL RELEASE THE PERMITTEE OR CO-PERMITTEE FROM ANY RESPONSIBILITY OR REQUIREMENT UNDER PENNSYLVANIA, OR FEDERAL ENVIRONMENTAL STATUTES, AND REGULATIONS OR LOCAL ORDINANCES.**

COVERAGE APPROVAL DATE: \_\_\_\_\_ COVERAGE EXPIRATION DATE: \_\_\_\_\_

AUTHORIZED BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

# Table of Contents

<u>Subject</u>	<u>Page</u>
<b>NOTICE OF INTENT SUBMITTAL</b> .....	<b>1</b>
<b>PART A – Effluent Limitations, Monitoring, Reporting and Recordkeeping Requirements, and Prohibitions</b> .....	<b>3</b>
1. Effluent Limitations.....	3
2. Monitoring and Reporting Requirements.....	3
3. Record Keeping.....	4
4. Discharges Consistent with Terms and Conditions of Permit.....	4
<b>PART B – STANDARD CONDITIONS</b> .....	<b>5</b>
1. Management Requirements.....	5
2. Compliance Responsibilities.....	7
3. Definitions.....	8
<b>PART C – OTHER CONDITIONS</b> .....	<b>10</b>
1. Prohibition of Non-Stormwater Discharges.....	10
2. Erosion and Sediment Control Plans.....	10
3. Recycling and disposal of Building Materials and Wastes.....	10
4. Preparedness, Prevention and Contingency Plans.....	10
5. Post Construction Stormwater Management Plans.....	10
6. Pre-Construction Conferences.....	11
7. Spoil or Borrow Areas.....	11
8. Phased Projects.....	11
9. Clarification Assistance.....	11
10. Wetland Protection.....	11

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERSHED MANAGEMENT

**GENERAL NPDES  
PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

**PAG-2 (2002 Amendment)**

This permit applies to earth disturbance activities, other than agricultural plowing and tilling, timber harvesting activities and road maintenance activities, that disturb five (5) or more acres, or an earth disturbance on any portion, part, or during any stage of, a larger common plan of development or sale that involves five (5) or more acres of earth disturbance, AND, earth disturbance activities with a point source discharging to surface waters of the Commonwealth that disturb from one (1) to less than five (5) acres, or an earth disturbance on any portion, part, or during any stage of, a larger common plan of development or sale that involves one (1) to less than five (5) acres of disturbance.

**Notice of Intent (NOI) Submittal**

1. GENERAL INFORMATION AND REQUIREMENTS

- a. Persons proposing to discharge stormwater associated with construction activities and eligible persons proposing to expand the scope of previously authorized construction activity which discharges stormwater, who wish to be covered by this general permit, must submit an administratively complete and acceptable Notice of Intent (NOI) to the Department or authorized County Conservation District at least 30 days prior to commencing the construction activity. The NOI shall be filed in accordance with the detailed instructions specified in the NOI instruction package.
- b. The Department or authorized County Conservation District may notify the permittee at any time that the activities pursuant to this permit are not being met. Upon plan review or site inspection the Department or authorized County Conservation District may require E & S Plan revisions or other appropriate action to ensure compliance with the conditions of this permit.
- c. Operators of all construction activities shall develop, implement, and maintain erosion and sediment and post construction stormwater best management practices (BMPs) and other pollution prevention measures required by this permit.
- d. Erosion and sediment control BMPs shall be designed and implemented to meet the standards and specifications identified in Chapters 91-105, any other applicable laws and regulations, and in the Department's Erosion and Sediment Pollution Control Manual, No. 363-2134-008, as amended and updated, or an approved alternative, when legally authorized.
- e. The Erosion and Sediment Control Plan (E&S Plan), Post Construction Stormwater Management Plan (PCSM Plan), and Preparedness, Prevention, and Contingency Plan (PPC Plan) shall identify appropriate BMPs that will be implemented to ensure that existing and designated uses of surface water are protected and maintained.
- f. The permittee or co-permittee shall have the E&S Plan, PPC Plan, PCSM Plan, and other documents required by this permit available at the site and available for review by the Department, Conservation District or other authorized local, state, or federal government official.

2. The following activities are not eligible for coverage under this permit:

- a. Discharges to waters with a designated or existing use of High Quality or Exceptional Value pursuant to 25 Pa. Code Chapter 93;
- b. Discharges which contain hazardous pollutants, toxics, or any other substance which - 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 of the Commonwealth;
- c. Discharges which individually or cumulatively have the potential to cause significant adverse environmental impact;

- d. Discharges to waters for which NPDES general permit coverage is prohibited under 25 Pa. Code Chapter 92;
  - e. Discharges which are not, or will not be in compliance with any of the terms or conditions of this general permit;
  - f. Discharges from a person who has failed and continues to fail to comply has shown a lack of ability or intention to comply with a regulation, permit, schedule of compliance or order issued by the Department.
  - g. Discharges subject to categorical point source effluent limitations promulgated by EPA;
  - h. Discharges which do not, or will not, result in compliance with applicable effluent limitations or water quality standards;
  - i. Discharges from construction activities for which the Department requires an Individual NPDES permit to ensure compliance with the Clean Water Act, the Clean Streams Law, or rules and regulations promulgated thereto; or where a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
  - j. Discharges associated with coal mining or non-coal mining activities pursuant to the Department's regulations at 25 Pa. Code Chapters 77 and 86-90.
  - k. Discharges associated with a construction activity that may adversely affect a Pennsylvania or federal endangered or threatened species or its habitat;
  - l. Discharges from a site where other point source(s) require the issuance of an Individual NPDES permit.
3. The Department, or the authorized County Conservation District may require by written notice any person authorized by this permit to apply for an Individual NPDES permit. This notice shall include the following: (1) a brief statement of the reasons for the decision, (2) an application form for an Individual NPDES permit, and (3) a statement setting a 90 day deadline for the owner or operator to file the application.
4. Persons requesting a renewal of coverage under this general permit must submit to the Department or authorized County Conservation District an administratively complete and acceptable NOI, at least 90 days prior to the expiration date of the coverage, unless permission has been granted by the Department or authorized County Conservation District for submission at a later date. In the event that a timely, administratively complete, and acceptable application for renewal of coverage has been submitted and the Department or authorized County Conservation District is unable, through no fault of the permittee, to reissue the approval for coverage before the expiration date of the approved coverage, the terms and conditions of the approved coverage will be automatically continued and will remain fully effective and enforceable pending the issuance or denial of the renewal of coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the permit.
5. No condition of this permit shall release any person from any responsibility or requirements under other federal or Pennsylvania environmental statutes or regulations or local ordinances.

The General NPDES Permit for Stormwater Discharges Associated with Construction Activities PAG-2 is issued December 7, 2002 and shall expire at midnight December 7, 2007 unless reissued on or before this date by the Department.

BY \_\_\_\_\_  
STUART I. GANSELL  
DIRECTOR  
BUREAU OF WATERSHED MANAGEMENT

**PART A****EFFLUENT LIMITATIONS, MONITORING AND REPORTING REQUIREMENTS****1. EFFLUENT LIMITATIONS****a. Best Management Practices (BMPs)**

This permit establishes effluent limitations in the form of implemented BMPs identified in PPC Plans, PCSM Plans, and E&S Plans which restrict the rates and quantities of sediment, stormwater runoff and associated pollutants from being discharged into surface waters of the Commonwealth and which replicate preconstruction infiltration and runoff conditions to the maximum extent possible.

**b. Applicable Effluent Limitations**

All stormwater discharges associated with construction activities must comply with applicable effluent limitations established in 25 Pa. Code Chapters 91-105.

**c. Water Quality Based Effluent Limitations**

Water quality based effluent limitations shall be imposed under applicable state and federal law when necessary to ensure that the water quality standards of the receiving water are attained. Discharges of stormwater associated with a construction activity shall not result in a violation of the water quality standards.

**2. MONITORING AND REPORTING REQUIREMENTS****a. Visual Inspections**

The permittee and co-permittee must ensure that visual site inspections are conducted weekly, and after each measurable precipitation event by qualified personnel, trained and experienced in erosion and sediment control, to ascertain that the Erosion and Sediment Control (E&S) BMPs are operational and effective in preventing pollution to the waters of the Commonwealth. A written report of each inspection shall be kept, and include:

- (1) a summary of site conditions, E&S BMP's, and compliance; and
- (2) the date, time, and the name of the person conducting the inspection.

**b. Non-compliance Reporting**

Where E&S BMP's are found to be inoperative or ineffective during an inspection, or any other time, the permittee and co-permittee shall immediately contact the Department or authorized County Conservation District, by phone or personal contact, followed by the submission of a written report within 5 days of the initial contact. Non-compliance reports shall include the following information:

- (1) any condition on the project site which may endanger public health, safety, or the environment, or involve incidents which cause or threaten pollution;
- (2) the period of non-compliance, including exact dates and times and/or anticipated time when the activity will return to compliance;
- (3) steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance; and
- (4) the date or schedule of dates, and identifying remedies for correcting non-compliance conditions.

**c. Supplemental Monitoring**

The Department, and authorized County Conservation District, reserve the right to require additional monitoring where a danger of water pollution is present, or water pollution is suspected to be occurring from a construction activity subject to this general permit, or for any reason in accordance with, 25 Pa. Code Section 92.41. The permittee or co-permittee shall commence such monitoring upon notification from the Department, or authorized County Conservation District.

**3. RECORD KEEPING**

**a. Retention of Records**

The permittee and co-permittee shall retain records of all monitoring information including copies of all monitoring and inspection reports required by this permit, and records of data used to complete the Notice of Intent for this permit, for a period of three years from the date of the termination of coverage under this permit.

**b. Reporting of Monitoring Reports**

Monitoring results shall be submitted to the Department, or authorized County Conservation District upon request.

**4. DISCHARGES CONSISTENT WITH TERMS AND CONDITIONS OF THE PERMIT**

All discharges authorized by this NPDES permit shall be consistent with the terms and conditions of the permit.

**PART B**  
**STANDARD CONDITIONS**

**1. MANAGEMENT REQUIREMENTS**

**a. Permit Modification, Termination, or Revocation and Reissuance**

- (1) This permit may be modified, suspended, revoked and reissued, or terminated during its term for any of the causes specified in 25 Pa. Code Chapter 92.

The Department may modify, revoke, suspend, or terminate previously issued coverage under this general NPDES permit, and require the stormwater discharger to apply for and obtain an Individual NPDES permit in accordance with 25 Pa. Code Chapter 92.

- (2) The filing of a request by the permittee or co-permittee for a permit or coverage modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition.
- (3) Permit modification or revocation will be conducted according to 25 Pa. Code Chapter 92.

**b. Duty to Provide Information**

- (1) The permittee or co-permittee shall furnish to the Department, or authorized County Conservation District, within 30 days of the date of request, any information that the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or coverage approved under this permit, or to determine compliance with this permit.
- (2) The permittee or co-permittee shall furnish, upon request, to the Department, or authorized County Conservation District, copies of records required to be kept by this permit.
- (3) When the permittee or co-permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI, PPC Plan, E&S Plan, PCSM Plan or in any other report to the Department, or authorized County Conservation District, the permittee or co-permittee shall promptly submit or correct such facts or information.
- (4) The permittee or co-permittee shall give seven calendar days advance notice to the Department, or authorized County Conservation District, of any planned physical alterations or additions to the permitted facility which could, in any way, substantially affect the quality and/or quantity of stormwater discharged from the activity.

**c. Signatory Requirements**

Documents required, submitted, or maintained under this permit shall be signed in accordance with the following:

- (1) Notices of Intent, Transferree/Co-permittee Form, and Notices of Termination.
  - (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; or
  - (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).

- (2) All reports, plans, documents, and other information required by the permit or requested by the Department, or authorized County Conservation District, shall be signed by the permittee or co-permittee, or by a duly authorized representative of the permittee or co-permittee.
- (3) If there is a change in the duly authorized representative of the permittee or co-permittee, respectively, the permittee or co-permittee shall notify the Department or authorized County Conservation District within 30 days of the change.

**d. Transfer of Ownership or Control**

- (1) This permit is not transferable to any person except after notice to the Department, or authorized County Conservation District.
  - (a) In the event of any pending change in control or ownership of facilities from which the authorized discharges emanate, the permittee or co-permittee shall notify the Department, or authorized County Conservation District, using the form entitled "Transferee/Co-permittee Application" of such pending change at least 30 days prior to the change in ownership or control.
  - (b) The Transferee/Co-permittee Application form shall be accompanied by a written agreement between the existing permittee and the new owner or operator stating that the existing permittee shall be liable for violations of the permit up to and until the date of coverage transfer and that the new owner or operator shall be jointly and individually liable for permit violations under the permit from that date on.
  - (c) After receipt of the required documentation, the Department, or authorized County Conservation District, shall notify the existing permittee and the new owner or controller of its decision concerning approval of the transfer. Such requests shall be deemed approved unless the Department, or authorized County Conservation District, notifies the applicant otherwise within 30 days.
- (2) The Department or authorized County Conservation District may require the new owner or operator to apply for and obtain an Individual NPDES permit.
- (3) For purposes of this permit, operators shall include general contractors. If, prior to construction activities, the owner is the permittee and an operator/general contractor is later identified to become a co-permittee, the owner shall:
  - (a) Notify the Department, or authorized County Conservation District by submitting an administratively complete and acceptable Transferee/Co-permittee Application Form.
  - (b) After receipt of the documentation described in (a) above, the permit will be considered modified by the Department. For purposes of this permit, this modification is considered to be a minor permit modification.
  - (c) Monitoring reports and any other information requested under this permit shall reflect all changes to the permittee and the co-permittee name.

**e. Removed Substances**

Solids, sediments and other pollutants removed in the course of treatment or control of stormwater shall be disposed in accordance with federal and state law and regulations in order to prevent any pollutant in such materials from adversely affecting the environment.

**f. Facilities Construction, Operation, and Maintenance**

The permittee and co-permittee are responsible for the design and installation of the BMPs identified in the E & S Plan, PPC Plan and PCSM Plan, and for the operation and maintenance of the BMPs identified in the E & S and PPC Plans.

**g. Adverse Impact**

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

**h. Reduction, Loss, or Failure of the BMPs**

Upon reduction, loss or failure of the BMPs, the permittee and co-permittee shall take immediate action to restore the BMPs or provide an alternative method of treatment.

**i. Termination of Coverage**

Notice of Termination. Where all stormwater discharges associated with construction activity that are authorized by this permit are eliminated, and BMPs identified in the PCSM Plan have been installed, the permittee or co-permittee of the facility must submit a Notice of Termination (NOT) form that is signed in accordance with Part B.1.c. (Signatory Requirements) of this permit. All letters certifying discharge termination are to be sent to the Department, or the authorized County Conservation District.

**2. COMPLIANCE RESPONSIBILITIES**

**a. Duty to Comply**

The permittee and co-permittee must comply with all terms and conditions of this general permit. Any permit non-compliance constitutes a violation of the Pennsylvania Clean Streams Law and the federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit or permit renewal.

**b. Penalties for Violations of Permit Conditions**

The permittee and co-permittee may be subject to criminal and/or civil penalties for violations of the terms and conditions of this general permit under Section 602 and 605 of the Clean Streams Law, 35 P.S. Sections 691.602 and 691.605, and under the Clean Water Act as specified in 40 C.F.R. Sections 122.41(a)(2) and (3), which are incorporated by reference.

**c. Need to Halt or Reduce Activity Not a Defense**

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

**d. Penalties and Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee or co-permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA (33 U.S.C. §1321) or Section 106 of CERCLA.

**e. Property Rights**

This permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

**f. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**g. Other Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee or co-permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

**h. Right of Entry**

Pursuant to Sections 5(b) and 305 of the Pennsylvania Clean Streams Law (35 P.S. §§691.5(b) and 691.305) and 25 Pa. Code Chapter 92, and §1917-A of the Administrative Code, the permittee and co-permittee shall allow the head of the Department, the EPA Regional Administrator, and/or an authorized representative of EPA, DEP, County Conservation District or, in the case of a facility which discharges to a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents, as may be required by law, to:

- (1) Enter upon the permittee's or co-permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- (2) Have access to and copy at reasonable times, any records that must be kept under the terms and conditions of this permit;
- (3) Inspect any facilities or equipment (including monitoring and control equipment); and
- (4) Observe or sample any discharge of stormwater.

**i. Availability of Reports.**

Except for data determined to be confidential under Section 607 of the Clean Streams Law, (35 P.S. §691.607) all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department or authorized County Conservation District. As required by the Clean Water Act, the Clean Streams Laws, and 25 Pa. Code, Chapter 92 of the Department's regulations, permit applications, permits, and other documents related to this permit shall not be considered confidential.

**j. Penalties for Falsification of Reports**

Section 309(c)(4) of the Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. In addition, criminal sanctions are set forth for false swearing and unsworn falsification at 18 Pa. C.S. §§4903-4904.

**3. DEFINITIONS**

**Authorized County Conservation District** – For purposes of this permit, shall generally mean the local County Conservation District that has entered into a delegation agreement with the Department to administer the NPDES Program for Stormwater Discharges Associated with Construction Activities. The Department retains program administration and enforcement if the local County Conservation District is not delegated.

**Best Management Practices (BMPs)** – Activities, facilities, measures, or procedures used to protect, maintain, reclaim and restore the quality of waters, and existing and designated uses within this Commonwealth. BMPs include PPC Plans, E&S Plans, PCSM Plans, Storm Water Management Act Plans, and other treatment requirements, operating procedures, and practices to control project site runoff, spillage or leaks, and other drainage from the construction activity.

**Co-Permittee** –A discharger of stormwater associated with construction activity who is jointly and individually responsible for compliance with all conditions of a permit and applicable laws with another entity for discharges to surface waters of the Commonwealth from their construction activity.

**Department** – The Department of Environmental Protection (“DEP”) of the Commonwealth.

**Director** – The Director of the Bureau of Watershed Management, or any authorized employee thereof.

**Erosion and Sediment Control Plan (“E&S Plan”)** – A site-specific plan identifying BMPs to minimize accelerated erosion and sedimentation and which meets the requirements of 25 Pa. Code Chapter 102 Rules and Regulations.

**Municipality** – Any county, city, borough, town, township, school district, institution or any authority created by one or more of the foregoing.

**NOI** – “The Notice of Intent for Coverage under the Pennsylvania General Permit for Discharges of Stormwater Associated with Construction Activities (PAG-2).”

**Owner** - A person who holds legal title to the land subject to construction activity. This term also includes the person(s) who held legal title to the land subject to construction activity at the time such activity was commenced on a site.

**Permanent Stabilization** – Long-term protection of soil and water resources from accelerated erosion.

**Person** – Any natural person, partnership, association, corporation, business organization, or any agency, instrumentality or entity of Federal or State Government. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment or both, the term "person" shall not exclude the members of an association and the directors, officers, or agents of a corporation.

**Point Source** - Any discernable, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAFO, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged.

**Preparedness, Prevention and Contingency Plan (PPC Plan)** – 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, developed and implemented at the construction site to control potential discharges of pollutants other than sediment into waters of the Commonwealth. Potential pollutants at construction activities can include, but are not limited to pesticides, fertilizers, lime, petrochemicals, construction-related chemicals and solvents, wastewater, wash water, core drilling wastewater, cement, sanitary wastes or hazardous wastes.

**Post Construction Stormwater Management Plan (PCSM Plan)** – A site specific plan identifying BMPs to manage stormwater runoff after construction activities have ended and the project site permanently stabilized to protect and maintain existing and designated uses. The PCSMP must contain a written narrative, including calculations or measurements, and justifications for each BMP. The BMPs should be designed to maximize infiltration technologies, 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.

**Runoff Coefficient** – The fraction of total rainfall that will appear at the conveyance as runoff.

**Stabilization** – The proper placing, grading, constructing reinforcing, lining, and covering of soil, rock or earth to insure its resistance to erosion, sliding or other movement.

**Stormwater** – Stormwater runoff, snow melt runoff, and surface runoff and drainage.

**Stormwater Associated with Construction Activity** – The discharge into surface waters of the Commonwealth, municipal separate storm sewers, or non-municipal separate storm sewers from any conveyance which is used for collecting and conveying stormwater and which is related to construction activities. Construction activities include clearing, grading, and excavation activities. The term does not include non-point source stormwater discharges from silvicultural activities.

**Surface Waters of the Commonwealth** – Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, ponds, springs, wetlands and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

**Wetlands** – 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.

**PART C**  
**OTHER CONDITIONS**

**1. PROHIBITION OF NON-STORMWATER DISCHARGES**

All discharges covered by this permit shall be composed entirely of stormwater. Discharges of material other than stormwater must be in compliance with an NPDES permit (other than this permit) issued for the discharge. Discharge of sewage or industrial waste (other than sediment under this permit) to an erosion and sediment control BMP is not permitted.

The discharger may not discharge floating materials, oil grease, scum, foam, sheen and substances which produce odor, taste, turbidity, or settle to form deposits in concentrations or amounts sufficient to be, or create a danger of being, inimical to the water uses to be protected or to human, animal, plant or aquatic life.

**2. EROSION AND SEDIMENT CONTROL PLANS**

- a. An E&S Plan, must be prepared, developed, and implemented for each activity covered by this permit in accordance with the Department's Chapter 102 Rules and Regulations, and Department guidance. Each E & S plan must be submitted to the Department or authorized County Conservation District. The BMPs shall be designed to minimize the potential for accelerated erosion and sedimentation in order to protect, maintain, reclaim and restore water quality and existing and designated uses. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (#363-2134-008). The manual is available from the Department or Authorized County Conservation District, or can be downloaded from the Department website [www.dep.state.pa.us](http://www.dep.state.pa.us). E&S Plans, BMPs, and revisions thereto, which meet the requirements of 25 Pa Code Chapter 102, are conditions of this permit and incorporated by reference.
- b. E&S Plans required under this permit are considered reports that shall be available to the public under Section 607 of the Clean Streams Law, and 25 Pa. Code, Chapter 92 of the Department's regulations. The owner or operator of a facility with stormwater discharges covered by this permit shall make E & S plans available to the public upon request. E&S Plans must be made available at the site of the construction activity at all times.
- c. The staging of earth disturbance activities and maintenance requirements contained in the E&S Plan must be followed.

**3. RECYCLING AND DISPOSAL OF BUILDING MATERIALS AND WASTES**

All building materials and wastes must be removed from the site and recycled or disposed in accordance with the Department's Solid Waste Management Regulations at 25 Pa. Code §260.1 et seq., §271.1 et seq., and §287.1 et seq. No building material or wastes or unused building materials shall be burned, buried, dumped, or discharged at the site.

**4. PREPAREDNESS, PREVENTION AND CONTINGENCY PLANS**

If the potential exists for causing accidental pollution of air, land, or water, or for causing endangerment of public health and safety through accidental release of toxic, hazardous, or other polluting materials, the permittee or co-permittee must develop a Preparedness, Prevention, and Contingency (PPC) Plan. The PPC Plan shall be developed in accordance with Department regulations. The PPC Plan shall identify areas which may include, but are not limited to, waste management areas, raw material storage areas, temporary and permanent spoils storage areas, maintenance areas, and any other areas that may have the potential to cause non-compliance with the terms and conditions of this permit due to the storage, handling, or disposal of any toxic or hazardous substances such as oil, gasoline, pesticides, herbicides, solvents, etc. BMP's shall be developed and implemented for each identified area. The PPC Plan shall be maintained on site at all times and shall be made available for review at the Department's or authorized County Conservation Districts' request.

**5. POST CONSTRUCTION STORMWATER MANAGEMENT PLANS**

A PCSM Plan that identifies the BMPs to be installed to manage and treat the stormwater discharge to protect water quality after construction must be prepared and implemented. Such BMPs should be designed to maximize groundwater infiltration, to protect the structural integrity of the stream, and to protect and maintain existing and

designated uses. In addition, some counties have adopted Act 167 Stormwater Management Plans that incorporate measures to protect and maintain existing uses and protect and maintain water quality to maintain those existing uses. In areas where plans exist and are supported by local ordinances, the applicant must design the PCSM Plan in accordance with these ordinances. Permittees and co-permittees are responsible for proper installation of the PCSM Plan BMPs prior to the submission of the Notice of Termination of this Permit.

**6. PRE-CONSTRUCTION CONFERENCES**

The permittee or co-permittee shall contact the Department or authorized County Conservation District at least seven days before construction is to begin to determine if a pre-construction conference is required. The permittee, co-permittee and others undertaking the earth disturbance activity must attend a pre-construction conference when requested by the Department or authorized County Conservation District.

**7. SPOIL OR BORROW AREA**

An E&S Plan shall be submitted to the Department or authorized County Conservation District and implemented for all spoil and borrow areas, regardless of their location.

**8. PHASED PROJECTS**

Prior to the commencement of earth disturbance activities for subsequent phases of the project, the permittee or co-permittee shall submit an E&S Plan and PCSM Plan for each additional phase or portion of the project to the Department or authorized County Conservation District.

Coverage under this permit is only granted for those phases or portions of a project for which an E&S Plan and PCSM Plan has been submitted to the Department or authorized County Conservation District.

**9. CLARIFICATION ASSISTANCE**

The permittee or co-permittee shall contact the Department or authorized County Conservation District for clarification of any requirements contained in the E&S Plan, PCSM Plan, PPC Plan, or other documents related to this permit.

**10. WETLAND PROTECTION**

If hydric soils are present, a wetland determination must be conducted in accordance with Department procedures. All wetlands identified must be included on the E&S Plan and PCSM Plan.