

## INSTRUCTIONS FOR A NOTICE OF INTENT (NOI) AUTHORIZATION FOR COVERAGE UNDER THE EROSION AND SEDIMENT CONTROL GENERAL PERMIT (ESCGP-3) FOR EARTH DISTURBANCE ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS OR TRANSMISSION FACILITIES

### GENERAL INFORMATION

These instructions are designed to assist the applicant in completing the Notice of Intent (NOI) for Coverage Under the Erosion and Sediment Control General Permit (ESCGP-3) For Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities.

Applicants submitting NOIs for coverage under ESCGP-3 project types “New”, “Minor Modification” or “Major Modification” must be submitted to the Department of Environmental Protection (DEP) Bureau of District Oil and Gas Operations through the ePermitting system, which can be accessed at [www.greenport.pa.gov](http://www.greenport.pa.gov). Applicants submitting NOIs for project type “Renewal” should use paper copies until further notice. ESCGP-3 NOIs for intrastate oil and gas transmission pipeline projects and/or FERC-regulated interstate natural gas transmission pipeline projects must be submitted to a Conservation District, DEP’s Regional Waterways and Wetlands Program Office, or the Regional Permit Coordination Office as paper copies until further notice. Paper copies should be submitted using the most up-to-date NOI authorization package available at [www.dep.pa.gov](http://www.dep.pa.gov).

**Note: Applicants are to use the most up-to-date NOI authorization package and type or print (for paper form) clearly when completing the form. If information requested is more than the space allows, upload additional information as an attachment (for ePermit) or copy the appropriate page of the form and complete as required (paper form). If a question is not applicable to the project, check or enter N/A in the appropriate box.**

Pursuant to 25 Pa. Code § 102.5(c), a person proposing oil and gas activities that involve five (5) acres or more of earth disturbance over the life of the project must obtain an Erosion and Sediment Control Permit (E&S Permit) prior to commencing the earth disturbance activity. ESCGP-3 is an E&S Permit under Chapter 102 issued pursuant to 25 Pa. Code § 102.5(m) for earth disturbances associated with oil and gas activities.

**Note: DEP interprets “project” to be substantially connected well sites, access roads, pipelines, other service lines, support facilities, and/or other oil and gas activities. Well pads, impoundments and pipelines etc. maybe permitted separately but are considered together solely to determine whether the total project acreage limit of 25 Pa. Code § 102.5(c) has been met and a permit is required. For more information on how to define the project, please see *Policy for Erosion and Sediment Control and Stormwater Management for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities* (Document No. 800-2100-008) (ESCGP Policy).**

**Note: Pursuant to Section 3211(a) and (g) of the 2012 Oil and Gas Act and 25 Pa. Code § 102.4(d), a well permit is required prior to construction of the well site including the access road.**

DEP offers a voluntary expedited permit review process for qualified projects. Applicants submitting NOIs requesting expedited permit review which qualify for permit coverage will be provided with an acknowledgement of coverage within 14 business days from the submission of a complete and accurate NOI. With respect to review of NOIs for ESCGP-3 for oil and gas activities that are not under the expedited process, DEP’s objective is to complete its review of complete submissions within 43 business days. A person proposing oil and gas activities under ESCGP-3 must obtain written authorization from DEP prior to commencing the earth disturbance activity.

**Note: Expedited permit review is not available for all projects. Refer to Section D. Expedited Review of the NOI Instructions for further details regarding expedited review eligibility.**

### Operator Requirement

When the operator/contractor and the owner/developer of a facility or activity are not the same individual, corporation, partnership, or other entity, both the operator and owner should apply for coverage under a permit as co-applicants. If no operator/contractor has been selected at the time of NOI submission, then once selected, the operator/contractor must either be made a co-permittee or the permit must be transferred to the contractor.

## Permit Authorization

DEP's Bureau of District Oil and Gas Operations, Regional Waterways and Wetlands Program or, Regional Permit Coordination Office, or Conservation District will give the applicant a written acknowledgement of permit coverage approval or denial.

If the authorization is provided for an initial phase of a phased permitted project, each subsequent phase identified in the NOI will require submission for review and determination of adequacy based on information included in future submissions. If approved, a separate authorization will be made for each subsequent phase. For more information on phased permitted activities, please see the [DEP Permit Guidelines for Phased NPDES Stormwater Discharges Associated with Construction Activity Permits, Chapter 102 Erosion and Sediment Control Permits, and Chapter 105 Waterway Restoration Project Permits](#), (Document No. 363-2134-013) (*Phased Permit Policy*). Also refer to the *ES Policy* (Document No. 800-2100-008).

ESCGP-3 only authorizes earth disturbance activities under 25 Pa. Code Chapter 102 and does not include or provide any necessary 25 Pa. Code Chapter 105 authorizations for water obstructions, encroachments or dams in waters of the Commonwealth, including wetlands. As per Section 102.4(d), a person proposing or conducting an earth disturbance activity shall obtain other necessary permits and authorizations from the DEP or Conservation District, related to the earth disturbance activity, before commencing the earth disturbance activity.

**Note: As a condition of the permit, persons subject to and operating under ESCGP-3 may not commence earth disturbance activities until receipt of written acknowledgement of coverage under ESCGP-3 from DEP or the Conservation District. The applicant must invite DEP or the Conservation District to the preconstruction meeting and provide at least 7 days notice of the preconstruction meeting to all invited attendees. ESCGP-3 requires the permittee to provide 7 days notice to the DEP or Conservation District of the intent to commence earth disturbance activities.**

## NOI Checklist

Applicants must enclose the NOI Administrative Completeness Checklist Erosion and Sediment Control General Permit (ESCGP-3) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities, Document No. 8000-PM-OOGM0006, with the NOI. If the applicant is proposing a phased project, the checklist must be included with each subsequent phase submission.

The NOI Checklist is provided to ensure that the applicant has included all required information for an administrative review. This checklist will also be utilized by the DEP or Conservation District to determine administrative completeness. The NOI Checklist also serves as an outline for these instructions. Failure to provide all the requested information will delay processing of the NOI and may result in the NOI being placed on hold with no action or being considered withdrawn and the NOI file closed with forfeiture of the NOI Filing Fee.

## E&S and Post Construction Stormwater Management/Site Restoration (PCSM/SR) Technical Preparation Guides

Technical preparation guides for both the E&S and PCSM/SR plans have been provided as Attachment A and Attachment B, respectively. These guides are intended to provide specific points to be addressed in the E&S and PCSM/SR plans. Following these guides will help ensure submission of complete and technically sound NOIs. The applicant or licensed professional must submit a completed copy of Attachment A and Attachment B with the NOI for expedited review.

## 1. NOI INSTRUCTIONS

DEP or the Conservation District will give the applicant written acknowledgement of permit coverage under ESCGP-3 or denial. If DEP or the Conservation District determines the NOI is incomplete or contains insufficient information, the applicant will be notified. The applicant will have 60 days to provide the necessary information along with the appropriate filing fees (if not previously paid). If the requested information is not submitted within 60 days, the NOI will be considered withdrawn, and no fees will be refunded.

The permit reviewer may deny the authorization of coverage under ESCGP-3 if the NOI is deemed incomplete. The application fee is not refundable; however, the disturbed acreage fee will be returned to the applicant if an application is denied. If there is any reason the applicant will not be able to provide all items on the NOI, or has determined there is a valid reason one or more items on the NOI are not required for a specific application, the applicant should contact the office that will be reviewing the NOI prior to submitting the application to ensure that not including all items on the instruction is permitted and understood by the permit reviewer. The following information must be submitted for the NOI to be considered complete.

## Section A: Application Type

Check the appropriate boxes for the following types of NOI being submitted.

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

Renewal – An NOI to renew an existing authorization of coverage that is nearing expiration. This renewal should be submitted a minimum of 60 days prior to expiration.

**Note: An expired authorization of coverage cannot be renewed. If an authorization of coverage has expired, it is no longer valid, and the applicant must submit a new NOI for a new authorization of coverage under ESCGP-3.**

Modification – An NOI that will modify an existing authorization of coverage, which could include such activities as: expanding the total disturbed area or permit boundary, adding a new discharge, or substantial changes to approved BMPs. The reviewing entity should be consulted for discussion prior to submittal of this type of NOI. Provide ESCGP authorization number with the application. Select appropriate checkbox based on type of modification.

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

Check the appropriate box for the following types of review requested.

Expedited – An NOI requesting to be reviewed under the “Expedited Review” option.

**Note: Expedited Review is not available for all projects. Refer to Section D – Expedited Review Process of the ESCGP-3 NOI Instructions to determine if the project is eligible.**

Standard – Any project that does not qualify for expedited review or the applicant does not wish to be included in the expedited review process.

## Section B: Client Information

The following information must be provided to identify the applicant.

1. **Applicant's Name.** Enter the Name of the Corporation, Partnership, Agency or Individual. *(MI is optional)*
2. **Co-Applicant's Name.** Required for additional individuals, partners or operators to be co-permittee. Enter the Name of the Corporation, Partnership, Agency or Individual. *(MI is optional)*
3. **Client ID Number.** Enter the DEP Client ID number of the applicant.
4. **Headquarters Mailing Address.** The mailing address of the Owner/Operator (applicant) identified above (this should not include locational data that is not appropriate for mail). In addition to the street number and name, P.O. Box No., RR No. or Highway Contract No. designations, use any appropriate designation and number to further define the mailing address of the applicant, e.g., APT (Apartment) FL (Floor) BLDG (Building) RM (Room) DEPT (Department) STE (Suite).
5. **Email.** Each Applicant and Co-Applicant listed in Section B of the form must also include the email address they prefer to provide for contact by the permit reviewer and future contact after a permit is acknowledged.
6. **Telephone Number.** Each Applicant and Co-Applicant listed in Section B. of the form must also include the telephone number of their preference for contact by the permit reviewer and future contact after a permit is acknowledged.
7. **City, State, ZIP Code.** Do not use abbreviations for the city name. Use the two-character abbreviation for the state.

## Section C: Site Information

Check yes or no for questions related to existing ESCGP, well permits and 911 address of the site and provide additional information as is available.

1. **Site Name.** Provide the name of the site at the specific physical location. **Do not** use abbreviations, acronyms, etc.
2. **Site Location.** Provide the physical address of the location where the permitted activities will occur. **No P.O. Box Numbers will be accepted for site location information.** If a physical address is not available, provide the name of the road along which primary access to the site is located. Provide the city (or municipality), state, and ZIP code.

3. **Site Identification Number.** Enter the site identification number if another permit has been issued by the DEP for the same site.
4. **City/State/Zip Code.** Provide the city, state and zip code if a known mailing address exists for the project, otherwise provide information regarding the nearest known city, state and ZIP code.
5. **Detailed Written Directions to Site.** When providing written directions, **do not** use P.O. Box address data. Include landmarks and approximate number of miles east or west from the nearest intersection. 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, approximate distance from nearest intersection, city, municipality, state and the ZIP code.
6. **County and Municipality.** Indicate the county(ies) and municipality(ies) in which the site is located. Check the appropriate box to identify the type of municipality entered (city, borough, and township). If more than one municipality or county is affected, list them on an attached separate sheet. Primary location is based on the area where the greatest amount of earth disturbance occurs, if the project covers more than one municipality and county.

#### Section D: Expedited Review

##### I. Expedited Review Eligibility

To request expedited review, an applicant must complete this section. Check yes or no for each of the six questions to determine if the proposed project is eligible for expedited review. If the answer to any of the questions in this section (D.I) is yes, the project does not qualify for the expedited review process.

Be sure that the appropriate box is also checked in Section A. for the type of review being requested.

1. **Special Protection and Siltation-Impaired Watersheds.** If any part of the proposed project is located in one of the following, the applicant must check "Yes".
  - (a) The watershed of a surface water with an existing or designated use of exceptional value (EV) or high quality (HQ) pursuant to 25 Pa. Code Chapter 93 (relating to water quality standards).
  - (b) In an EV wetland in accordance with 25 Pa. Code § 105.17.
  - (c) In the watershed of an impaired surface water where the cause of the impairment is identified as siltation.
2. **Floodplains.** If the proposed project in which the well pad will be constructed is located within the limits of a floodplain of a stream, check "Yes". This requirement is not for linear projects where the disturbed area within the limits of flood plain is restored within one-year of the start of construction. ESCGP-3 defines "floodplain" as follows: "The lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood. Unless otherwise specified, the boundary of the floodplain is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodplain, it is assumed absent evidence to the contrary, that the floodplain extends from (1) any perennial stream to 100 feet horizontally from the top of the bank, and (2) from any intermittent stream to 50 feet horizontally from the top of the bank of such intermittent stream."
3. **Contaminated Land.** If the proposed earth disturbances activities are on lands that are known to be contaminated by the release of regulated substances as defined in Section 103 of Act 2, 35 P.S. § 6026.103, check "Yes".
4. **Hazardous Geologic Formations or Soil Conditions.** If any part of the proposed project is located where naturally occurring geologic formations or soil conditions may provide hazards to the project or surrounding environment or have the potential to cause or contribute to pollution when disturbed, including, but not limited to land sliding, steep slopes, karst/sinkhole formation, coal seams, acid producing rock, radioactive or arsenic bearing formations, surface mines (existing, abandoned and/or reclaimed), deep mines (active, abandoned where the earth disturbance activities have the potential to encounter a mine void), mine spoil dump area, abandoned mine drainage, or abandoned mine drainage treatment systems, check "yes".
5. **Existing Compliance Issues.** An applicant with any existing unresolved non-compliance issues must check "yes".
6. **Transmission Facilities.** If the proposed project is part of a transmission pipeline or associated facilities or is regulated by the Federal Energy Regulatory Commission, check "yes".

## II. Expedited Review Process

Once an applicant has determined that the proposed project meets the criteria detailed in Section D.I., above, they must ensure that the project will follow the expedited review process as outlined in this section (D.II). Check “yes” for each that apply. To be eligible for expedited review, the applicant must answer “yes” to questions #1, #2 and #4. If the applicant answers “yes” to any of the sub questions to question #3, the application is eligible for expedited review. If the applicant checks “No” to question #5, the applicant must obtain a waiver to be eligible for expedited review. Otherwise the permit application will be denied and returned to the applicant. The applicant should check the answers to questions, as described above, prior to submitting the application to ensure eligibility for expedited review if seeking that type of permit review.

1. **NOI Package.** Check whether the applicant is providing a technically and administratively complete NOI package, and that the package was prepared by a licensed professional.
2. **E&S and PCSM/SR Plans.** All required Plans, as required by characteristics of the proposed project have been included and sealed by the appropriate licensed professional.
3. **Include Resource Delineation Report.** A resource delineation report is required for both expedited and standard permit review processes. If the resource delineation was not done during the growing season, the project will not be eligible for expedited review unless the applicant answers “yes” to 3.b or 3.c or 3.d. The resource determination report must identify the location of all surface waters of this Commonwealth which may receive runoff within or from the project site. Chapter 93 classifications must be included in the Resource Delineation Report for all receiving waters. This should include all data sheets to confirm the presence or absence of wetlands within the area and any other supporting documentations for resource determination. The applicant/Oil and Gas Operator is responsible for the determination of resources.
4. **Include Pennsylvania Natural Diversity Inventory (PNDI) clearance (if applicable).** The ESCGP-3 requires the applicant to consult with the Pennsylvania Natural Heritage Program (PNHP) regarding the presence of State or Federal threatened or endangered species on the project site. Proof of this consultation with PNHP must be attached to the NOI. For expedited review, any potential impacts must be resolved at the time the NOI is submitted as demonstrated by a PNDI clearance letter, determination or other correspondence from the resource agency.
5. **Riparian Forest Buffer requirements.** Any proposed project that will be all or partially located within 100 feet of a river, stream, creek, lake or pond or reservoir must establish new or preserve existing riparian forest buffer at least 100 feet in width between the top of stream bank or normal pool elevation of a lake, pond or reservoir and areas of earth disturbance or the applicant must obtain necessary waivers. Design or maintain, or both, a riparian forest buffer in accordance with *Riparian Forest Buffer Guidance* (Document No. 394-5600-001).
6. **Licensed Professional.** The licensed professional (Professional Engineer, Professional Geologist, Landscape Architect or Professional Surveyor) must provide their name, address, telephone number as well as the information regarding their professional license. An applicant/Oil and Gas Operator responsible for the resource determinations may be excluded from future submissions of expedited review applications if any resources are missed. Any applicant/Oil and Gas Operator who have been subjected to not being eligible to submit ESCGP applications for expedited review may request eligibility after a period of time not less than one year after being notified by DEP that they are no longer eligible to submit permit applications to the DEP.

## Section E: Project Information

1. **Total Project Area/Project Site.** The total project area is the entire area of activity, development, or sale, including the area of an earth disturbance activity, the area planned for an earth disturbance activity and other areas which are not subject to an earth disturbance activity. Enter the size of the area in acres. See *ESCGP Policy* (Document No. 800-2100-008).

**Total Disturbed Area.** The Total Disturbed Area is that portion of the total project area where earth disturbance activities are planned to occur over the life of the project. For phased projects, this refers to the disturbed area of the initial project phase **plus** the planned disturbed areas of subsequent project phases in sufficient detail as to allow evaluation of the total project impact. Enter the size of the area in acres to the nearest acre. For major permit modifications, provide increased disturbance acreage. Enter the project fee based on the calculation of \$100 per acre of proposed earth disturbance over the life of the project.

2. **Project Name.** Provide the name by which this proposed earth disturbance activity or project is or will be known.
3. **Project Type and Description.** Check all boxes that best describe the general type of activity. In the Project Description, provide details including the number of wells to be drilled and/or whether the project includes a tank battery, compressor station, pipeline, or other, including a detailed explanation for areas needed to safely operate the

well after post-drilling restoration. The applicant should provide approximate dimensions of different parts of the project such as roads, well pads, tank pads, compressor stations, pipelines, etc.

If the project type is a pipeline, include in the project description (1) whether the pipeline is aboveground, buried, temporary and/or permanent and (2) identify the materials to be transported in the pipeline.

**NOTE: Clean fill cannot be placed in or on waters of the Commonwealth. If fill will be imported or exported, Form FP-001 (Document No. 258-2182-773) must be used to certify origin of the fill material. Also provide the date that the applicant/operator/qualified representative of the proposed project attended a pre-application meeting if one was conducted with DEP.**

4. **Latitude and Longitude.** Provide the latitude and longitude coordinates for the approximate center of the project area or facility. The latitude and longitude should be expressed in decimal degrees. For linear projects provide the project's termini. The Reference Datum must be North American 1983 (NAD 83). Check the appropriate horizontal collection method.
5. **U.S.G.S. Quad Map Name.** Locate the project area on an 8 ½" x 11" photocopy of the U.S.G.S. topographic quadrangle. The map must include the name of the appropriate 1:24 000 scale U.S.G.S. 7.5 minute series quadrangle map where the project is located. A copy of this map with the limit of disturbance of the project should be submitted with the completed NOI Form.
6. **Estimated Timetable for Phased Projects.** Identify whether the project will be conducted as a phased permitted project and that a master plan identifying the initial and all subsequent phases are included. Also, provide an estimate of the timetable for the major phases (Attach additional sheet(s) of information when necessary). For the initial and subsequent phases, provide a description of the activity undertaken during the phase, total area of the phase, the disturbed area of the phase, and the start and end dates for each phase of the activity. Each phase must be clearly identified on the plan drawings and narrative and on a master project site plan. The sum of the total areas and disturbed areas listed under item 6 should be equal to the size of the Total Project Area and Total Disturbed Area respectively, listed on item 1 in Section E. Project Information of the NOI form. For more information on phased permitted activities, please see the *Phased Permit Policy* and the *ESCGP Policy*.
7. **Existing and previous land use.** List the existing and previous land use for at least 5 years.
8. **Other Pollutants.** If the stormwater discharge contains a pollutant other than sediment, provide the name, source and concentration of the pollutant(s). Provide a plan for removal of the pollutant(s).
9. **Preparedness, Prevention and Contingency (PPC) Plan.** Under 25 Pa. Code § 102.5(l), a person shall prepare and implement a PPC Plan when storing, using or transporting materials including: fuels, chemicals, solvents, pesticides, fertilizers, lime, petrochemicals, wastewater, wash water, core drilling wastewater, cement, sanitary wastes, solid wastes or hazardous materials onto, on or from the project site during earth disturbance activities.

For persons conducting oil and gas activities associated with unconventional well development in accordance with Chapter 78a, PPC Plans must comply with 25 Pa. Code § 78a.55. Under 25 Pa. Code § 78a.55(a), permittees conducting unconventional oil and gas activities shall prepare and implement a site-specific PPC Plan according to 25 Pa. Code §§ 91.34 and 102.5(l). Under 25 Pa. Code § 78a.55(b), in addition to the requirements in § 78a.55(a), an unconventional well operator shall prepare and develop a site-specific PPC Plan prior to storing, using, or generating a regulated substance on an unconventional well site from the drilling, alteration, production, plugging or other activities associated with a gas well or transporting those regulated substances to, on or from an unconventional well site. Under § 78a.55(f), copies of an unconventional well operator's PPC Plan shall be provided to DEP, the Fish and Boat Commission or the landowner upon request and shall be available at the site during drilling and completion activities for review.

Under 25 Pa. Code § 78.55(a), conventional well operators are required to prepare and implement a control and disposal plan. Conventional operators may meet this regulatory requirement by developing and implementing a site-specific PPC Plan. This PPC Plan shall be developed in accordance with DEP regulations. This PPC Plan should identify areas which may include, but are not limited to, waste management areas, raw material storage areas, fuel storage areas, temporary and permanent spoils storage areas, maintenance areas, and any other areas that may have the potential to cause noncompliance 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. BMPs shall be developed and implemented for each identified area. This PPC Plan shall be made available upon DEP or Conservation Districts' request.

In accordance with 25 Pa. Code § 78a.68a, projects that include Horizontal Directional Drilling (HDD) activities must ensure that PPC Plans have been developed prior to beginning the HDD activity which includes a site-specific



contingency plan describing the measures to be taken to control, contain and collect any discharge fluids and minimize impacts to waters of the Commonwealth. The PPC plan must be present onsite during drilling operations and shall be made available to DEP upon request.

- 10. Siltation impaired waters.** If any part of the project is located in the watershed of an impaired surface water where the cause of impairment is identified as siltation, demonstrate that the project will not result in a net change (pre- to post condition) in volume, rate, or water quality or otherwise explain how the project will not contribute to a violation of water quality standards. Siltation impaired waters should be protected with Antidegradation Best Available Combination of Technologies (ABACT) E&S BMPs before the site is stabilized to prevent additional sedimentation impairment. See Section F, PCSM Plan of the NOI Instructions and NOI Form.
- 11. Naturally Occurring Geologic Formations or Soil Conditions.** Identify whether naturally occurring geologic formations or soil conditions are present in any portion of the project area including, but not limited to, land sliding, steep slopes, karst/sinkhole formation, acid producing rock (including coal seams, where earth disturbance activities have the potential to expose acid producing rock or infiltrate stormwater runoff into acid producing rock), radioactive or arsenic bearing formations, surface mines (existing, abandoned and/or reclaimed), deep mines (active, abandoned where the earth disturbance activities have the potential to encounter a mine void), mine spoil dump area, abandoned mine drainage, or abandoned mine drainage treatment systems. If the geologic formation or soil condition may provide hazards to the project or surrounding area or have the potential to cause or contribute to pollution as a result of the proposed earth disturbance activities, include BMPs to avoid or minimize potential pollution and impacts and attach a Geologic Hazard Mitigation Plan to the NOI. If the geologic formations or soil conditions are present but will not provide a hazard to the project or surrounding environment or have the potential to cause or contribute to pollution as a result of the proposed earth disturbance activities, provide an explanation. If the project site has not been investigated to identify geologic formations or soil condition, do not submit the NOI.
- 12. Municipal Notifications.** Act 14 requires applicants to notify municipalities of the proposed project and submit both the notification and proof of notification to DEP by attaching copies to the NOI. Failure to provide a copy of notification correspondence and evidence of municipal receipt of the notification with the application will delay processing of the application. Failure to comply with municipal notification will result in the return of the application as incomplete.
- 13. PNDI Receipt.** The ESCGP-3 requires that the applicant include proof of consultation with the Pennsylvania Natural Heritage Program (PNHP) regarding the presence of a State or Federal threatened or endangered species on the project site in the NOI. The receipt must be submitted in accordance with DEP's current [Policy for Pennsylvania Natural Diversity Inventory \(PNDI\) Coordination During Permit Review and Evaluation \(PNDI Policy\), No. 021-0200-001](#). Information on PNHP searches is available through the PA Department of Conservation and Natural Resources, Bureau of Forestry, Ecological Services Section, P.O. Box 8552, Harrisburg, PA 17105-8852, telephone (717) 787-3444 and at <https://conservationexplorer.dcnr.pa.gov/>.
- 14. E&S and PCSM/SR Plan Consistency.** The E&S Plan must be planned and designed to be consistent with the PCSM or SR Plan. Unless otherwise approved by DEP, the PCSM Plan must be separate from the E&S Plan and labeled as such in the final plans for construction (See 25 Pa. Code § 102.8(d)).
- 15. Riparian Forest Buffers.** Identify existing and proposed riparian forest buffers. Refer to DEP's *Riparian Forest Buffer Guidance* (Document No. 394-5600-001) for additional information regarding Riparian Forest Buffers.
- 16. Antidegradation Implementation.** Indicate whether the antidegradation implementation requirements are met.
- 17. Seasonal High Groundwater.** Indicate whether the seasonal high groundwater table has been identified at all proposed pit locations for conventional operations and Well Development Impoundments (WDI) for unconventional operations. A 20-inch separation between the seasonal high groundwater table and the bottom of all pits and Well Development Impoundments is required as per 25 Pa. Code §§ 78.56, 78.57 & 78.62 for conventional operations and § 78a.59b for unconventional operations. Applicants can make a decision regarding depth to the seasonal high groundwater table (1) by direct observation of saturated soil associated with a water table, (2) by direct observation of a water table derived from perched water, throughflow, and discharging groundwater (e.g. seeps) that may be moving laterally through the soil, or (3) by noting the depth to a uniform layer exhibiting soil mottling (redoximorphic features). Note that direct observations of saturation and/or water tables are taken during the wet portion of a normal rainfall year when the water table is fully recharged and are not based on periods when the local water table is still at a deficit or during above or below average rainfall conditions.
- 18. Provide the Chapter 93 stream classifications.** The designated use of the receiving waters can be obtained from 25 Pa. Code Chapter 93 of DEP's regulations located online at <http://www.pacode.com/secure/data/025/chapter93/chap93toc.html>

The existing use can be obtained from DEP's Statewide Existing Use Listing at

<https://www.dep.pa.gov/Business/Water/CleanWater/WaterQuality/StreamRedesignations/Pages/Statewide-Existing-Use-Classifications.aspx>

Siltation-impaired waters and watersheds can be identified in Pennsylvania's Integrated Water Quality Monitoring and Assessment Report. The report can be viewed at

[https://www.depgis.state.pa.us/2018\\_integrated\\_report/index.html](https://www.depgis.state.pa.us/2018_integrated_report/index.html)

If the discharge is to something other than those listed, provide a description of where the stormwater is discharged.

**Municipal or Private Separate Storm Sewer Operator.** Provide storm sewer operator names. If not discharging to a municipal or private separate storm sewer, enter N/A.

**Non-Surface Water:** If the project discharges to waters other than surface waters, list here. This category includes off-site discharges which may require the applicant to obtain the legal right to discharge. Attach additional sheets if necessary. If not discharging to non-surface water, enter N/A.

## Section F: Erosion and Sediment Control (E&S) Plan

All earth disturbance activities requiring permit coverage under 25 Pa. Code §102.5(c) must ensure that a written E&S Plan that meets the requirements as described in § 102.4(b) is prepared and submitted with the NOI. The Chapter 102 regulations require that the design standards be based on the design standards in § 102.11 unless the applicant demonstrates to DEP that an alternative approach will be more protective or will protect and maintain existing and designated uses. Unless otherwise authorized by DEP or Conservation District, earth disturbance activities must be planned and implemented in accordance with the following:

- Minimize the extent and duration of the earth disturbance.
  - Maximize protection of existing drainage features and vegetation.
  - Minimize soil compaction.
  - Utilize other measures or controls that prevent or minimize the generation of increased stormwater runoff.
- a. **E&S Plan Summary:** E&S BMPs must be designed and installed in accordance § 102.4(b). Provide a summary of proposed BMPs and their performance to manage E&S for the project. If E&S BMPs and their application do not follow the guidelines referenced in the *Erosion and Sediment Pollution Control Program Manual (E&S Manual)* (Document No. 363-2134-008), provide documentation to demonstrate performance equivalent to, or better than, the BMPs in the E&S Manual.
- b. **E&S Plan BMP Design:** E&S BMPs included in the E&S Plan attached to the NOI for the above referenced project have been designed in accordance with one of the below;
- E&S Manual or
  - Alternative BMP or design standards approved by DEP; Go to [Alternative BMP review and approval process](#) to identify the alternative BMPs that have been reviewed by DEP. Applicants may utilize this information during the design and BMP selection phase of project development.

NOI packages submitted with alternate BMPs that have not been approved by DEP will be returned to the Applicant.

- c. **Riparian Buffer:** The applicant must explain details of the riparian buffer information, if the details differ from what was submitted in the Riparian Buffer Module.
- d. **Thermal Impact Analysis:** Explain how thermal impacts associated with this project are to be avoided, minimized, or mitigated. The applicant must provide a summary of potential thermal impacts associated with the planned project and how the potential thermal impacts are to be avoided, minimized, or mitigated.

Examples include: minimizing impervious surfaces, maintaining shade over and around construction sites to the extent possible, discharging from the bottom of surface impoundments, using subsurface impoundments, infiltration, and maximizing the use of vegetated areas to cool runoff prior to discharge. Maintaining canopy cover and riparian buffers that limit ground surface exposure to direct sunlight is effective in the control of thermal pollution of surface waters. Using borings instead of open cuts for utility crossings will limit vegetation disturbance and exposure of the ground surface to sunlight.

The analysis should evaluate the effectiveness of various alternatives or combination of alternatives that prevent or minimize thermal pollution.



- e. **Off-Site Discharge Analysis:** If an applicant proposes off-site discharges of stormwater during construction to areas other than surface waters, documentation must be provided in both E&S and PCSM/SR plans 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 legal authority to discharge onto adjacent properties. Please check the appropriate box in this block. Potential offsite discharges should be discussed during preapplication meetings with the permit reviewing agency.

### Section G: Riparian Buffer

1. The applicant may propose to protect, convert and/or establish new riparian buffers throughout a project to support habitat or water quality protection, as long they meet the requirements of § 102.14. Check yes or no to indicate if the applicant intends to protect, convert or establish riparian forest buffers on a voluntary basis. If the proposed project will protect, convert or establish a voluntary riparian or riparian forest buffer, a Buffer Management Plan must be included in the PCSM Plan.
2. Check "yes" if the project will be located in a Special Protection Watershed (HQ or EV) that is attaining its designated use and is within 150 feet of a perennial or intermittent river, stream or lake, pond or reservoir and site restoration is required by Chapter 78 or 78a. If "yes" is checked the applicant must provide a demonstration that any existing riparian forest buffer will remain undisturbed to the extent practicable. No further action is required if the "no" box is checked.
3. Check "yes" if the project will be qualified for an exception and indicate the type of project for which the exception applies by marking the appropriate box. Pursuant to 25 Pa. Code § 102.14(d)(1)(vii), oil and gas activities for which site reclamation or restoration is part of the permit authorization in Chapters 78 and 78a are not required to provide mandatory riparian buffers in accordance with § 102.14 (a) and (b) so long as any existing riparian buffer is undisturbed to the extent practicable. Projects which involve only repair, replacement or maintenance of existing pipelines and utilities and road maintenance activities are also exempted if riparian buffers are undisturbed to the extent practicable. If exceptions are checked, explain how existing riparian buffer will be undisturbed to the extent practicable.
4. If the regulations require a riparian buffer or riparian forest buffer and the applicant is not providing one, list the waiver provisions in the Chapter 102 regulations, § 102.14(d)(2)(i)-(vi), that are being requested and provide additional documentation to demonstrate reasonable alternatives for compliance with §102.14 requirements and to demonstrate that any existing riparian buffer will remain undisturbed to the extent practicable. Riparian Buffer Waivers apply to certain projects and activities. If any of the waivers provided in § 102.14 apply to the project included in the NOI, check the appropriate box. If a waiver is requested, the applicant must provide a demonstration that there are reasonable alternatives for compliance with this section, that any existing riparian buffer is undisturbed to the extent practicable, and that the activity will otherwise meet the riparian buffer requirements of § 102.14.

Projects that do not qualify for exemptions of riparian buffer requirements must provide a buffer of 150 feet unless the project qualifies for a waiver.

Applicants requesting a waiver must submit a written request that demonstrates that reasonable alternatives will meet the requirements of DEP or Conservation District with the NOI. The earth disturbance activities for which waivers may be obtained include:

- Linear projects such as pipelines, public roadways, rail lines or utility lines.
- Project is of a temporary nature where the site will be fully restored to its preexisting conditions during the ESCGP permit term.
- Projects for which compliance with §§ 102.14(a) or 102.14(b) is not appropriate or feasible due to site characteristics, or existing conditions at the project site. (e.g.: Tank pads, access roads staging areas, etc.)
- Other (see § 102.14(d)(2)).

If the applicant checks "Yes" to question #2 AND "No" to questions #3 and #4, an attachment demonstrating how the requirements of §102.14 are met must be attached.

### Section H. Post Construction Stormwater Management (PCSM) and/ or Site Restoration (SR) Plan

PCSM/SR Plans should be designed to use natural measures to eliminate pollution, infiltrate runoff, not require extensive construction/maintenance activity, promote pollutant reduction, and preserve the integrity of stream channels. All PCSM/SR BMPs proposed in the PCSM/SR Plan must be designed in accordance with Chapters 102 and 78a for unconventional operations, Chapter 78 for conventional operations and the *Pennsylvania Stormwater Best Management Practices Manual (Stormwater BMP Manual, Document No. 363-0300-002)*.

Check the appropriate box to represent how much of the entire disturbed area will be restored to meadow in good condition or better, or existing conditions. If there are additional stages of the project prior to permit termination or expiration, list the

stages and provide the documents required by subsection ('a' to 'g') below, for each stage (e.g. partial restoration or changes to the amount of compacted areas, gravel, and/or impervious areas). Attach a narrative for each additional stage in addition to the drawings.

**Act 167 Consistency:** The PCSM/SR Plan must be consistent with any DEP-approved and current County Act 167 Plans. DEP considers any Act 167 Plan from 2005 or later to be current and requires that PCSM/SR Plans must demonstrate consistency with the Act 167 Plan. If a project is located within a watershed and municipality covered by an Act 167 plan, approved by DEP prior to 2005, the Act 167 consistency requirement is not applicable, and the PCSM/SR plan will only be evaluated for compliance with Chapter 102. To demonstrate consistency with the Act 167 plan, the applicant may select one of the following options:

1. Submit a letter provided by the municipal or county planning engineer that verifies plan consistency.
2. Submit an Act 167 plan consistency verification report. The report must be prepared and sealed by a licensed professional. The report should include the following:
  - a. A summary of the PCSM/SR recommendations in the plan including Peak Rate Controls, Volume Controls, Water Quality Controls and any other PCSM controls recommended in the plan. A separate summary should be submitted for each plan in the project area. The summary should be as detailed as practicable.
  - b. Identification of watersheds in the plan where hydrologic modeling was performed and release rates more stringent than the *Stormwater BMP Manual* Recommended Peak Rate Control Guideline have been established.
  - c. Calculations to demonstrate that the PCSM/SR plan is consistent with DEP approved Act 167 plan including post construction stormwater runoff peak rate, volume, water quality and any other control recommended by the plan. When applicable the appropriate worksheets referenced in the *Stormwater BMP Manual* should be included.

If no DEP approved Act 167 plan exists, the PCSM/SR plan must otherwise comply with §102.8 and should be consistent with the practices contained within the *Stormwater BMP Manual* and should include the appropriate completed worksheets referenced in the *Stormwater BMP Manual*. In addition to these volume, rate and water quality requirements, all PCSM/SR plans must comply with local flood control requirements.

**PCSM/SR BMP Alternative Design Standards:** If PCSM/SR BMPs and their implementation do not follow the guidelines referenced in the *Stormwater BMP Manual*, provide documentation to demonstrate performance equivalent to, or better than, the BMPs in the Manual. Check the appropriate box in this section.

**PCSM/SR ALTERNATIVE BMPs:** NOI packages submitted with alternative BMPs that have not been approved by DEP will be returned to the Applicant.

Permittees and co-permittees are responsible for proper installation of the PCSM/SR Plan BMPs prior to the submission of the Notice of Termination (NOT) for this permit.

**Water Quality Compliance:** In addition to volume and rate control, PCSM/SR BMPs must ensure that the pollutants generated from the disturbed areas will be prevented or removed from the resultant runoff. Compliance with volume criteria assumes that the major portion of particulate pollutants have been removed from the runoff by one or more BMPs. An additional demonstration that effective solute reduction has been included in the PCSM/SR Plan is required for compliance with water quality criteria.

Check the appropriate boxes and attach required worksheets.

If the stormwater management design achieved volume reduction and at least 90% of the disturbed area is controlled by a BMP, it is assumed that total suspended solids (TSS) and total phosphorus (TP) requirements are met. The applicant must include Worksheet 10 to demonstrate that specific nitrate prevention/reduction BMPs are used in the design. Worksheet 10 is a simple checklist to demonstrate that the site has achieved water quality compliance without performing detailed loading analysis.

If the stormwater management design achieved volume reduction but 90% of the disturbed area is not controlled by a BMP, the applicant must include Worksheets 12 and 13. Worksheets 12 and 13 indicate the uncontrolled load from disturbed areas and give credit for load reduction and source omissions by using both structural and non-structural BMPs.

If the stormwater management design is not able to achieve volume reduction, the applicant must include Worksheets 11, 12 and 13. Worksheet 11 is intended to demonstrate the use of specific BMPs for pollutant prevention. Worksheet 12 estimates the pollutant load from disturbed areas and Worksheet 13 calculates pollutant load reductions with the proposed BMPs.

- a. **PCSM/SR Plan Summary:** The ESCGP-3 requires a written PCSM Plan to be developed, implemented, operated and maintained in accordance with § 102.8(a). The PCSM Plan must comply with 25 Pa. Code § 102.8 and, for

unconventional operators, § 78a.65, and should be designed to maximize volume reduction technologies, eliminate, where possible or minimize stormwater discharges to surface waters, preserve the integrity of stream channels, and protect the physical, biological and chemical qualities of receiving waters.

**PCSM BMPs** and planning must meet the requirements in 25 Pa. Code § 102.8 and 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
- protect the physical, biological and chemical qualities of the receiving surface water.

**SR BMPs** and planning must also 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
- protect the physical, biological and chemical qualities of the receiving surface water.

Provide a summary of proposed PCSM/SR BMPs and their performance to manage stormwater for the project. If PCSM/SR BMPs and their implementation do not follow the guidelines referenced in the *Stormwater BMP Manual*, provide documentation to demonstrate performance equivalent to, or better than, the BMPs in the Manual. Check the appropriate box(s) for PCSM and/or SR BMPs, whichever applies.

Check whether the project will utilize PCSM BMPs and/or SR BMPs.

A PCSM/SR plan must be provided with the NOI when they are submitted to DEP Bureau of District Oil and Gas Operations. If the PCSM/SR plan must be submitted to a Conservation District, submit one original and one copy to DEP and another copy to the appropriate Conservation District. The PCSM/SR plan should address rate, volume, and water quality impacts to each drainage area.

The portion of the SR plan that identifies PCSM BMPs to manage stormwater may be used to satisfy PCSM requirements if the SR Plan meets the requirements of § 102.8 (b), (c), (e), (f), (h), (i), and (l) and when applicable (m) for the following activities (1) oil and gas activities permitted in accordance with Chapters 78 and 78a and (2) pipelines and other similar utility infrastructure. Regulated activities not included above must submit PCSM Plans that meet all provisions of § 102.8 (See Section H of the NOI Instructions).

The plan should address rate, volume, and water quality impacts to each drainage area.

The NOI allows the use of design standards other than those specified in Chapter 102 if certain criteria are adhered to. The SR plan should be designed to maximize volume reduction technologies, eliminate (where possible) or minimize point source discharges to surface waters, preserve stream channel(s) integrity, and must protect the physical, biological and chemical qualities of the receiving water.

- b. Riparian Buffer:** The operator must explain details of the riparian buffer information if the details differ from what was submitted in the Riparian Buffer Module or in Section G.
- c. Thermal Impact Analysis:** The applicant shall provide a summary of potential thermal impacts associated with the planned project and how the potential thermal impacts are to be avoided, minimized, or mitigated.

Examples include minimizing impervious surfaces, maintain shade over and around construction sites to the extent possible and discharging from the bottom of surface impoundments, using subsurface impoundments, infiltration, and maximize the use of vegetated areas to cool runoff prior to discharge. Maintaining canopy cover and riparian buffers that limit ground surface exposure to direct sunlight is effective in the control of thermal pollution of surface waters. Using borings instead of open cuts for utility crossings will limit vegetation disturbance and exposure of the ground surface to sunlight. The analysis should evaluate the effectiveness of various alternatives or combination of alternatives that prevent or minimize thermal pollution.

- d. Off-site Discharge Analysis:** If an applicant proposes off-site discharges of stormwater from PCSM BMPs to areas other than surface waters, documentation must be provided in the PCSM/SR plan 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 legal authority to discharge onto adjacent properties. Check the appropriate box. Potential offsite discharges should be discussed during preapplication meetings with the permit reviewing agency.

- e. **Summary Table for Supporting Calculation and Measurement Data:** Provide the summary data from the calculations and measures submitted as part of the PCSM/SR Plan. Reference the Stormwater Methodology used, and check off the appropriate volume measurement used (acre-feet). For a project involving multiple watershed boundaries, submit a complete separate Summary Table for each additional watershed. Watersheds should be identified based on the drainage patterns of the project area.

The summary should include Peak Rate Controls, Volume Controls, Water Quality Controls and any other PCSM controls recommended in the plan. A separate summary should be submitted for each watershed in the project area. The summary should be as detailed as possible and include the following;

- Identification of watersheds in the plan where hydrologic modeling was performed and release rates are more stringent than the *Stormwater BMP Manual's* Recommended Peak Rate Control Guideline have been established.
  - Calculations to demonstrate that the PCSM/SR plan is consistent with DEP approved Act 167 plan including post construction stormwater runoff peak rate, volume, water quality and any other control recommended by the plan. When applicable, the appropriate worksheets referenced in the *Stormwater BMP Manual* should also be included. Additional guidance completing this section of the NOI can be found in Attachment D of the instructions.
- f. **Summary Description of PCSM/SR BMPs:** Check all 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 in this section. A summary table with infiltration testing information must be submitted for all Bio-infiltration BMPs included in the PCSM/SR plan. Additional guidance on completing the infiltration BMP summary table can be found in Attachment E of the instructions. For project areas that meet "Restore Site to Meadow in Good Condition or Better, or Existing Conditions", the box for the volume of stormwater treated in acre-feet is marked "not applicable" and does not have to be provided. If the areas restored to meadow in good condition or better are tributary to PCSM BMPs, the volume of stormwater from that area should be added to the applicable PCSM BMP.
- g. **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 I: Antidegradation Analysis

This section must be completed if any part of the project is in the watershed of a surface water with an existing or designated use of EV or HQ pursuant to Chapter 93 (relating to water quality standards), in an EV wetland in accordance with 25 Pa. Code § 105.17, or in the watershed of an impaired surface water where the cause of the impairment is identified as siltation. If the answer to question No. 16 in Section E. Project Information is "yes" the applicant must identify all special protection receiving waters, and siltation impaired waters and complete Section I Antidegradation Requirements. If the applicant checks "No," indicating that the entire proposed limit of earth disturbance (LOD) for the project is not in the watershed of a surface water with an existing or designated use of EV or HQ pursuant to Chapter 93 (relating to water quality standards), in an EV wetland in accordance with 25 Pa. Code § 105.17, or in the watershed of an impaired surface water where the cause of the impairment is identified as siltation, then the applicant may leave Section I blank.

Maintaining and protecting existing water quality for HQ and EV streams, and EV wetlands and protecting designated and existing uses for all surface waters is critical. The antidegradation requirements in 25 Pa. Code § 93.4c must be met by following the process established in 25 Pa. Code §§ 102.4(b)(6) and 102.8(h) (relating to erosion and sediment control requirements and PCSM requirements, respectively). The Antidegradation Analysis outlines that process.

### Part 1 – Nondischarge Alternatives Evaluation

Nondischarge alternatives are 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 water of this Commonwealth. Nondischarge alternative BMPs should be evaluated and included in E&S and PCSM/SR Plans. If the applicant demonstrates that nondischarge alternatives do not exist for the project, the applicant must utilize Antidegradation Best Available Combination of Technologies (ABACT). Check the box provided for each nondischarge BMP that will be utilized for the project. For nondischarge BMPs not checked, provide an explanation of why they are not planned to be utilized.

Determine if the use of nondischarge BMPs, as proposed in this Section will eliminate any net change in rate, volume and quality during construction. Check the "yes" box if appropriate and do not complete part 2 of this Section. Otherwise, if the project will not utilize nondischarge BMPs that will eliminate the net change in rate, volume and quality after construction, check "no" and complete part 2 of this Section.

## **Part 2 – Antidegradation Best Available Combination of Technologies (ABACT)**

When nondischarge alternatives for the project do not exist, an applicant must utilize ABACT BMPs in the E&S and PCSM/SR Plans to demonstrate that any net change in stormwater runoff will maintain and protect existing water quality and 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 of 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.

### ***Erosion and Sediment Control Antidegradation Implementation***

To satisfy antidegradation requirements, the applicant should refer to § 102.4(b)(6), as well as the *E&S Manual, pages 343 through 346 to* (1) evaluate and include nondischarge alternatives in the E&S plan, and (2) if nondischarge alternatives do not exist for the project, the E&S Plan must include ABACT BMPs that manage the change in the 2-year/24-hour storm event.

Check the box for each ABACT BMP included in the E&S Plan that will be utilized on the project.

Determine if the ABACT BMPs proposed in the E&S Plan are sufficient to minimize E&S discharges to the extent that existing and designated surface water uses are protected. If not sufficient, the application doesn't qualify for an ESCGP-3 as proposed and will be returned to the applicant.

### ***PCSM/SR Antidegradation Implementation***

To satisfy the antidegradation implementation requirements the applicant should refer to § 102.8(h) as well as the *Stormwater BMP Manual* to (1) evaluate and include nondischarge alternatives in the PCSM/SR Plan, and (2) if nondischarge alternatives do not exist for the project, the PCSM/SR Plan must include ABACT BMPs that manage the change in 2-year/24-hour storm event. Where ABACT BMPs will be utilized, the applicant's pre- to post comparative analysis must demonstrate any net change in stormwater will be managed utilizing ABACT BMPs that will protect and maintain water quality and designated uses. For nondischarge alternative and ABACT BMPs not listed in DEP'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.

Check the box for each ABACT BMP included in the PCSM/SR Plan that will be utilized on the project.

Determine if the ABACT BMPs proposed in the PCSM/SR Plan are adequate to achieve no net change and assure that existing and designated surface water uses are protected. If not sufficient, the application doesn't qualify for an ESCGP-3 as proposed and will be returned to the applicant.

## **Section J: Compliance History Review**

If the applicant(s) are in violation of any permits issued by DEP or have been in violation of any regulated activities within the past five years, the information in this section must be completed. Check "Yes" if the applicant is or has been in violation of any DEP regulation, order, schedule of compliance or permit or in violation of any DEP regulated activities within the past five years. Otherwise check "No" and skip the remaining portion of this section and proceed to Section K. Complete the remaining Compliance History Review section if the "Yes" box is checked. Use additional pages if necessary.

## **Section K: Certification by Person Preparing E&S and PCSM/SR Plans**

The person responsible for preparing the E&S and PCSM/SR Plans must complete this section. If the applicant is requesting an expedited review, the licensed professional responsible for the development of a complete permit NOI package, including the E&S and PCSM/SR Plans that specifies BMP implementation and maintenance requirements that meet regulatory requirements, must sign and seal the NOI in the space provided certifying that the information provided is true and correct.

## **Section L: Applicant Certification**

The application must 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 to the manager in accordance with corporate procedures.

- b. **LLC:** A person listed on the LLC certificate as filed with the Pennsylvania Dept. of State or listed on the LLC's most recent operating agreement. Such person must have the authority to bind the LLC.
- c. **Partnerships or sole proprietorships:** a general partner or the proprietor, respectively.
- d. **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 US EPA).
- e. **For individuals:** no indication of title is necessary.

#### Section M: Additional Contact Information

Provide contact information for the individual to provide assistance to DEP or Conservation District with questions concerning the NOI.

## 2. EROSION AND SEDIMENT CONTROL (E&S) PLAN REQUIREMENTS

The E&S Plan that meets the requirements of 25 Pa. Code § 102.4(b) must be submitted with the NOI and must contain BMPs designed to minimize discharges to surface waters, preserve the integrity of stream channels and protect the physical, biological and chemical qualities of the receiving water. DEP recommends that the E&S Plan be developed utilizing guidelines and BMP information provided in the *E&S Manual*.

E&S Plans for oil and gas production, exploration or processing activities must be submitted to DEP Bureau of District Oil and Gas Operations. E&S plans for non-FERC regulated oil and gas transmission pipeline projects that do not traverse 3+ counties and 2+ regions must be submitted to a Chapter 102 delegated County Conservation District ([Chapter 102 delegation agreement](#)). If the project is located in a county that does not have a Chapter 102 delegated conservation district, the NOI must be submitted to the appropriate DEP [Regional Waterways and Wetlands Program](#). All NOIs that are non-FERC regulated oil and gas transmission pipeline projects that traverse 3+ counties and 2+ regions must be submitted to DEP [RPCO](#). All NOIs for FERC-regulated natural gas transmission pipeline projects must also be submitted to RPCO. Applicants must submit the completed NOI, NOI Checklist, Complete Plan Checklist and the Standard E&S Control Plan Technical Review Checklist to the appropriate office.

If any part of the project is in the watershed of a surface water with an existing or designated use of EV or HQ pursuant to Chapter 93 (relating to water quality standards), or in an EV wetland in accordance with 25 Pa. Code § 105.17, or in the watershed of an impaired surface water where the cause of the impairment is identified as siltation, the E&S plan must address the requirements in DEP's antidegradation implementation requirements under 25 Pa. Code § 102.4(b)(6).

The applicant must identify whether the receiving water/watershed is siltation-impaired.

In most applications, an E&S Plan will consist of two parts: a plan narrative and maps/drawings. Maps and drawings are used to show the existing and proposed topography, as well as the construction details and maintenance details for proposed BMPs. The narrative is used to document the design calculations for the BMPs.

Technical references for E&S BMPs can be found on the DEP website at [www.dep.pa.gov](http://www.dep.pa.gov) and at the following link.

[Erosion and Sediment Pollution Control Program Manual](#).

The applicant's Erosion and Sediment Control Plan must include the following:

### a. Topographic Features

Plan drawings showing the existing topographic features of the project site including the immediate surrounding area must be provided. The scale of the drawings must be large enough to clearly depict the topographic features and the contours must be at an interval that will adequately describe the topography of the site. Scales of 1-inch equals 50 feet or less, with 2-foot maximum contour intervals are recommended. The drawings must include the location of the project with respect to roadways, municipalities, streams, watercourses, public and private water supplies (wells, springs and water withdrawal locations, etc.) existing structures, existing ground cover, utilities and other identifiable landmarks. The immediate surrounding area must be of sufficient size to include all areas contributing runoff to the project site, planned BMPs and water courses receiving runoff from the project for evaluation relative to resistance to erosion. All symbols shown on the drawings must be included in a legend; a north arrow and scale must also be shown on the drawings. These requirements also apply to all offsite disposal or borrow areas.

In addition to the topographic map, a location map is required that shows the relationship of the project to municipal boundaries and major highways. The location map may be included on the topographic map as an insert or may



be included as a separate sheet in the narrative report. A reprint or a copy of a portion of a 7½ minute (1:24 000) USGS quadrangle map is recommended for this purpose. The name of the USGS quadrangle map must be included on the location map. For permit applications, a location map reprinted or copied from USGS quadrangle maps is required.

**b. Soil Characteristics**

Soil locations may be delineated on the drawings described above, or on a separate map of the site. A photocopy of a portion of the county soil survey on which the proposed project can be clearly shown may also be used. The types, depth, slope and limitations of the soils should be included in the project narrative or included on the drawings. Data on the physical characteristics of the soils, such as their texture, resistance to erosion and suitability for intended (limitations) use is to be included in the narrative report. This information is available in soil survey reports, published by the USDA, Natural Resources Conservation Service (NRCS) website: <https://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home/>, in cooperation with the Pennsylvania State University College of Agriculture and others. The reports are available from the county Conservation Districts. The means to address the identified soils limitations must be included on the drawings. For example, a note to use only certain areas as borrow areas for fill for sediment basins or traps, or special fertilization requirements for portions of the project, etc.

**c. Earth Disturbance Activity**

The proposed alteration in the project area and the limits of the project area must be shown on the plan drawings. Such information as the LOD, areas of cuts and fills and the locations of roads, existing and proposed structures should be included. Proposed contours of the project area must be included on the drawings. Separate drawings or inserts on the plan drawings must be included for off-site borrow or disposal areas which are part of the project. These drawings or inserts must include the same information as required on the plan drawings. A legend that describes all alterations and BMPs to be used for erosion and sediment control must be included on the drawings.

A description of the past, present and proposed land use in the project area must be included in the project narrative.

**d. Project Site Runoff**

The maximum area draining to all basins, traps and channels must be determined to calculate volume and rate of runoff. In some instances, the drainage area will increase or decrease as the site grading proceeds. In such cases, the maximum drainage area to the BMP must be used to determine the design capacity. An analysis must be included in the project narrative showing the impact that runoff from the project site will have on existing downstream watercourses' resistance to erosion. Design computations for appropriate protective measures for downstream watercourses must be included when applicable. A discharge analysis for all non-surface water discharges must be provided in the project narrative.

**e. Surface Water Classification**

All streams in Pennsylvania are classified based on their designated and existing water uses and water quality criteria. If the runoff from a project area discharges to a stream that is classified as EV or HQ pursuant to Chapter 93 (relating to water quality standards) or siltation-impaired, more stringent criteria are used to design the BMPs for that site. The criteria are found in Chapter 102.

The applicant must show on the drawings all streams, springs, wetlands, and floodways within, adjacent or receiving water from the project site. All special protection waters and existing and designated uses as presented in Chapter 93 must be clearly identified on the drawings and in the project narrative.

**f. BMP Description Narrative**

A description of the location and type of perimeter and onsite BMPs used before during and after earth disturbance activity must be included in the project narrative.

**g. BMP Installation Sequence Narrative**

The project narrative must provide a sequence of BMP installation and removal. This requires a list of temporary or permanent BMPs to be installed and a schedule for their installation and removal as related to the various phases of the project. Other BMPs are constructed when needed to accommodate the planned sequence of project installation. The narrative must include a complete schedule of installation and removal of erosion control BMPs as they relate to the various phases of earthmoving activities.

Appropriate BMPs for sediment pollution control must be in place before earth disturbance occurs within a given drainage area. All steps to be taken from the initial site clearing through the final stabilization of the site must be included.

**h. Supporting Calculations and Measurements**

All design information for BMPs must be included in the project narrative. The information will vary according to the BMP, but should include such information as the drainage area, flow rate, velocity and the proposed method of stabilization. The STANDARD WORKSHEETS included in the Appendix B of the [E&S Manual](#) gives guidance for the design calculations and information required. The applicant is not required to use the STANDARD WORKSHEETS, but must furnish the same information as indicated in the worksheets.

**i. Plan Drawings**

The locations of proposed BMPs must be shown on the plan drawings as previously described. A legend, describing all symbols used must be included on all plan drawings. All construction details and specifications for the facilities must be included on the drawings, including standard notes and optional notes to clarify or explain requirements. Typical sketches may be used; these sketches must provide sufficient information to show critical dimensions and construction details for each specific BMP. Standard Construction Details may be copied from those in the *E&S Manual* and inserted into the erosion and sediment control plan drawings. Proposed contours must tie into existing contours.

**j. Maintenance Program**

A maintenance program for both the temporary and permanent erosion and sediment control BMPs, including disposal of materials removed from the BMPs or project area, must be included in the project narrative and plan drawings. The maintenance program must include a schedule for inspection of each BMP and provide for inspection after each measurable runoff event as well as on a weekly basis. The type of maintenance, such as cleanout, repair, replacement, re-grading, stabilizing, etc. for each of the BMPs is to be included in the program. For sediment basins, the elevation corresponding to top of sediment storage level must be specified and a means to identify this elevation must be identified. The means of disposal of the materials removed from the BMPs must be specified. If materials removed from the BMPs are to be removed from the project area, the site and method of disposal must be indicated. Guidance on appropriate maintenance actions is provided for each BMP described in the *E&S Manual*. Maintenance requirements must be shown on the plan drawings.

**k. Material Recycling and Disposal**

Applicants for earth disturbance activities must ensure that proper mechanisms are in place to control waste materials. Construction wastes include, but are not limited to, excess soil materials, building materials, concrete wash water, sanitary wastes, etc. that could adversely impact water quality if not handled properly. The applicant must develop a plan in the project narrative which implements measures for housekeeping, materials management, and litter control. Wherever possible, recycling of excess materials is preferred, rather than disposal. A note directing proper handling, recycling and disposal of waste materials must be added to the plan drawings.

**l. Naturally Occurring Geologic Formations and Soil Conditions**

Potentially hazardous naturally-occurring geologic formations and soil conditions including, but not limited to land sliding, steep slopes, karst/sinkhole formation, coal seams, acid producing rock, radioactive or arsenic bearing formations, surface mines (existing, abandoned and/or reclaimed), deep mines (active, abandoned where the earth disturbance activities have the potential to encounter a mine void), mine spoil dump area, abandoned mine drainage, or abandoned mine drainage treatment systems, should be identified and discussed in the project narrative.

The locations of those geologic formations or soil conditions must be shown on the plan drawings. If those geologic formations or soil conditions may provide a hazard to the project or surrounding environmental or have the potential to cause or contribute to pollution as a result of the proposed earth disturbance activities, appropriate measures to prevent such discharges (including but not limited to proper handling, isolation, disposal, etc.) must be included in an attached Geologic Hazard Mitigation Plan with details illustrating the procedures and/or BMPs to be used to avoid or minimize potential pollution.

Bedrock or soil conditions which could result in significant slope failures causing mass soil movement into surface waters, property damage, or a public safety hazard should also be identified and discussed in the project narrative. The erosion control project narrative should briefly state the methods incorporated into the plan which address such hazards. Plan drawings should clearly mark the locations where potential for slope failures exist, and appropriate construction details should be provided. When poor geologic or soil conditions cannot be avoided, BMPs to

minimize or mitigate their impact must be identified in the plan drawings and implemented at the construction site. If the Applicant suspects any possibility of slope failure, a geotechnical report prepared by a geotechnical engineer must be submitted with the E&S Plan to ensure the hazard has been assessed and addressed properly.

**m. Thermal Impacts**

An analysis of how thermal impacts, associated with the project, will be avoided should be provided in the project narrative. If thermal impacts cannot be avoided, describe in the project narrative how impacts are to be minimized and the BMPs that will be used to mitigate the impacts in a manner that will protect and maintain surface water quality. BMPs proposed to minimize or mitigate thermal impacts must be provided on the plan drawings with associated details. The primary means to address thermal pollutions is to limit the size and duration of exposed earth or through infiltration. Additional information on minimizing thermal impacts can be found in the [Stormwater BMP Manual](#).

**n. E&S Plan and PCSM/SR Plan Consistency**

The overall design of the project should support the management of stormwater for erosion and sediment control during earth disturbance activities in a manner that is compatible with and can be integrated into, structural and non-structural PCSM/SR practices and approaches. The project narrative should discuss the overall project and how the E&S Plan will accommodate PCSM/SR BMPs.

The plan drawings should identify locations where BMPs are planned and designed to be integrated into PCSM/SR structural and non-structural practices and approaches.

**o. Riparian Forest Buffers**

When riparian forest buffers will be incorporated into a project site, the areas of existing buffers or the areas where buffers will be developed should be identified on the plan drawings.

**p. Antidegradation Requirements**

If any part of the project is in the watershed of a surface water with an existing or designated use of EV or HQ pursuant to Chapter 93 (relating to water quality standards), in an EV wetland in accordance with 25 Pa. Code § 105.17, or in the watershed of an impaired surface water where the cause of the impairment is identified as siltation, the applicant must implement nondischarge alternatives wherever cost-effective and environmentally sound. An evaluation of nondischarge alternatives should be provided in the project narrative that identifies viable alternatives for the proposed project. If no viable nondischarge alternatives exist, the E&S Plan must include ABACT. The plan drawings must show the locations and details for all non-discharge alternatives when identified or ABACTs when non-discharge alternatives don't exist.

**3. PERMIT NOI FILING FEES**

The applicant must submit \$500 plus \$100 per acre of earth disturbance with the NOI. Fractional acreage must be rounded to the closest whole number ( $\geq 0.5$  Round up;  $< 0.5$  Round down).

For an NOI submitted to DEP through DEP's ePermit (i.e. to DEP Bureau of District Oil and Gas office) system must use the payment solution provided in the Application Fee Module. Additional instructions and information can be obtained from the [e-Permit Operator User Guide](#).

For an NOI submitted to DEP on paper, a check is to be made payable to the "Commonwealth of Pennsylvania, Clean Water Fund". The Check is to be dated within 10 days of the NOI submittal date and sent with the NOI directly to the appropriate DEP Regional Office or Regional Permit Coordination Office until these offices receive NOIs through ePermit system as well.

For an NOI submitted to a Conservation District for transmission facilities, two checks are required. A check for the administrative fee of \$500 made payable to the Conservation District "Clean Water Fund". A second check for the \$100 per acre disturbance fee made payable to the "Commonwealth of Pennsylvania, Clean Water Fund". Both checks are to be dated within 10 days of the NOI submittal date and sent with the NOI directly to the Conservation District. Only certain federal and state government agencies are exempt from the fee.

Phased projects will need to pay the base administrative fee and the disturbed acreage fee for the initial phase or phases being submitted. Subsequent phase submissions must include only the disturbed acreage fee for that phase.

**Note: The Conservation District will forward the "per acre disturbance fee" check to DEP's Waterways and Wetlands Program of the appropriate DEP Regional office.**

#### 4. NOTIFICATIONS

##### a. Act 14 Municipal Notification

Act 14, which amended the Commonwealth's Administrative Code (71 P.S. § 510-5), requires every applicant for a new, amended, or revised permit to give written notice to each municipality (borough, township) and county government in which the facility is located. The municipality and county government must receive the written notice at least thirty (30) - days before DEP may issue or deny approval of coverage. A sample of the municipal notification is provided in these instructions as **Attachment C**. The attached sample letter can be used when providing notification in accordance with Act 14.

Proof of Receipt - The applicant must submit with the NOI:

1. A copy of correspondence notifying the municipality and county government of the applicant's intention to submit a NOI, and
2. Evidence that the municipality and county government has received the notification. Acceptable forms of evidence include certified mail receipt, proof of deliver from a commercial carrier or written acknowledgement of the notification from the municipality.

The NOI, and the copies of the E&S and PCSM/SR plans will be available to the municipality (borough, township) and county on DEP's website upon submission of the NOI by the applicant in DEP's e-Permit system. If the municipality/county needs additional information, the municipality should contact the applicant to provide supporting documents. Applicants who submit a paper NOI must submit a copy of the NOI and E&S and PCSM/SR Plan drawings to each municipality and county where the project is located with the notification. The plan drawings should accurately portray the type and scope of work that is proposed. If the plans provided to the municipality and county are not final, they should be marked accordingly. Failure to comply with municipal notification requirements will result in the return of the NOI as incomplete.

- b. Pennsylvania Inventory of Historical Places and the National Register of Historical Places.** When conducting earth disturbance activities, the permittee shall protect archaeological specimens and historic resources in accordance with applicable State and Federal laws. When the permitted activities are on lands of the Allegheny National Forest (ANF) or other federal lands, the permittee should coordinate with the appropriate ANF Ranger District or other appropriate federal agency on the protection of historic properties.

#### 5. PENNSYLVANIA NATURAL HERITAGE PROGRAM (PNHP)

Proof of consultation with PNHP is required. In order to provide proof of consultation with PNHP in accordance with 25 Pa. Code § 102.6(a)(2) regarding the presence of State or Federal threatened or endangered species (T&E Species) on the project site, submit a Pennsylvania Natural Diversity Inventory Project Environmental Review Receipt (PNDI Receipt). Information on PNHP searches is available through the PA Department of Conservation and Natural Resources, Bureau of Forestry, Ecological Services Section, P.O. Box 8552, Harrisburg, PA 17105-8852, telephone (717) 787-3444 and at <https://conservationexplorer.dcnr.pa.gov/>. If the PNHP review determines there are potential impacts to T&E species, the PNHP review receipt will provide an explanation of the potential impact(s) and guidance to resolve the potential impact. Following the procedure outlined in the [Policy for Pennsylvania Natural Diversity Inventory \(PNDI\) Coordination During Permit Review and Evaluation \(PNDI Policy\), No. 021-0200-001](#) meets the requirements in § 102.6(a)(2).

There are two options available to applicants for a standard NOI for handling PNDI coordination in conjunction with DEP's permit review process: sequential review and concurrent review. If selecting sequential review, submit a PNDI receipt and clearance letters, if any, with the NOI. If selecting concurrent review, submit a PNDI receipt, a completed PNDI Form and a U.S.G.S. 7½ minute quadrangle map with the project boundaries delineated on the map with the NOI. Additionally, submit the PNDI receipt to the appropriate jurisdictional agency. While DEP is commencing its completeness and technical review of the application, the applicant will engage in any consultation with the jurisdictional agencies. It is important to note, however, that the concurrent review option, carries certain risks and consequences to the applicant, including delay and redesign. See *PNDI Policy* pages 7-8.

When the activities are on lands of the ANF, evaluation of potential conflicts is to be coordinated with the appropriate ANF Ranger District.

Please note, early coordination (prior to NOI submission), by prospective applicants and their consultants with the appropriate jurisdictional agencies using the PNDI system is the most effective means of timely permit decision. For additional information, refer to DEP's PNDI Policy.

## 6. POST CONSTRUCTION STORMWATER MANAGEMENT/SITE RESTORATION PLANS

A PCSM/SR Plan that meets the requirements of 25 Pa. Code §§ 102.8, 78.65, and 78a.65, for unconventional operations, must also be submitted with the NOI and must identify the BMPs to be installed, which manage and treat stormwater discharges to protect water quality after construction. DEP recommends that the PCSM/SR Plan be developed utilizing the *Stormwater BMP Manual*. PCSM/SR Plan BMPs should be designed to maximize replication of the natural hydrologic cycle, to protect the structural integrity of receiving streams, and to protect and maintain existing and designated uses of waters of the Commonwealth.

PCSM/SR Plans for oil and gas exploration production, processing or treatment operations must be submitted to DEP Bureau of District Oil and Gas Operations. PCSM/SR plans for non-FERC regulated oil and gas transmission pipeline projects that do not traverse 3+ counties and 2+ regions must be submitted to a County Conservation District with an appropriate Chapter [102 delegation agreement](#). If the project is located in a county that does not have an appropriate Chapter 102 delegation agreement with DEP, the PCSM/SR plan must be submitted to the appropriate DEP [Regional Waterways and Wetlands Program](#). All PCSM/SR plans that are non-FERC regulated oil and gas transmission pipeline projects that traverse 3+ counties and 2+ regions must be submitted to DEP RPCO. All PCSM/SR plans for FERC-regulated natural gas transmission pipeline projects must also be submitted to [RPCO](#). The completed NOI, E&S Plan, Checklist and Standard PCSM Technical Review Guide should be included with the PCSM/SR Plan. The Checklist is an outline of the information needed to submit a complete PCSM/SR Plan and the Technical Review Guide identifies specific content required in each item in the Checklist.

If the project is located in a HQ or EV watershed or EV wetland pursuant to 25 Pa. Code Chapters 93 and 105, the PCSM/SR Plan must address the special protection requirements in DEP's antidegradation implementation requirements under 25 Pa. Code § 102.8(h).

Technical references for PCSM/SR BMPs can be found on the DEP website at [www.dep.pa.gov](http://www.dep.pa.gov) and at the following links below.

[Erosion and Sediment Pollution Control Program Manual](#) [Pennsylvania Stormwater Best Management Practices Manual](#)

[Pennsylvania's Comprehensive Stormwater Management Policy \(No. 392-0300-002\)](#)

**Note: BMP's not included in DEP's manuals will require documentation to support their effectiveness. More information on alternate BMP approval process and list of already approved alternative E&S and PCSM BMPs can be accessed at the following link:**

[E&S and PCSM Alternative BMPs](#)

The PCSM/SR plan must include the following:

### a. Topographic Features

Plan drawings showing the existing topographic features of the project site including the immediate surrounding area must be provided. The scale of the drawings must be large enough to clearly depict the topographic features and the existing and proposed contours must be at an interval that will adequately describe the topography of the site. Scales of 1-inch equals 50 feet or less, with 2-foot maximum contour intervals are recommended. The drawings must include the location of the project with respect to roadways, municipalities, streams, watercourses, public and private water supplies (wells, springs and water withdrawal locations, etc.), existing structures, existing ground cover, utilities and other identifiable landmarks. The immediate surrounding area must be of sufficient size to include all areas contributing runoff to the project site, planned BMPs and water courses receiving runoff from the project for evaluation relative to resistance to erosion. All symbols shown on the drawings must be included in a legend; a north arrow and scale must also be shown on the drawings. These requirements also apply to all offsite disposal or borrow areas.

In addition to the topographic map, a location map is required that shows the relationship of the project to municipal boundaries and major highways. The location map may be included on the plan drawings as an insert or may be included as a separate sheet in the project narrative. A reprint or a copy of a portion of a 7½ minute (1:24 000) USGS quadrangle map is recommended for this purpose. The name of the USGS quadrangle map must be included on the location map. For permit applications, a location map reprinted or copied from USGS quadrangle maps is required.



**b. Characteristics of Naturally Occurring Geologic Formation or Soil Conditions**

Potentially hazardous geologic and soil conditions including, but not limited to land sliding, steep slopes, karst/sinkhole formation, coal seams, acid producing rock, radioactive or arsenic bearing formations, surface mines (existing, abandoned and/or reclaimed), deep mines (active, abandoned where the earth disturbance activities have the potential to encounter a mine void), mine spoil dump area, abandoned mine drainage, or abandoned mine drainage treatment systems, should be identified on the plan drawings and in the project narrative with proposed resolutions. The types, depth, slope, locations and limitations of the soils and geologic formations must be identified for the entire project. The soil types should be delineated on the plan drawings along with notes describing any limitation and the proposed resolutions to address the limitations. A photocopy of a portion of the soil survey on which the proposed project can be clearly shown may also be used as a soils map.

Data on the physical characteristics of the soils, such as their permeability, depth to seasonal high ground water, texture, landslide potential, resistance to erosion and suitability for intended (limitations) use is available in soil survey reports, published by the USDA NRCS in cooperation with the Penn State College of Agriculture and others should be included in the project narrative. Of special interest are soils identified as “hydric” indicating the potential for the presence of wetlands. Soils identified as “hydric” in the USDA soil surveys must be investigated in the field to determine the presence or absence of wetlands.

**c. Earth Disturbance Activity Characterization**

The proposed alteration in the project area and the limits of construction must be shown on the plan drawings. Such information as the limits of earth disturbance, the areas of cuts and fills, proposed impervious areas and the locations of roads, existing and proposed structures are to be included. Proposed contours and grades of the project area must be included on the project drawings. Separate drawings, or inserts on the plan drawings must be included for off-site borrow or disposal areas which are part of the project. These drawings or inserts must include the same information as required on the plan drawings. A legend that describes all of the alterations and PCSM/SR BMPs to be used for stormwater management must be included on the drawings.

A description of the past, present and proposed land use in the project area must be included in the project narrative.

**d. Net Change in Volume and Rate of Runoff**

The net change in runoff volume and rate between preconstruction hydrology and post construction hydrology for the entire project site and each drainage area must be identified. The PCSM/SR BMPs should manage the net change in runoff volume and rate for a 2-year/24-hour storm event. An analysis must be included in the project narrative that describes how any net change in runoff volume and rate will be managed. The PCSM/SR Plan must meet the requirements under 25 Pa. Code § 102.8. DEP recommends that the PCSM/SR Plan be developed using the *Stormwater BMP Manual*. Include a pre-development drainage area map as well as post-development drainage area map. Also include a post-development drainage area map indicating the Point of Discharge(s) (PODs) from PCSM BMPs.

**e. Surface Water Classification**

All streams in Pennsylvania are classified based on their designated and existing water uses and water quality criteria. If the runoff from a project area discharges to a stream that is classified HQ or EV, more stringent criteria applied to design of the PCSM/SR BMPs. The criteria are found in Chapter 102.

The applicant must show on the plan drawings all streams, springs, wetlands, and floodways within, adjacent or receiving watercourses from the project site. All special protection waters, classifications and existing uses as presented in Chapter 93 must be clearly identified on the plan drawings and in the project narrative.

**f. BMP Description Narrative**

A written description of the location and type of PCSM/SR BMPs must be provided in the project narrative. Project drawings must show the location of PCSM/SR BMPs and provide construction details including permanent stabilization specifications. Proprietary BMP systems should be presented on the plan drawings in accordance with the manufacture’s requirements. All infiltration BMPs shall be provided with overflows and/or underdrains as needed to meet site and soil limitations.



**g. BMP Installation Sequence Narrative**

A sequence of PCSM/SR BMP implementation and installation in relation to earth disturbance activities of the project site and a schedule of inspection for critical stages of PCSM/SR BMP installation must be provided in the project narrative. Removal of temporary BMPs and activities or actions to be taken limit exposed area on the project site should be included in the plan narrative. The location of the PCSM/SR BMPs with construction details must be included on the project drawings.

**h. Supporting Calculations**

All design information and calculations for PCSM/SR BMPs and other points of concern must be included in the project narrative. The information will vary according to the PCSM/SR BMP, but should include such information as the methodology used for all calculations, drainage area, flow rate, flow velocity, design storm used for each calculation and the proposed method of stabilization. The FLOWCHARTS and STANDARD WORKSHEETS included in Chapter 8 of the *Stormwater BMP Manual* provide guidance for the design calculations and information required and is recommended by DEP to facilitate submittal and review. Although the FLOWCHARTS and WORKSHEETS are recommended by DEP, the applicant is not required to use them, but must furnish the same information as indicated on the forms.

Identify any current (2005 or more recent) and approved Act 167 Plan that covers the project site and include verification of PCSM/SR plan consistency with the Act 167 Plan in the Plan Narrative.

A summary of bio-infiltration BMPs used for the project must be provided using attachment E.

**i. Plan Drawings**

The locations of the PCSM/SR BMPs with tributary drainage areas must be shown on the plan drawings along with construction details and specifications for the facilities including standard notes to clarify or explain construction requirements. Typical sketches maybe used; these sketches must provide sufficient information to show critical dimensions and construction details for each specific PCSM/SR BMP. Areas sufficient in size and number where infiltration testing is to be conducted for proposed volume and rate control BMPs should be identified and marked as restricted access areas to avoid soil compaction.

The PCSM/SR Plan is to be consistent with the E&S Plan in regard to proposed contours, improvements, soils, wetlands, floodways, streams, discharge locations, BMPs, etc. All easements and rights-of-way on the project site must be shown on the plan drawings. Delineations of sensitive resources such as floodplains, floodways, steep slopes, riparian buffer areas, existing and proposed discharge points, points of interest or concern, etc., should be clearly shown on the plan drawings. A legend describing all symbols must be included on all plan drawings.

**j. Long Term Operation and Maintenance Schedule**

A long-term operation and maintenance schedule, which provides for inspection of PCSM/SR BMPs, including the direction for repair, replacement, or other routine maintenance of the PCSM/SR BMPs to ensure their proper function and operation must be included in the project narrative. The program must provide for completion of a written report documenting each inspection and all PCSM/SR BMP repair and maintenance activities including directions for the disposal of accumulated sediment. The long-term operation and maintenance schedule must identify the responsible party (owner, operator, and inspector) and how access to the PCSM/SR BMPs will be provided.

**k. Material Recycling and Disposal**

Procedures which ensure that the proper measures for recycling or disposal of materials associated with or from the PCSM/SR BMPs are in accordance with DEP laws, regulations and requirements. The applicant must develop a plan in the project narrative which identifies project wastes and provides directions to implement measures for recycling, disposal, housekeeping, materials management, and litter control. Wherever possible, recycling of excess materials is preferred, rather than disposal. A note directing proper handling, recycling and disposal of waste materials must be added to the plan drawings where appropriate.

**l. Addressing Impacts from Naturally Occurring Geologic Formations and Soil Conditions**

The applicant must identify naturally occurring geologic formations or soil conditions that may provide a hazard to the project or surrounding environment or have the potential to cause or contribute to pollution as a result of earth disturbance activities. A management plan to avoid or minimize potential pollution and its impacts from geologic formations or soil conditions must be included in the project narrative. Appropriate measures to prevent discharges (including but not limited to proper handling, isolation, disposal) should be included in the management plan. Details for the proper handling, isolation and/or disposal of these materials must be provided. The locations of the geologic

formations containing those minerals or soil conditions exhibiting limitations (if not site wide) must be shown on the plan drawings along with typical details illustrating the procedures and/or PCSM/SR BMPs to be used to avoid or minimize potential pollution.

Bedrock or soil conditions which could result in significant slope failures causing mass soil movement into surface waters, property damage, or a public safety hazard should also be identified and discussed in the project narrative. The project narrative should briefly state the methods incorporated into the plan which address such hazards. Plan

drawings should clearly mark the locations where the potential for slope failures exist. When poor geologic or soil conditions cannot be avoided, BMPs to minimize or mitigate their impact must be identified in the plan drawings and implemented at the construction site.

**m. Thermal Impacts**

An analysis of how thermal impacts associated with the project will be avoided must be provided in the project narrative. If thermal impacts cannot be avoided, describe how impacts are to be minimized and the BMPs that will be used to mitigate the impacts in a manner that will protect and maintain surface water quality. BMPs to be used to minimize or mitigate thermal impacts must be shown on the plan drawings including associated BMP details. The primary means to address thermal pollutions is to limit the size and duration of exposed earth or through infiltration. Additional information on minimizing thermal impacts can be found in the *Stormwater BMP Manual*.

**n. Riparian Forest Buffer Management Plan**

When riparian forest buffers are part of the project, a Riparian Forest Buffer Plan is required. The plan must show the existing and/or proposed buffers on the plan drawings and include a planting plan that shows the number, density, species and approximate location of trees and shrubs; a maintenance plan to ensure survival and growth of plantings and protection from competing plants and animals for a 5-year establishment period; and, an inspection to ensure long-term maintenance and functioning of the riparian forest buffer.

**o. Antidegradation Requirements**

If any part of the project is in the watershed of a surface water with an existing or designated use of EV or HQ pursuant to Chapter 93 (relating to water quality standards), in an EV wetland in accordance with 25 Pa. Code § 105.17, or in the watershed of an impaired surface water where the cause of the impairment is identified as siltation, the applicant must implement nondischarge alternatives wherever cost-effective and environmentally sound. An evaluation of nondischarge alternatives must be provided in the project narrative that identifies viable nondischarge alternatives for the proposed project. If no viable nondischarge alternatives exist, the E&S Plan must include ABACT. The plan drawings must show the locations and details for all non-discharge alternatives when identified or ABACTs when non-discharge alternatives don't exist.

**7. PCSM PLAN STORMWATER ANALYSIS**

PCSM Plans must comply with § 102.8 and when applicable § 78a.65.

For unconventional well sites, in accordance with § 78a.65(d), disturbed areas associated with well sites that are not included in a restoration plan, and other remaining impervious surfaces, must comply with all requirements in Chapter 102. For these projects, the PCSM plan provisions in § 102.8(n) apply only to the portions of the restoration plan that provide for restoration of disturbed areas to meadow in good condition or better or otherwise incorporate ABACT or nondischarge PCSM BMPs.

**a. Site Characterization and Assessment**

A predevelopment site characterization and assessment of soil and geology including appropriate infiltration and geotechnical studies that identify the location and depths of test sites and methods used must be included in the project narrative. The assessment should identify the pre-construction hydrology of the project site as a base line to which post construction hydrology will be compared. In addition, the assessment should identify site characteristics that may be useful when addressing volume, rate and water quality requirements discussed below.

**b. Volume Reduction and Water Quality Requirements**

The applicant must include an analysis in the project narrative that demonstrates the PCSM BMPs to be used will meet the volume and water quality requirements specified in an applicable DEP approved and current Act 167 stormwater management watershed plan or manage the net change for storms up to and including the 2-year/24-hour storm event when compared to preconstruction runoff volume and water quality.

**c. Rate Requirements**

The applicant must include an analysis in the project narrative that demonstrates the PCSM BMPs to be used will meet the rate requirements specified in and applicable DEP approved and current Act 167 stormwater management watershed plan or manage the net change in peak rate for the 2-, 10-, 50- and 100-year/24-hour storm events in a manner not to exceed preconstruction rates.

**d. Calculation Methodologies**

The applicant must identify and describe the methodologies used to calculate the total runoff volume and peak rate of runoff and provide supporting documentation and calculations in the project narrative.

**e. Construction Techniques**

Construction techniques or special considerations used by the applicant to address soil and geologic limitations affecting the project site as they relate to PCSM should be identified and described in the project narrative. Detail drawings of specific PCSM BMPs to be used should be included on the project drawings with appropriate notes describing their use and any special conditions necessary to ensure proper installation and operation.

**f. Antidegradation Requirements**

If any part of the project is in the watershed of a surface water with an existing or designated use of EV or HQ pursuant to Chapter 93 (relating to water quality standards), in an EV wetland in accordance with 25 Pa. Code § 105.17, or in the watershed of an impaired surface water where the cause of the impairment is identified as siltation, the applicant must implement nondischarge alternatives wherever cost-effective and environmentally sound. An evaluation of nondischarge alternatives should be provided in the project narrative that identifies viable alternatives for the proposed project. If no viable nondischarge alternatives exist, the Erosion and Sediment Control Plan must include ABACT (Antidegradation Best Available Combinations of Technology). The plan drawings must show the locations and details for all non-discharge alternatives when identified or ABACTs when non-discharge alternatives don't exist.

**8. PHASED PROJECTS**

Under 25 Pa. Code § 102.5(e), "a person proposing oil and gas activities that involve 5 acres (2 hectares) or more of earth disturbance over the life of the project shall obtain an E&S Permit under Chapter 102 prior to commencing the earth disturbance activity." In some cases, the life of the project, as defined above, may be a long term or large-scale project and the operator may wish to develop the project over time or in phases.

If an applicant plans to develop a phased project but the exact location of wells in subsequent phases cannot be determined until some wells are drilled, the applicant may still seek an ESCGP-3 for a phased project so long as the applicant identifies the anticipated scope, locations, and types of activities of such subsequent phases.

An NOI for oil and gas activities to be covered by a phased ESCGP-3 can be submitted with the initial phase or phases accompanied with detailed construction plans and drawings. The subsequent phases as described in the original NOI can be submitted without detailed construction plans and drawings but with sufficient detail to describe the scope, location and type of activity to allow DEP to assess the total environmental impact of the project. All phases must be included within the proposed LOD for the entire project. Future phases may not exceed the LOD without a Major Modification to the permit.

**9. SUBSEQUENT PHASE CERTIFICATION FOR EXPEDITED REVIEW**

If an applicant plans to request expedited review for subsequent phases of a phased project the applicant must answer the question accordingly and provide the following:

- Signature
- Company Name
- Address
- Phone Number

**10. PERMIT RENEWAL**

In cases where a well owner or operator conducts earth disturbance activities authorized by an ESCGP, the owner or operator must restore the oil or gas well site prior to expiration of permit coverage and terminate the permit in accordance with § 102.7(c) or renew coverage in accordance with 25 Pa. Code Chapter 102. After October 15, 2018 any NOI for renewals must be submitted in accordance with the ESCGP-3 terms and conditions on the new forms and will be processed in accordance with the terms and conditions of ESCGP-3 and PDG guidelines.

The NOI being submitted for renewal should be sent to the same office (Conservation District, DEP Regional Waterways & Wetlands Program or Bureau of District Oil and Gas Operations or Regional Permit Coordination Office) that processed and authorized the original permit.

Owners or operators of projects which were initially authorized under ESCGP-1, and permit coverage is renewed under ESCGP-2 after January 1, 2013 or as an ESCGP-3, shall implement, operate and maintain the PCSM Plan and BMPs in accordance with 25 Pa. Code § 102.8.

Application fee of \$500 plus \$100 for any acreage that remains to be disturbed or is not stabilized must be included with the NOI. The areas of additional earth disturbance as well as areas remaining that are not stabilized will need to be calculated for the application fee. These areas should be indicated on the plans attached to the NOI.

Permittees requesting a renewal of coverage must submit to DEP or Conservation District an administratively complete and accurate NOI, at least 60 days prior to the expiration date of coverage, unless permission has been granted by DEP or Conservation District for submission at a later date. If a timely, administratively complete, and accurate application for renewal of coverage has been submitted and DEP or Conservation District is unable, through no fault of the permittee, to reissue the authorization before the expiration date, the terms and conditions will be automatically continued. The terms and conditions will remain fully effective and enforceable pending the issuance or denial of the renewal of coverage, provided the permittee is operating in compliance with the terms and conditions of the existing permit. The permittee shall be responsible for complying with the final renewed, reissued or amended General Permit.

ATTACHMENT A

STANDARD E&S CONTROL PLAN TECHNICAL REVIEW CHECKLIST

Project: \_\_\_\_\_

Project Name: \_\_\_\_\_ Date: \_\_\_\_\_

Item Location: D = E&S Drawings, N = E&S Narrative, D&N = Drawings and Narrative

Check that the following items are completed in the E&S Plan. If an item is not applicable write N/A.

**“The E&S Plan shall be prepared by a person trained and experienced in E&S control methods and techniques applicable to the size and scope of the project being designed”**

Name \_\_\_\_\_ Address \_\_\_\_\_ Telephone No. \_\_\_\_\_ D&N

**“The existing topographic features of the project site and the immediate surrounding area”**

_____	Legible mapping	D
_____	Existing contours	D
_____	Type of cover	D
_____	Existing improvements, i.e. roads, buildings, utilities, etc.	D
_____	Sufficient surrounding area	D
_____	Complete mapping symbols legend and north arrow	D
_____	Location map, i.e. USGS	D or N

**“The types, depth, slope, locations and limitations of the soils”**

_____	Types, slopes, and locations of soil types	D
_____	Soil type use limitations and resolutions	N
_____	Hydric soils	N

**“The characteristics of the earth disturbance activity, including the past, present, and proposed land uses and the proposed alteration to the project site”**

_____	Proposed boundary and limits of construction	D
_____	Proposed contours/grades	D
_____	Proposed waterways and stormwater management facilities	D
_____	Proposed improvements, i.e., roads, buildings, utilities, etc.	D
_____	Past, present and proposed land uses	N

**“The volume and rate of runoff from the project area and its upstream watershed area”**

_____	Maximum during construction drainage areas	D
_____	Offsite drainage area(s) on USGS quadrangle map	N
_____	Discharge analysis provided for non-surface water discharges	N

**“The location of all surface waters of this Commonwealth which may receive runoff within or from the project site and their classification under Chapter 93”**

_____	Existing streams, wetlands, floodway, etc.	D
_____	Receiving watercourses	D
_____	Chapter 93 classification of streams or other water bodies	N

**“A narrative description of the location and type of perimeter and onsite BMPs used before, during and after the earth disturbance activity”**

\_\_\_\_\_ Description provided in the narrative N

**“A sequence of BMP installation and removal in relation to the scheduling of earth disturbance activities, prior to, during and after earth disturbance activities that ensure the proper functioning of all BMPs”**

\_\_\_\_\_ Complete and site specific sequence of BMP installation D  
 \_\_\_\_\_ Activities planned to limit exposed areas D  
 \_\_\_\_\_ Removal of temporary BMPs D

**“Supporting calculations and measurements” and “Plan Drawings”**

**Stabilized Construction Entrance**

\_\_\_\_\_ Locations \_\_\_\_\_ Complete Details \_\_\_\_\_ D

**Silt Fencing**

\_\_\_\_\_ Locations \_\_\_\_\_ Slope Length \_\_\_\_\_ Complete Details D

**Channels**

\_\_\_\_\_ Locations \_\_\_\_\_ Drainage Areas \_\_\_\_\_ D  
 \_\_\_\_\_ Contours and Grades \_\_\_\_\_ Complete Details D  
 \_\_\_\_\_ Peak flow calculations \_\_\_\_\_ Capacity and freeboard calculations N  
 \_\_\_\_\_ Protective lining calculations N

**Sediment Basins**

\_\_\_\_\_ Locations \_\_\_\_\_ Contours \_\_\_\_\_ Drainage Areas D  
 \_\_\_\_\_ Complete berm & outlet details \_\_\_\_\_ Cleanout information D&N  
 \_\_\_\_\_ Discharge to surface waters or approved alternative D  
 \_\_\_\_\_ Structurally sound D&N  
 \_\_\_\_\_ Capacity calculations \_\_\_\_\_ Discharge calculations N

**Sediment Traps**

\_\_\_\_\_ Locations \_\_\_\_\_ Contours \_\_\_\_\_ Drainage Areas D  
 \_\_\_\_\_ Complete berm & outlet details \_\_\_\_\_ Cleanout information D&N  
 \_\_\_\_\_ Discharge to surface waters or approved alternative D  
 \_\_\_\_\_ Capacity information \_\_\_\_\_ Discharge calculations N

**Outlet Protection**

\_\_\_\_\_ Locations \_\_\_\_\_ Complete Details D  
 \_\_\_\_\_ Design Calculations N

**Inlet Protection**

\_\_\_\_\_ Locations \_\_\_\_\_ Complete Details D

**Other BMPs (specify)**

\_\_\_\_\_ Locations \_\_\_\_\_ Complete Details D  
 \_\_\_\_\_ Design Calculations N

**Temporary Stabilization**

	Seed	Lime	Fertilizer	Mulch	Others	
Types	_____	_____	_____	_____	_____	D
Rates	_____	_____	_____	_____	_____	D



Permanent Stabilization

_____	Topsoil replacement	D
Types _____	Seed _____ Lime _____ Fertilizer _____ Mulch _____ Others _____	D
Rates _____		D

**“A maintenance program, which provides for the operation and maintenance of BMPs and the inspection of BMPs on a weekly basis and after each stormwater event, including the repair or replacement of BMPs to ensure effective and efficient operation. The program must provide for completion of a written report documenting each inspection and all BMP repair, or replacement and maintenance activities”**

_____	Inspection schedule	D
_____	Maximum sediment storage elevation/level in BMPs	D
_____	Time frames for completing specific maintenance and repairs for each type of BMP	D
_____	Proposed	
_____	Site stabilization repair parameters and directions	D
_____	Disposal directions for sediment removed from BMPs	D
_____	Note provided requiring written documentation of inspection & repair/replacement of BMPs by contractor	D

**“Procedures which ensure that the proper measures for the recycling or disposal of materials associated with or from the project site will be undertaken in accordance with this title”**

_____	Project construction wastes are identified	N
_____	Directions for recycling/disposal of construction wastes	D
_____	Soil/rock disposal areas provided with BMPs	D

**“Identification of natural occurring geologic formations or soil conditions that may provide hazards to the project or surrounding environment or have the potential to cause or contribute to pollution during earth disturbance activities and include BMPs to avoid or minimize potential pollution and its impacts from the formations”**

_____	Potential for geologic or soil conditions to cause pollution during construction is addressed	N
_____	Instructions for proper handling and/or disposal of all materials which could cause pollution are provided	D
_____	Typical details are provided for proper handling and/or disposal of all such materials	D
_____	The locations of all such materials are clearly shown on the plan maps	D

**“Identification of the potential thermal impacts to surface waters of this Commonwealth from the earth disturbance activity including BMPs to avoid, minimize or mitigate potential pollution from thermal impacts”**

_____	Analysis of how thermal impacts associated with the project will be avoided is provided	N
_____	If impacts cannot be avoided, impacts are minimized and BMPs provided to mitigate impacts and protect and maintain surface water quality	D&N

**“The E&S Plan shall be planned, designed, and implemented to be consistent with the PCSM Plan under § 102.8 (relating to PCSM requirements). Unless otherwise approved by the Department, the E&S Plan must be separate from the PCSM Plan and labeled “E&S” or “Erosion and Sediment Control Plan” and be the final plan for construction”**

_____	Overall plan supports the managing of stormwater for erosion and sediment control during earth disturbance activities	D&N
_____	BMPs are compatible with and can be integrated into structural and non-structural PCSM Practices	D&N

**“Identification of existing and proposed riparian forest buffers”**

_____	Existing and/or proposed buffers are shown on the plan drawings.	D
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**ATTACHMENT B**  
**STANDARD PCSM TECHNICAL GUIDE**

Project: \_\_\_\_\_

Project Name: \_\_\_\_\_ Date: \_\_\_\_\_

Check that the following items are completed in the PCSM Plan. If an item is not applicable write N/A.

**“The PCSM Plan shall be prepared by a person trained and experienced in PCSM design methods and techniques applicable to the size and scope of the project being designed”**

Item Location:                      D = PCSM Drawings, N = PCSM Narrative, D&N = Drawings and Narrative

**“The existing topographic features of the project site and the immediate surrounding area”**

_____	Legible Mapping	D
_____	Existing Contours	D
_____	Type of Cover	D
_____	Existing Improvements (i.e. roads, buildings, utilities, etc.)	D
_____	Sufficient surrounding area	D
_____	Complete mapping symbols and north arrow	D
_____	Location Map (i.e. USGS)	D or N

**“The types, depth, slope, locations and limitations of the soils and geologic formations”**

_____	Types, slopes and locations of soil types	D
_____	Soil type use limitations and resolutions	N
_____	Hydric Soils	N

**“The characteristics of the project site, including the past, present and proposed land uses and the proposed alteration to the project site”**

_____	Proposed limits of construction	D
_____	Proposed contours and grades	D
_____	Proposed improvements (i.e. roads, buildings, utilities etc.)	D
_____	Past, present and proposed land uses	N
_____	Existing features	D
_____	Proposed Impervious Areas	D

**“An identification of the net change in volume and rate of stormwater from preconstruction hydrology to post construction hydrology for the entire project site and each drainage area”**

_____	The design storm used for calculations is identified	N
_____	Preconstruction hydrology runoff rate and volume are identified for the entire project site and each drainage area	N
_____	Post-construction hydrology runoff rate and volume are identified for the entire project site and each drainage area	N
_____	The net change in runoff rate and volume are identified for the entire project site and each drainage area	N

**“An identification of the location of surface waters of this Commonwealth, which may receive runoff within or from the project site and their classification under Chapter 93 (relating to water quality standards)”**

_____	Existing streams, wetlands, floodway, etc.	D
_____	Receiving watercourses	D
_____	Chapter 93 classification streams or other water bodies	N

**“A written description of the location and type of PCSM BMPs including construction details for permanent stormwater BMPs including permanent stabilization specifications and locations”**

_____	All permanent PCSM BMPs are identified in the narrative and shown in the plan drawings	D&N
_____	Construction details are included for all permanent PCSM BMPs	N
_____	Permanent stabilization specifications for all permanent PCSM BMPs are included	N
_____	Proprietary BMP systems are illustrated on the drawings in accordance with their manufacturer's requirements	D
_____	Infiltration BMPs are provided with overflows and/or underdrains as needed to meet site and soil limitations	D & N

**“A sequence of PCSM BMP implementation or installation in relation to earth disturbance activities of the project site and a schedule of inspections for critical stages of PCSM BMP installation”**

_____	Complete and site specific sequence of BMP installations	D&N
_____	Activities planned to limit exposed areas	D&N
_____	Removal of temporary BMPs	D&N
_____	Critical stages of BMP installation are identified	N

**“Supporting calculations”**

_____	Calculations for all BMPs and points of interest are provided	N
_____	Methodology used for all calculations is identified	N
_____	The design storm used for each calculation is identified	N
_____	Current (2005 or more recent) Act 167 plans are identified	D or N
_____	Act 167 plan consistency verification is provided	N
_____	All flowcharts from the Pennsylvania Stormwater BMP Manual with flow path highlighted have been provided	N
_____	All appropriate worksheets from the Pennsylvania Stormwater BMP Manual have been completed and are provided	N

**“Plan drawings”**

_____	Locations of BMPs are shown along with tributary drainage areas	D
_____	Construction details are included for all PCSM BMPs	D
_____	All easements and rights-of-way are shown on plan drawings	D
_____	Sensitive resources are shown (i.e. steep slopes, riparian, etc.)	D&N
_____	Existing and proposed discharges & points of interest	D
_____	Floodplain and floodway delineations	D
_____	Locations and sufficient infiltration testing to represent proposed locations of volume and rate control BMPs	D
_____	PCSM Plan Drawings are consistent with E&S Plan in relation to proposed contours, improvements, soils, wetlands, floodways, streams, discharge locations, E&SBMPs, etc.	D

**Infiltration BMPs**

_____	All infiltration BMPs must have infiltration testing completed	N
_____	All infiltration BMPs must have soil testing completed	N
_____	All infiltration BMPs should be sited on un-compacted soils	D&N

**BMP 6.4.2 Infiltration Basins**

_____	Maintain a minimum 2-foot separation to bedrock and high water table	D&N
_____	Do not install on recently placed fill (<5 years)	D&N
_____	Allow 2 foot buffer between bed bottom and seasonal high groundwater table	D&N

**BMP 6.4.4 Infiltration Trench**

_____	Perforated pipe set at a minimum slope in a stone filled, level-bottomed trench	D&N
_____	Limited in width (3 to 8 feet) and depth of stone (6 feet max recommended)	D&N
_____	Trench is wrapped in nonwoven geotextile (top, sides, and bottom)	D&N
_____	A minimum of 6" of topsoil is placed over trench and vegetated	D&N

**BMP 6.4.5 Bio-retention**

_____	Ponding depths generally limited to 12 inches or less	D&N
_____	Native vegetation that is tolerant of variability, salts and stress	D&N
_____	Modify soil with compost	D&N

**BMP 6.4.8 Vegetated swale**

_____	Longitudinal slopes range from 1 to 6 %	D&N
_____	Side slopes range from 3:1 to 5:1	D&N
_____	Bottom width of 2 to 8 feet	D&N
_____	Convey the 10-year storm event with a minimum of 6 inches of freeboard	D&N
_____	Designed for non-erosive velocities up to the 10-year storm event	D&N

**BMP 6.4.9 Vegetated Filter strip**

_____	Filter Strip length is a function of the slope, vegetative cover, and soil type	D&N
_____	Minimum recommended length of filter strip is 25 feet	D&N
_____	Filter strip slope should never exceed 8%; less than 5% are preferred	D&N
_____	Level spreading devices are recommended to provide uniform sheet flow	D&N
_____	Maximum contributing drainage area slope is generally less than 5%	D&N
_____	Minimum filter strip width should equal the width of the drainage area	D&N

**BMP 6.4.10 Infiltration Berm**

_____	Maintain a minimum 2-foot separation to bedrock and high water table	D&N
_____	Berms should be relatively low, preferable no more than 24 inches in height	D&N
_____	If berms are to be mowed, the berm side slopes should not exceed a ratio of 4:1	D&N
_____	Berms should be vegetated with turf grass at a minimum	D&N

**BMP 6.5.2 Runoff recapture and use**

_____	Storage devices designed to capture a portion of small, frequent storm events	D&N
_____	Systems must provide for bypass or overflow of large storm events	D&N
_____	Water budget incorporating anticipated water inflow and usage required	D&N

**Water Quality and Rate Control BMPs**

**BMP 6.6.1 Constructed Wetlands**

_____	Adequate drainage area or proof of sustained base flow	D&N
_____	Maintenance of permanent water surface	D&N
_____	Relatively impermeable soils or engineered liner	D&N
_____	Sediment collection and removal	D&N
_____	Adjustable permanent pool and dewatering mechanism	D&N

**BMP 6.6.2 Wet pond/Retention basin**

_____	Adequate drainage area or proof of sustained baseflow	D&N
_____	Natural high groundwater table	D&N
_____	Maintenance of permanent water surface	D&N
_____	Should have at least 2 to 1 length to width ratio	D&N
_____	Forebay for sediment collection and removal	D&N
_____	Dewatering mechanism	D&N

**BMP 6.6.3 Dry extended basin**

_____	Hydraulic capacity controls effectiveness	D&N
_____	Ideal in combination with other BMPs	D&N

**Restoration BMPs**

**BMP 6.7.1 Riparian buffer restoration**

_____	Reestablish buffer areas along perennial, intermittent, and ephemeral streams	D&N
_____	Plant native, diverse tree and shrub vegetation	D&N
_____	Create a short-term maintenance and long-term maintenance plan	D&N
_____	Clear, well-marked boundary	D&N

**BMP 6.7.2 Landscape restoration**

_____	Minimize traditional turf lawn area	D&N
_____	Maximize landscape restoration area planted with native vegetation	D&N
_____	Protect landscape restoration area during construction	D&N
_____	Prevent post-construction erosion through adequate stabilization	D&N
_____	Minimize mowing (two times per year)	D&N

**BMP 6.7.3 Soil amendment and restoration**

_____	Physical loosening	D&N
_____	Compost amendments	D&N

**BMP 6.7.4 Floodplain restoration**

_____	Can prevent riparian problems from getting worse or can fix problems caused by historical practices	D&N
_____	Reattachment of root systems of floodplain vegetation/riparian areas connected to groundwater and/or base flow	D&N
_____	Removal of "legacy sediments" and associated nutrients stored within the stream corridors prior to release through bank erosion	D&N

**Other BMPs and related structural measures**

**BMP 6.8.1 Level spreaders**

_____	Must be level	D&N
_____	Are not applicable in areas with easily erodible soils and/or little vegetation	D&N
_____	Should safely diffuse at least the 10-year storm peak rate	D&N
_____	Bypassed flows should be stabilized in a sufficient manner	D&N

**"A long-term operation and maintenance schedule, which provides for inspection of PCSM BMPs, including the repair, replacement, or other routine maintenance of the PCSM BMPs to ensure proper function and operation"**

_____	Inspection schedule of each permanent BMP is provided	N
_____	Directions for maintenance and/or replacement of each BMP	N
_____	Directions for sediment disposal	N
_____	Responsible party (owner, operator, inspector) has been identified	N

**"Procedures which ensure that the proper measures for recycling or disposal of materials associated with or from the PCSM BMPs are in accordance with DEP laws, regulations and requirements"**

_____	Project wastes are identified	N
_____	Directions for recycling /disposal of wastes	D or N

**“An identification of naturally occurring geologic formations or soil conditions that may provide hazards to the project or surrounding environment or have the potential to cause or contribute to pollution after earth disturbance activities are completed and PCSM BMPs are operational and development of a management plan to avoid or minimize potential pollution and its impacts”**

_____	Potential for geologic or soil conditions to cause pollution during construction	N
_____	Instructions for proper handling and/or disposal of all materials which could cause pollution are provided	D
_____	Typical details are provided for proper handling and/or disposal of all such materials	D
_____	The locations of all such materials are clearly shown on the plan maps	D

**“An identification of potential thermal impacts from post construction stormwater to surface waters of this Commonwealth including BMPs to avoid, minimize or mitigate potential pollution from thermal impacts”**

_____	Applicant has described how thermal impacts of stormwater runoff from the project site were avoided	N
_____	Applicant has described how thermal impacts were minimized and mitigated	D&N

**“A riparian forest buffer management plan when required under § 102.14 (relating to riparian buffer requirements)”**

_____	Existing and/or proposed buffers are shown on the plan drawings	D
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**ATTACHMENT C**  
Instructions

This letter is provided as an example only. Applicants may draft their own letter of notification. This letter must be modified to meet the specific requirements of the project if the applicant chooses to use the following text.

**SAMPLE NOTICE LETTER TO MUNICIPALITY AND COUNTY**

Date:

Dear (Municipal Secretary): or

Dear (County Commissioners):

This municipal notice, under the requirements of Act 14, 97 P.S. § 510-5, is to inform you that (I am/we are) applying for coverage under the Erosion and Sediment Control General Permit (ESCGP-3) for Earth Disturbance Associated with Oil & Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities from the Pennsylvania Department of Environmental Protection (DEP):

Applicant Contact:

Project Location:

Project Description:

The Notice of Intent (NOI) completed by the applicant for this project as well as copies of the erosion and sediment control plan and post construction stormwater management plans will be available on Pennsylvania Department of Environmental Protection (DEP) website upon submission of NOI by the applicant in DEP's e-Permit system. Applicants submitting NOI in paper must submit a copy of the NOI and E&S and PCSM/SR Plan drawings to each municipality and county where the project is located with the notification. If municipality/county need additional information, (Applicant Contact) can provide supporting documents.

Sincerely,

Enclosures

cc: /county planning agencies

## ATTACHMENT D

Instructions to Complete the Summary Table (This table is located in Section H of the NOI Application Form)

SUMMARY TABLE FOR SUPPORTING CALCULATIONS AND MEASUREMENT DATA See the Instructions below on how to Complete This Section			
Design storm frequency _____ Rainfall amount _____inches	Pre-construction	Post Construction	Net Change
Impervious area (acres)	1	2	3
Volume of stormwater runoff (acre-feet) without planned stormwater BMPs	4	5	6
Volume of stormwater runoff (acre-feet) with planned stormwater BMPs		7	8
Stormwater discharge rate for the design frequency storm	9	10	11

- Box 1. **Pre-construction impervious area:** The total acres of impervious area on the project site before construction activities begin.
- Box 2. **Post construction impervious area:** The total acres of impervious area on the project site after construction activities have been completed.
- Box 3. **Net change of impervious area:** The difference between the acres of impervious area listed in Box 1 and Box 2.
- Box 4. **Pre-construction stormwater runoff volume without planned BMPs:** The amount of stormwater runoff volume from the project site that would result from the design storm occurrence before construction activities begin.
- Box 5. **Post construction stormwater runoff volume without planned BMPs:** The amount of stormwater runoff volume from the project site that would result from the design storm occurrence after construction activities have finished if no stormwater infiltration or retention BMPs have been installed.
- Box 6. **Net change in stormwater volume without planned BMPs:** The difference between the amounts of stormwater runoff volume listed in Box 4 and Box 5.
- Box 7. **Post construction stormwater runoff volume with planned BMPs:** The amount of stormwater runoff volume from the project site that would result from the design storm occurrence after construction activities have finished and the planned stormwater infiltration or retention BMPs have been installed.
- Box 8. **Net change in stormwater runoff volume with planned BMPs:** The difference between the amounts of stormwater runoff volume listed in Box 4 and Box 7.
- Box 9. **Pre-construction stormwater discharge rate:** The stormwater runoff discharge rate for the design frequency storm as determined by the land use for the past five years.
- Box 10. **Post construction stormwater discharge rate:** The stormwater runoff discharge rate for the design frequency storm event after all planned stormwater BMPs are installed.
- Box 11. **Net change stormwater discharge rate:** The difference between the stormwater runoff discharge rates listed in Box 9 and Box 10.

## ATTACHMENT E

Summary of Bio-Infiltration BMPs														
Infiltration Information						Drainage Information				BMP Information				
Proposed Structural bio-Infiltration BMPs (site specific)	Measured Infiltration Rate <sup>1</sup> (in./hr)	Factor of safety (min. of 2)	Design Infiltration rate (in./hr)	De-watering time <sup>2</sup> (hr)	Elevation of limiting zone-water table bedrock, etc. <sup>3</sup>	Total drainage area to BMP (sq. ft)	Total impervious drainage area to BMP (sq. ft)	Infiltration BMP Surface area (sq. ft)	Volume of runoff tributary to BMP during the 2yr/24 hr design storm <sup>4</sup> (cf)	Calculated removed volume (cf)	Maximum water surface elevation in BMP from 2yr storm <sup>6</sup>	Infiltration elevation bottom of bed/basin <sup>6</sup>	Elevation of infiltration test <sup>7</sup>	Elevation of E&S sediment basin bottom (if applies)

All information should be based on the 2-yr/24-hr storm.

Provide page numbers from the stormwater narrative identifying the location of the above information.

<sup>1</sup>The infiltration testing information should be located on the plan view of the PCSM plan and should include infiltration test elevation and rate

<sup>2</sup>Can include active infiltration time-dewatering time should not exceed 72 hours after the 2-yr/24-hr storm

<sup>3</sup>Depth to limiting zone is recommended to be at least 2 ft below infiltration

<sup>4</sup>The value should be greater than or equal to the volume to be infiltrated or managed by the BMP

<sup>6</sup>A maximum of 2 ft hydraulic head is recommended

<sup>7</sup>Provide supporting field notes/documentation from soil evaluation

Any deviation from the recommendations above should be adequately justified by a qualified professional and included with the application.

**Note: This chart is for summary purposes only and should be consistent with all design calculations and worksheets.**