



## INSTRUCTIONS FOR A NOTICE OF INTENT (NOI) FOR COVERAGE UNDER THE EROSION AND SEDIMENT CONTROL GENERAL PERMIT (ESCGP-2) FOR EARTH DISTURBANCE ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING OR TREATMENT OPERATIONS OR TRANSMISSION FACILITIES

### GENERAL INFORMATION

The Department requires that you use the most up-to-date NOI authorization package available. These instructions are designed to assist the applicant in completing the NOI and in determining if any other environmental permits or approvals are needed for the project. Please type or print clearly when completing the form. If information requested is more than the space allows, copy that appropriate page of the form and complete as required. If a question is not applicable to you or your project, check 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-2 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 exploration, production, processing or treatment operations or transmission facilities. The Department offers a voluntary expedited permit review process. NOIs submitted through the 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 technically and administratively complete and accurate NOI. **Be advised the expedited permit review is not available for all projects.** NOIs not submitted under the expedited permit review may be provided with an acknowledgement of coverage within 60 days of a complete and accurate NOI.

### Permit Application Filing Fees

A check for \$500 plus \$100 per acre of earth disturbance for an ESCGP-2 must be included with the NOI. Fractional acreage shall be rounded to the closest whole number ( $\geq 0.5$  Round up;  $< 0.5$  Round down).

For an NOI submitted to the Department, 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 application submittal

date and sent with the NOI directly to the Oil and Gas Program of the appropriate DEP Regional Office.

For an NOI submitted to a delegated County Conservation District, two checks are required. A check for the administrative fee of \$500 made payable to the delegated County 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 application submittal date and sent with the NOI directly to the delegated County Conservation District. Only certain 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 phases will need to pay only the disturbed acreage fee.

*Note: The delegated County Conservation District will forward the 'per acre disturbance fee' check to the Water Management Program of the appropriate DEP Regional office.*

### Operator Requirement

When the operator/contractor and owner/developer of the facility or activity is not the same individual, corporation, partnership, or other entity, the Department requires in 25 Pa. Code § 102.5(h) that both the operator and owner apply for coverage under a permit as co-permittees. If no operator/contractor has been selected at the time of permit application, then once selected, the operator/contractor must either be made a co-permittee or the permit must be transferred to the contractor.

### Erosion and Sediment Control (E&S) Plan Requirement

The E&S Plan must contain Best Management Practices (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. An E&S Plan must be developed utilizing guidelines and BMP information provided in the Erosion and Sediment Control BMP Manual and submitted (1 original, 2

copies) to the Department or authorized county Conservation District (for transmission facilities) along with the completed Application and Checklist. The Checklist outlines the information needed to submit a complete E&S Plan. If the construction activities are located in a High Quality or Exceptional Value watershed or Exceptional Value wetland pursuant to 25 Pa. Code Chapter 93 and 25 Pa. Code Chapter 105, the E&S Plan must address the special protection requirements in the department's antidegradation implementation requirements at 25 Pa. Code § 102.4(b)(6) and Section II Chapter 4 of the Oil and Gas Operators Manual.

*Note: All Program Manuals, technical guidance, application forms and instructions related to the E&S, NPDES, and Post Construction Stormwater Management Programs can be found at [www.depweb.state.pa.us](http://www.depweb.state.pa.us). On the upper left side of the screen, click on the keyword stormwater.*

*BMP's not included in the department's manuals will require documentation to support their effectiveness.*

#### **Post Construction Stormwater Management/Site Restoration Plans**

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

Technical references for both E&S control and stormwater BMPs can be found on the DEP website. Pennsylvania's Comprehensive Stormwater Management Policy (No. 392-0300-002) is also available at [www.depweb.state.pa.us](http://www.depweb.state.pa.us). After clicking on the DEP keyword stormwater, click on "Technical Information" then click on Post Construction Stormwater Management and look for the "Comprehensive Stormwater Management Policy."

*Note: BMP's not included in the department's manuals will require documentation to support their effectiveness.*

#### **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 the Department may issue or deny approval of coverage. A sample of the municipal notification is provided in these instructions as **Attachment A**.

The applicant must submit with the NOI:

1. A copy of correspondence notifying the municipality and county government of your intention to submit a NOI, and
2. Evidence that the municipality and county government has received your notification. Acceptable forms of this evidence include certified mail receipt or written acknowledgement of the notification from the municipality.

Submit a copy of the NOI and E&S Plan to each municipal and county government with the notification. Failure to provide a copy of the notification correspondence and evidence of municipal receipt of your notification with the NOI will delay processing of your application. Failure to comply with municipal notification will result in the return of the NOI as incomplete.

#### **Pennsylvania Natural Heritage Program (PNHP)**

In order to ensure that threatened and endangered (T&E) plant and animal species or critical habitat for those species will not be adversely impacted by the proposed construction activity; applicants must submit proof that a PNHP Project Planning Environmental Review was conducted. The review can only be conducted via the Internet at the [www.naturalheritage.state.pa.us/](http://www.naturalheritage.state.pa.us/) website. First time users will have to register at the website before conducting the review. A receipt is automatically available for printing upon completion of the PNHP review. This receipt must be submitted as part of this application form. If the PNHP review determines there are potential impacts to a T&E species, the PNHP review receipt will provide an explanation of the potential impact(s) and instructions on how to resolve the potential impact. **READ AND FOLLOW THESE INSTRUCTIONS CAREFULLY.** It is the applicant's responsibility to resolve potential impacts to T&E species before applying for this permit. When the activities are on lands of the Allegheny National Forest (ANF), evaluation of potential conflicts is to be coordinated with the appropriate ANF Ranger District.

For additional information, refer to DEP's *Policy for Pennsylvania Natural Heritage Program (PNHP) Coordination During Permit Review and Evaluation* (400-0200-001), see [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

### Cultural Resources Notice

A Cultural Resources Notice is not required for ESCGP-2 as per the exemptions to the History Code (0120-PM-PY0003). Permitted activities which may affect Historic Resources on the National Register of Historic Places are not exempt regardless of size. Accordingly, when the permitted activities are on lands of the Allegheny National Forest (ANF), evaluations of cultural resources are to be coordinated with the appropriate ANF Ranger District. If, during the earth disturbance activity, historic resources are encountered, the earth disturbance activity should be ceased immediately and the Pennsylvania Historic and Museum Commission notified.

For additional information, refer to DEP's Implementation of Pennsylvania History Code (No. 012-0700-001), see [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

### Expedited Review Process

DEP has established an optional expedited permit review process for ESCGP-2 NOIs.

The "Expedited Review Process" is not available for projects:

1. Located in or with potential to discharge to waters that have a designated or existing use of High Quality or Exceptional Value pursuant to Chapter 93,
2. In which the area surrounding an oil or natural gas wellhead that is subject to earth disturbance and that is used or planned for use for drilling, production or plugging of the well including associated support activities is to be constructed in or on a Floodplain. For the purposes of this permit a floodplain is 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. See 25 Pa. Code §105.1. 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 of such perennial stream, and (2) from any intermittent stream to 50 feet horizontally from the top of the bank of such intermittent stream, and
3. Where earth disturbance activities on lands that are known to be currently contaminated by the release of regulated substances as

defined in Section 103 of Act 2, 35 P.S. § 6026.103.

### 4. For transmission facilities.

NOIs submitted through the 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. If authorization is not received within 14 business days from the submission of a complete and acceptable NOI, the applicant may call the regional office to inquire about the acknowledgement of coverage. To qualify for the expedited review option the applicant must:

- Submit a complete and accurate application package.
- Develop an E&S Plan that meets the requirements of 25 Pa Code Section 102.4(b), as well as the standards and specifications identified in the Department's *Erosion and Sediment Control Best Management Practices (BMP) Manual*, No. 363-2134-008, as amended and updated.
- Develop a PCSM/SR Plan with post construction BMPs that are designed to meet the requirements of 25 pa Code Section 102.8, as well as the standards and specifications identified in the *Pennsylvania Stormwater Best Management Practices Manual*, No. 363-0300-002, as amended and updated.
- Satisfies and meets the terms and conditions of ESCGP-2 and all applicable regulations.
- Meets the guidelines of DEP's *Oil and Gas Operators Manual*, No. 550-0300-001 and the Erosion and Sediment Pollution Control Program Manual.
- Applies BMPs consistent with the site characteristics and meets applicable performance and water resource protection requirements.

In addition, to qualify for an expedited permit, the application must be prepared and certified by a licensed professional (e.g. engineer, surveyor, geologist or landscape architect) who is registered in Pennsylvania and who has attended up-to-date training provided by DEP, Office of Oil and Gas Management on erosion and sediment control and post construction stormwater management for oil and gas activities. The licensed professional is responsible for the development of a complete permit application package, including an erosion and sediment control plan that specifies BMP implementation and maintenance requirements and a PCSM/SR Plan with BMPs that meet regulatory requirements. All E & S and PCSM/SR Plan drawings and plan narratives

must be sealed by the licensed professional that prepared the application and plans. The seal must be placed on each plan drawing and on the cover of the narrative.

### Permit Authorization

The DEP Regional Office Oil and Gas Program or delegated Conservation District for transmission activities, will give the applicant 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 permit application will require submission for review and decision individually. If approved, a separate authorization will be made on each subsequent phase. For more information on phased permitted activities please see the Department 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 Number 363-2134-013. Also refer to ESCGP Policy Document No. 550-2100-008.

Issuance of a permit does not authorize earth disturbance activities in wetlands or water obstructions or encroachments.

If necessary, an OG-0057 waiver request must be submitted with the well permit for any well site which lies within 100 feet of a blue line stream on a U.S.G.S. Quad map or within 100 feet of any wetland greater than one acre in size.

*Note: As a condition of the permit, earth disturbance activity cannot begin until permit authorization is received by the applicant. The applicant must notify the Department 7 day notice prior to the Preconstruction Meeting and Standard Condition #9 of the ESCGP-2 requires Department notification 7 days prior to the start of earth disturbance.*

### PERMIT APPLICATION INSTRUCTIONS

The reviewing entity will give the applicant written acknowledgement of permit coverage approval or denial. If the Department or Conservation District determines the NOI/Application is incomplete or contains insufficient information, the Applicant will be notified in writing. The Applicant will have 60 days to provide the necessary information along with the appropriate filing fees. If the requested information is not submitted in 60 days, the application will be considered withdrawn, and no fees will be refunded. The following information must be submitted in order

for the application to be considered administratively complete.

### Section A: Applicant Information

**Application Type.** Check the appropriate boxes for the application type.

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

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

*Note: An expired permit cannot be renewed.*

Modification (Major) – An application that will modify an existing permit in a major way such as adding to the total disturbed acreage. The reviewing entity should be consulted for discussion prior to submittal of this type of application.

Expedited – An application requesting to reviewed under the “Expedited Review Option”.

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

The following information must be provided in order to identify the applicant.

1. **Applicant's Last Name, First Name, MI.** Required information: Enter the Name of the Corporation, Partnership, Agency or Individual.
2. **Co-Applicant's Last Name, First Name, MI.** Required for additional individuals, partners or operators to be co-permittee. Enter the Name of the Corporation, Partnership, Agency or Individual.
3. **Mailing Address.** The mailing address of the Owner/Operator (applicant) identified above (this should not include locational data that is not appropriate for a mail piece). In addition to the street number and name, PO Box#, RR# Box#, or Highway Contract# 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)
4. **City, State, ZIP+4.** Do not use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code.

## Section B: Site Information

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 PO Box Numbers will be accepted for site location information. Provide the city (or municipality), state, and the ZIP+4.
3. **Detailed Written Directions to Site.** When providing written directions, do not use PO Box address data. Include landmarks and approximate distances from the nearest highway.
4. **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, please list them on an attached separate sheet.

## Section C: 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. 550-2100-008.  
**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.
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 such as number of wells to be drilled. Does the project include a tank battery, compressor station, pipeline, etc.?
4. **Latitude and Longitude.** Provide the latitude and longitude coordinates for the approximate center of the project area or facility. The

coordinates should be in degrees, minutes and seconds. 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. topo map area. 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.
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 of these phases 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 line 6 should be equal to the size of the Total Project Area and Total Disturbed Area respectively, listed on line 1 of the NOI/application form. For more information on phased permitted activities please see the Department 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 and Policy for Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities (E&S General Permit for Oil and Gas Activities), Document Number 550-2100-008.
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, list the pollutant, the source of the pollutant, and concentration. Provide a plan for removal of the pollutant.
9. **Preparedness Prevention and Contingency (PPC) Plan.** If you will use, store or transport materials including fuels (other than fuels contained in equipment fuel tanks), chemicals, solvents, biocides waste water, wash water, core

drilling wastewater, cement, sanitary wastes, solid wastes, hazardous wastes or other waste or materials onto, on or from a project site during earth disturbance activities, a PPC Plan must be developed and implemented. In addition, the PPC Plan must be available on site during earth disturbance activities and available upon request.

10. **Identify naturally occurring geologic formations or soil conditions** that may have potential to cause pollutions during earth disturbance activity and include BMPs to avoid or minimize potential pollution and its impacts.
11. **Identify potential thermal impacts to surface waters** of the Commonwealth from earth disturbance activity including BMPs to avoid, minimize or mitigate potential thermal pollution.
12. **E&S and PCSM/SR Plan Consistency.** The E&S Plan must be planned, designed and implemented to be consistent with the PCSM or SR Plan. Unless otherwise approved by the Department, the PCSM Plan must be separate from the E&S Plan and labeled as such in the final plans for construction (Chapter 25, Section 102.8(d)). Projects that require site restoration as opposed to PCSM may include the SR Plan as part of the E&S Plan (Chapter 25, Section 102.8(n)).
13. Identify existing and proposed riparian forest buffers.
14. Indicate whether the antidegradation implementation requirements are met.
15. a. If the proposed earth disturbance includes construction of a well site, indicate whether any earth disturbance is proposed within 100 feet of a blue-line stream or wetland at least one acre in size. If the proposed earth disturbance does not include construction of a well site, indicate "N/A".  
If yes, proceed to section b.  
b. Indicate whether an OG-0057 waiver request has been obtained in accordance with Section 205(b) of the Oil and Gas Act
16. Indicate whether the seasonal high ground water table has been identified at all proposed pit and impoundment locations.
17. **Provide the Chapter 93 stream classifications.** The designated use of the receiving waters can be obtained from 25 Pa. Code Chapter 93 of the Department's regulations located online at [www.pacode.com](http://www.pacode.com). The existing use can be obtained from the Department's Statewide

Existing Use Listing at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Existing Use.

#### Section D: PCSM/SR Plan BMPs

All earth disturbance activities requiring permit coverage under 25 Pa. Code Chapter 102 must ensure that a written PCSM Plan that meets all of the PCSM requirements as described in Section 102.8(a) through (m). Certain projects such as pipelines or other similar utility infrastructure and oil and gas activity permitted in accordance with Chapter 78 may utilize a Site Restoration (SR) Plan in lieu of a PCSM Plan provided that the SR Plan meets the requirements described in Section 102.8(n). These different requirements are reflected in Section D1 and D2 below.

For earth disturbance activities requiring site restoration under the Oil and Gas Act and 25 Pa. Code Chapter 78, provide the information outlined in Section D1 only. For earth disturbance activities requiring a PCSM plan, provide the information outlined in Section D2 only. If your activity includes both a SR Plan **and** a PCSM Plan, provide the information outlined in both Sections D1 and D2.

#### Section D1: SR Plan BMPs

The E&S Plan shall include a SR Plan.

A separate Section D1 is required for each watershed where projects are crossing multiple watershed boundaries. Three copies of the plan must be provided. The plan should address rate, volume, and water quality impacts to each drainage area.

The Chapter 102 regulations require that the design standards be based on a 2-year/24-hour frequency storm unless the applicant demonstrates to the department that an alternative approach will be more protective, or will protect and maintain existing and designated uses. The permit application allows the use of other design standards provided that certain criteria 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 the integrity of stream channels, and must protect the physical, biological and chemical qualities of the receiving water.

The SR plan must be consistent with any DEP approved and current County Act 167 Plan. The Department considers any Act 167 Plan from 2005 or later to be current and requires that SR Plans must demonstrate consistency with the Act 167 Plan. Where a project is located within a watershed and municipality covered by an Act 167 Plan, approved by

the Department prior to 2005, the Act 167 consistency requirement is not applicable and the 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:

- Submit a letter provided by the municipal or county planning engineer that verifies plan consistency.
- 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 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 DEP Stormwater BMP Manual Recommended Peak Rate Control Guideline have been established.
  - c. Calculations to demonstrate that the SR plan is consistent with the Department 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 DEP Stormwater Best Management Practices (BMP) Manual should be included.

If no Department approved Act 167 plan exists, the SR plan should be consistent with the practices contained within the DEP Stormwater Best Management Practices (BMP) Manual. Complete and attach the appropriate worksheets referenced in the Stormwater Best Management Practices (BMP) Manual. In addition to these water quality features, all SR plans must comply with local water quantity and/or flood control requirements.

Permittees and co-permittees are responsible for proper installation of the SR Plan BMPs prior to the submission of the Notice of Termination for this permit. **BMP's not included in the departments manual will require documentation to support the effectiveness of the BMP.** SR Plans must address all requirements of Chapter 102.8(n).

1. **Site Restoration Plan Information.** Check all applicable boxes and provide the requested

information regarding any Department approved Act 167 plans.

2. **Riparian Buffer Information.** Check off appropriate boxes and provide information as applicable. If a waiver is requested, the applicant must provide a demonstration that there are reasonable alternatives for compliance with this section, that an existing riparian buffer is undisturbed to the extent practicable, and that the activity will otherwise meet the riparian buffer requirements.
3. **Summary Table for Supporting Calculation and Measurement Data.** Please provide this summary data from the calculations and measures submitted as part of the SR Plan. Reference the Stormwater Methodology used, and check off the appropriate volume measurement used (acre-feet or cubic feet). For a project involving multiple watershed boundaries, please submit a complete separate Section C for each additional watershed.
4. **Summary Description of Post Construction Stormwater BMPs.** Please check all the appropriate boxes. If there is no check box for a planned BMP, check the box for "other" and list the BMP. Do not list erosion and sediment control BMPs.
5. **Off-site Discharge Analysis.** If an applicant proposes off-site discharges of stormwater from SR to areas other than surface waters, documentation must be provided to demonstrate that the discharge will not cause erosion, damage, or a nuisance to off-site properties. It is the applicant's responsibility to obtain a legal right to discharge onto adjacent properties. Please check the appropriate box in this block.
6. **Thermal Impact Analysis.** This analysis must be completed as part of the ESCGP-2 Permit Application. 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.

Some 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 to 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.

## Section D2: Post Construction Stormwater Plan BMPs

One original and 2 copies of the plan must be provided. The plan should address rate, volume, and water quality impacts to each drainage area.

The Chapter 102 regulations require that the design standards be based on a 2-year/24-hour frequency storm unless the applicant demonstrates to the department that an alternative approach will be more protective, or will protect and maintain existing and designated uses. The Permit application allows the use of other design standards provided that certain criteria are adhered to. The PCSM Plan should be designed to maximize volume reduction technologies, eliminate (where possible) or minimize point source discharges to surface waters, preserve the integrity of stream channels, and must protect the physical, biological and chemical qualities of the receiving water.

The PCSM plan must be consistent with any DEP approved and current County Act 167 Plan. The Department considers any Act 167 Plan from 2005 or later to be current and requires that PCSM plans must demonstrate consistency with the Act 167 Plan. Where a project is located within a watershed and municipality covered by an Act 167 Plan, approved by the Department prior to 2005, the Act 167 consistency requirement is not applicable and the 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:

- Submit a letter provided by the municipal or county planning engineer that verifies plan consistency.
- 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 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 DEP Stormwater BMP Manual Recommended Peak Rate Control Guideline have been established.
- c. Calculations to demonstrate that the SR plan is consistent with the Department 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 DEP Stormwater Best Management Practices (BMP) Manual should be included.

If no Department approved Act 167 plan exists, the PCSM plan should be consistent with the practices contained within the DEP Stormwater Best Management Practices (BMP) Manual. Complete and attach the appropriate worksheets referenced in the Stormwater Best Management Practices (BMP) Manual. In addition to these water quality features, all SR plans must comply with local water quantity and/or flood control requirements.

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

1. **PCSM Plan Information.** Check all applicable boxes and provide the requested information regarding any Department approved Act 167 plans.
2. **Riparian Buffer Information.** Check off appropriate boxes and provide information as applicable. If a waiver is requested, the applicant must provide a demonstration that there are reasonable alternatives for compliance with this section, that an existing riparian buffer is undisturbed to the extent practicable, and that the activity will otherwise meet the riparian buffer requirements.
3. **Summary Table for Supporting Calculation and Measurement Data.** Please provide this summary data from the calculations and measures submitted as part of the PCSM Plan. Reference the Stormwater Methodology used, and check off the appropriate volume measurement used (acre-feet or cubic feet). For a project involving multiple watershed boundaries,

please submit a complete separate Section C for each additional watershed.

4. **Summary Description of Post Construction Stormwater BMPs.** Please check all the appropriate boxes. If there is no check box for a planned BMP, check the box for "other" and list the BMP. Do not list erosion and sediment control BMPs.
5. **Off-site Discharge Analysis.** If an applicant proposes off-site discharges of stormwater from PCSM to areas other than surface waters, documentation must be provided to demonstrate that the discharge will not cause erosion, damage, or a nuisance to off-site properties. It is the applicant's responsibility to obtain a legal right to discharge onto adjacent properties. Please check the appropriate box in this block.
6. **Thermal Impact Analysis.** This analysis must be completed as part of the ESCGP-2 Permit Application. 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.

Some examples include: minimizing impervious surfaces, maintain shading 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 to 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.

7. **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 the Department or conservation district.

## Section E: Special Protection Waters

Provide the information requested in accordance with 25 Pa Code Sections 93.4(a), 102.4(b)(6), 102.8(h) the Oil and Gas Operator's Manual and the Oil and Gas Stormwater Policy 550-2100-008 if the earth disturbance activity is in a Special Protection Watershed.

*Note: The Expedited Review Option is not available for activities in HQ or EV watersheds.*

**Section F: Antidegradation Analysis** This section must be completed where activities will be conducted in special protection waters.

Maintaining and protecting existing water quality for High Quality (HQ), Exceptional Value (EV) streams, and Exceptional Value (EV) wetlands and protecting designated and existing uses for all surface waters is critical. The antidegradation of 93.46(b) performance standards must be met by following the process set out in 25 Pa. Code Section 102.4(b)(6) and 102.8(h) (relating to implementation of antidegradation requirements). The Antidegradation Analysis outlines that process.

### Part 1 - Non-Discharge Alternative Evaluation

For BMPs not checked, provide an explanation of why they are not utilized. Project designs and BMP selections that do not accomplish non-discharges should be reconsidered. All reasonable efforts should be made to reduce and eliminate discharges.

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

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

### Erosion and Sediment Control ABACT

To satisfy the antidegradation implementation requirements the applicant should refer to 102.4(b)(6), 102.8(h) and ensure they (1) evaluate and include non-discharge alternatives in the E&S plan, and (2) if non-discharge alternatives do not exist the E&S plan

must include ABACT BMPs that manage the change in the 2-year/24-hour storm event. Non-discharge alternatives and ABACT, and their design standards, are listed in the Erosion and Sediment Control BMP Manual.

### **PCSM ABACT**

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. BMPs listed in the PA Stormwater BMP Manual may also qualify as ABACT BMPs.

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

### **Section G: Compliance Review**

Provide the information requested. Use additional pages if necessary. 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. Past or current poor compliance history may result in permit issuance being delayed until compliance has been achieved.

### **Section H: Certification by Person Preparing Application**

The person responsible for preparing the E&S Plan and PCSM/SR Plan with PCSM BMPs must complete this section. If the applicant is requesting an expedited review, the licensed professional responsible for the development of a complete permit application 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 application in the space provided certifying that the information provided is true and correct. The licensed professional must also provide the location and date of the most recent Department training they attended.

### **Section I: Applicant Certification**

The NOI shall be signed as follows:

1. In the case of corporations, by a principal executive officer of at least the level of vice president, or an authorized representative,
2. In the case of a partnership, by a general partner.
3. In the case of a sole proprietorship, by the proprietor.
4. In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official or other authorized employee.

### **Section J: Contact for Additional Information**

Provide contact information for the individual to provide assistance to the Department or Conservation District with question concerning the Application

### **Application Checklist**

The checklist for this application must be completed and enclosed with the NOI. If the applicant is proposing a phased permitted project the checklist shall be used with each subsequent phase submission.

The checklist is provided to ensure that the applicant has included all the required information for an administrative review. This checklist will also be utilized by the Department or delegated Conservation District to determine administrative completeness. Failure to provide all of the requested information will delay the processing of the application, may prohibit the use of the expedited review, and may result in the application being placed on hold with no action, or being considered withdrawn and the application file closed with forfeiture of the Application Filing Fee.

**ATTACHMENT A**

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-2) 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:

Enclosed is a complete copy of the Notice of Intent (NOI) completed by the applicant for this project.

Sincerely,

Enclosures

cc: /county planning agencies

**How to Complete the Summary Table**

(This table is located in Section D1 and D2, of the Notice of Intent Application Form)

<b>4. SUMMARY TABLE FOR SUPPORTING CALCULATION AND MEASUREMENT DATA</b> <b>See the Instructions on how to Complete This Section</b>			
Check this box if supporting calculations and measurements are NOT required in accordance with Section D.2.e on the preceding page.			
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 assuming that 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.