



**PAG-02**  
**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**  
**GENERAL PERMIT FOR DISCHARGES OF**  
**STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES**  
**NOTICE OF INTENT (NOI) INSTRUCTIONS**

**GENERAL INSTRUCTIONS**

**These NOI Instructions explain how to properly complete and submit an NOI package for coverage under the PAG-02 General Permit. The PAG-02 General Permit may be used for NPDES permit coverage when a project is eligible in accordance with these Instructions and the General Permit.**

The Department of Environmental Protection (DEP) requests that applicants use the most recent versions of Notice of Intent (NOI) forms as posted on DEP's website. The most recent version of the PAG-02 General Permit NOI form ([3800-PM-BCW0405b](#)) can be obtained through DEP's website as noted below. A complete NOI package includes the NOI form and all other attachments identified on the NOI checklist ([3800-PM-BCW0405c](#)). Applicants can download the appropriate form to a computer, complete the form electronically and print and sign the document for submission to DEP. The NOI form and checklist can be obtained by visiting [www.dep.pa.gov/constructionstormwater](http://www.dep.pa.gov/constructionstormwater).

**General Instructions.** These instructions are intended to assist the applicant in completing the NOI identified above. Type or print clearly when completing the form. If additional space is needed to accurately complete the NOI, attach additional sheets as necessary. If a question is not applicable, write "N/A" in the appropriate box. Where a term used in these instructions is not defined, refer to the definition contained in the PAG-02 General Permit.

For all counties in Pennsylvania except for Forest and Philadelphia counties, the county conservation district (CCD) is delegated by DEP to perform reviews of PAG-02 NOI packages submitted in compliance with 25 Pa. Code Chapter 102.

**Scope.** The PAG-02 General Permit is intended to provide NPDES permit coverage for stormwater discharges associated with construction activities in satisfaction of state (25 Pa. Code §§ 92a.1(b) and 102.5(a)) and federal (40 CFR §§ 122.26(b)(14)(x) and 122.26(b)(15)) regulations, subject to the eligibility requirements specified herein.

Discharges from a project site may receive coverage under the PAG-02 General Permit when the standards contained in the Notice of Intent (NOI) Submittal section of the General Permit are met.

A permittee may not commence a new discharge under this General Permit until the following conditions have been met:

1. A complete NOI package (3800-PM-BCW0405b and required attachments) has been submitted, as determined by DEP or CCD, in accordance with the requirements of the General Permit and the NOI instructions.
2. The applicant has received written approval of coverage under PAG-02, signed by the appropriate DEP or CCD manager or supervisor.
3. The applicant has obtained all other state and local permits and approvals arising out of the earth disturbance activities reported in the NOI, including but not limited to sewage planning approval required by the Pennsylvania Sewage Facilities Act (Act 537), if applicable.
4. A pre-construction meeting has been held unless waived by DEP or CCD, in writing.

**Eligibility Criteria.** DEP will deny coverage under the General Permit when one or more of the following conditions exist:

1. Discharges to waters, including wetlands, with a designated or existing use of High Quality Waters (HQ) or Exceptional Value Waters (EV) pursuant to 25 Pa. Code Chapter 93 (relating to water quality standards). ([25 Pa. Code § 92a.54\(e\)\(9\)](#))

2. Discharges which contain hazardous pollutants, toxics, or any other substance which - because of its quantity, concentration, or physical, chemical, or infectious characteristics - may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters of this Commonwealth. (25 Pa. Code § 92a.54(a)(5))

**NOTE 1** – If a project site is known to have on-site soils that are contaminated, and the contamination is not site-wide (i.e., hot spots), earth disturbance activities under the PAG-02 General Permit may be authorized for areas that are not contaminated. If on-site contaminated soils will be disturbed, the applicant must apply for an individual permit for the entire project site. For the purpose of the PAG-02 General Permit, soils are contaminated if concentrations (i.e., mg/kg) of any regulated substance exceed residential or non-residential medium-specific concentrations (MSCs) for soil in 25 Pa. Code Chapter 250 (Appendix A, Tables 3 and 4) for residential and non-residential sites, respectively, unless a site-specific standard has been met under a state or federal cleanup program or the applicant provides documentation of naturally occurring contamination.

**NOTE 2** – The introduction of chemicals such as flocculants to reduce pollutants in stormwater discharges during construction may be conducted under the PAG-02 General Permit if the proposed use is consistent with DEP's Erosion and Sediment Pollution Control Program Manual (363-2134-008) (E&S Manual) or if the introduction is otherwise approved by DEP's Bureau of Clean Water.

3. Discharges which individually or cumulatively have the potential to cause significant adverse environmental impact. (25 Pa. Code § 92a.54(e)(1))
4. Discharges to waters for which NPDES general permit coverage is prohibited under 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance).
5. Discharges which are not, or will not be, in compliance with any of the terms or conditions of this General Permit. (25 Pa. Code § 92a.54(e)(2))
6. Discharges for which the responsible party (person) has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, and schedule of compliance or order issued by DEP or CCD. (25 Pa. Code § 92a.54(e)(3))
7. Discharges subject to categorical point source effluent limitations promulgated by the United States Environmental Protection Agency (EPA) for categories other than construction or post-construction. (25 Pa. Code § 92a.54(e)(5))
8. Discharges which do not, or will not, result in compliance with applicable effluent limitations or water quality standards. (25 Pa. Code § 92a.54(e)(6))
9. Discharges from construction activities for which DEP requires an Individual NPDES Permit to ensure compliance with the federal Clean Water Act, Pennsylvania's Clean Streams Law, or rules and regulations promulgated thereto; or where a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source. (25 Pa. Code § 92a.54(e)(8))
10. Discharges associated with coal mining or noncoal mining activities pursuant to DEP's regulations at 25 Pa. Code Chapters 77 and 86-90.
11. Discharges associated with a construction activity that may adversely affect a Pennsylvania or federal endangered or threatened species or its critical habitat. (25 Pa. Code § 92a.12(c))
12. Discharges from a site where other point source(s) require the issuance of an Individual NPDES Permit. (25 Pa. Code § 92a.54(e)(7))
13. Discharges to surface waters identified in DEP's latest published Integrated Water Quality Monitoring and Assessment Report (Integrated Report) most recently approved by EPA as being impaired for siltation, suspended solids, turbidity, water/flow variability, flow modification/alterations, or nutrients unless the discharges will be managed with a non-discharge alternative or Antidegradation Best Available Combination of Technologies (ABACT) best management practices (BMPs).

**NOTE 3** – Eligibility criterion 13 applies to stormwater discharges directly to impaired waters. In addition, the 2020 version of DEP’s Integrated Report combined the causes of “water/flow variability” and “flow modifications / alterations” and renamed them “flow regime modification.” Where an impairment is identified in an Integrated Report dated 2020 or later, the cause “flow regime modification” has the same intent and meaning as “water/flow variability” and “flow modifications/alterations” in the PAG-02 General Permit.

14. Discharges to surface waters that are covered by an EPA-approved or EPA-established Total Maximum Daily Load (TMDL), including discharges to waters tributary to the Chesapeake Bay, in which the pollutant(s) of concern include siltation, suspended solids, or nutrients, unless the discharges will be managed with a non-discharge alternative or ABACT BMPs. In addition, if a specific wasteload allocation (WLA) has been established that would apply to the discharge, the permittee shall implement necessary steps to meet that allocation.

**NOTE 4** – Eligibility criterion 14 applies to stormwater discharges to waters covered by a TMDL, which may be watershed-wide or surface water-specific.

15. Discharges to municipal separate storm sewer systems (MS4s) and combined sewer overflow (CSO) municipal systems without the written consent of the MS4 or CSO permit holder unless those discharges result in no increase in volume, rate, or water quality.
16. Discharges of (a) wastewater from washout of concrete, unless managed by an appropriate control; (b) wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials; (c) fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and (d) soaps or solvents used in vehicle and equipment washing.

**Authorized Stormwater Discharges.** The following stormwater discharges associated with construction activities are authorized under the PAG-02 General Permit provided that the appropriate stormwater controls are designed, installed, and maintained by the permittee in accordance with applicable laws, regulations and guidance administered by DEP or EPA:

1. Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity as defined at 25 Pa. Code § 92a.2.
2. Stormwater discharges designated by DEP as needing permit coverage under 40 CFR § 122.26(a)(1)(v), 40 CFR § 122.26(b)(15)(ii) or Pennsylvania’s Clean Streams Law that are associated with construction activity.
3. Stormwater discharges from off-site construction support activities (off-site support activities) including but not limited to concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal (spoil) areas, borrow areas, stockpiling of topsoil, transfer of topsoil to other locations, and turnaround areas, provided that:
  - a. The off-site support activity is part of the same common plan of development or sale required to have permit coverage for stormwater discharges.

**NOTE 5** – If the location of an off-site support activity is not known at the time of PAG-02 NOI submission, but is located following commencement of coverage, the permittee must provide notification to DEP or CCD prior to commencing earth disturbance activities at the off-site support activity. The permittee must develop a new or updated E&S Plan reflecting the E&S BMPs for the off-site support activity and submit the E&S Plan for review and approval to DEP or CCD upon request. Also see DEP’s [Frequently Asked Questions \(FAQ\) for Chapter 102 Permit Amendments](#) for additional information.

- b. The off-site support activity is not a commercial operation and it does not serve multiple unrelated construction sites.
  - c. The off-site support activity does not continue to operate beyond the completion of the construction activity at the project site it supports and will be restored to approximate original condition, as defined in the PAG-02 General Permit.

**NOTE 6** – Temporary concrete or asphalt batch plants typically generate wastewater that may not be discharged under PAG-02. The earth disturbance associated with these off-site activities may be covered

under PAG-02, but the wastewater discharges may not be. In such situations earth disturbance may be covered under PAG-02, but operation of the facilities producing such wastewater may not be authorized until separate NPDES permit coverage is obtained for the wastewater discharges.

If an off-site support activity does not meet these three guidelines, the off-site support activity will require separate NPDES permit coverage unless the earth disturbance will be less than one acre, in which case an E&S Plan must be developed, implemented and maintained in accordance with 25 Pa. Code § 102.4(b) and submitted for review and approval upon request by DEP or CCD.

**Administrative Process.** A complete NOI package must be submitted to DEP or CCD, who will verify eligibility for the PAG-02 General Permit and will publish notice of final actions on PAG-02 NOIs in the *Pennsylvania Bulletin*.

If DEP or CCD determines, upon receipt of a PAG-02 NOI package, that the applicant is not eligible to use PAG-02 for NPDES permit coverage, DEP or CCD will notify the applicant in writing (i.e., by letter or email) prior to the end of the completeness review period that the applicant is ineligible for PAG-02 coverage and the NOI will be returned. The applicant will then have the option of applying for an individual permit. Pre-application meetings or calls are important not only for an applicant to explain the project to DEP or CCD, but also for DEP or CCD to verify eligibility, minimizing the likelihood of a DEP or CCD finding of ineligibility.

If DEP or CCD determines, upon receipt of a PAG-02 NOI package, that the NOI package is incomplete, DEP or CCD will notify the applicant in writing (i.e., by letter or email) prior to the end of the completeness review period. NOIs with fee payments that include insufficient funds will be considered incomplete. The applicant will have one 60 calendar-day period ("deficiency correction period") to submit the necessary information or fees to make the NOI package complete. This deficiency correction period is independent of the completeness review period. Applicants may request up to a maximum 30-day extension, which may or may not be approved by DEP or CCD. Extensions must be approved in writing (i.e., by letter or email). If DEP or CCD determines that despite the receipt of additional information the NOI remains incomplete, DEP or CCD will notify the applicant that the NOI has been denied. If the applicant does not respond within the 60 calendar days, DEP or CCD will consider the application to be withdrawn by the applicant in accordance with 25 Pa. Code § 102.6(c)(2). Fees submitted as part of the PAG-02 NOI package will not be returned. The applicant may submit a new PAG-02 NOI for the same project.

**NOTE 7** – DEP or CCD will only send one incompleteness review letter.

**NOTE 8** – If DEP or CCD notifies an applicant for PAG-02 coverage that the NOI is incomplete, the applicant need only submit the information required to complete the NOI; resubmission of the entire NOI package is not required.

Following receipt of written notification from DEP or CCD that an NOI is incomplete, the applicant must provide the necessary information within the deficiency correction period. Once the necessary information is received by DEP or CCD, or otherwise following DEP or CCD's determination that an NOI is complete, the technical review phase of the review period begins:

- If there are no technical deficiencies with the NOI, DEP or CCD will proceed to take a final action on the NOI.
- If DEP or CCD determines that there are technical deficiencies that are not significant, DEP or CCD will call or email the applicant and/or consultant to resolve minor deficiencies.
- If DEP or CCD determines that there are significant technical deficiencies, DEP or CCD will provide written notification (i.e., by letter or email) to the applicant and consultant, as applicable. In general, one technical deficiency notice will be issued during the technical review period. DEP or CCD will provide, in the technical deficiency notice, a deadline by which the deficiency or deficiencies must be corrected. An applicant who desires additional time to correct deficiencies must contact DEP or CCD to request an extension and must provide an alternate date by which deficiencies will be corrected (generally up to a maximum of 30 additional days). Extensions must be approved in writing (i.e., by letter or email) by DEP or CCD.
  - If the applicant responds with information to correct the significant technical deficiencies by the deadline established by DEP or CCD or by the approved extension, and if DEP or CCD determines that the submission has corrected the significant technical deficiencies, DEP or CCD will proceed to take a final action on the NOI.

- If the applicant fails to respond by the deadline established by DEP or CCD or by the approved extension, the NOI will enter the elevated review process.
- If the applicant responds with information to correct the significant technical deficiencies by the deadline established by DEP or CCD or by the approved extension, and if DEP or CCD determines that the submission has not corrected the significant technical deficiencies or the submission results in additional significant technical deficiencies, the NOI will enter the elevated review process.

**NOTE 9** – It is the applicant's responsibility to ensure that proper quality assurance is performed when responding to technical deficiencies. For example, a change in a calculated value may result in the need to update a series of documents to reflect the change. Resubmission of all documents in the NOI package affected by the change is necessary.

An overview of the NOI review process for PAG-02 NOIs is presented in **Figure 1**. Construction resulting in stormwater discharges from earth disturbances greater than or equal to one acre may commence when the following criteria have been met:

1. The applicant has submitted a complete NOI package ([3800-PM-BCW0405b](#) and required attachments) in accordance with the requirements of the General Permit and the NOI instructions.
2. The applicant has received written approval of coverage under PAG-02, signed by the appropriate DEP or CCD manager or supervisor.
3. All other permits and approvals relating to the earth disturbance activities reported in the NOI, including but not limited to sewage planning approval required by the Pennsylvania Sewage Facilities Act (Act 537), if applicable, have been obtained.
4. A pre-construction meeting has been held unless waived by DEP or CCD, in writing.

**Pre-Application Meeting.** A pre-application meeting or call with the appropriate DEP or CCD office is encouraged, but not required, prior to submission of the NOI package. Applicants are encouraged to mail, fax or email DEP's Chapter 102 Pre-Application Meeting Request form ([3800-FM-BCW0271e](#)) to the appropriate DEP or CCD office to arrange for the meeting or call.

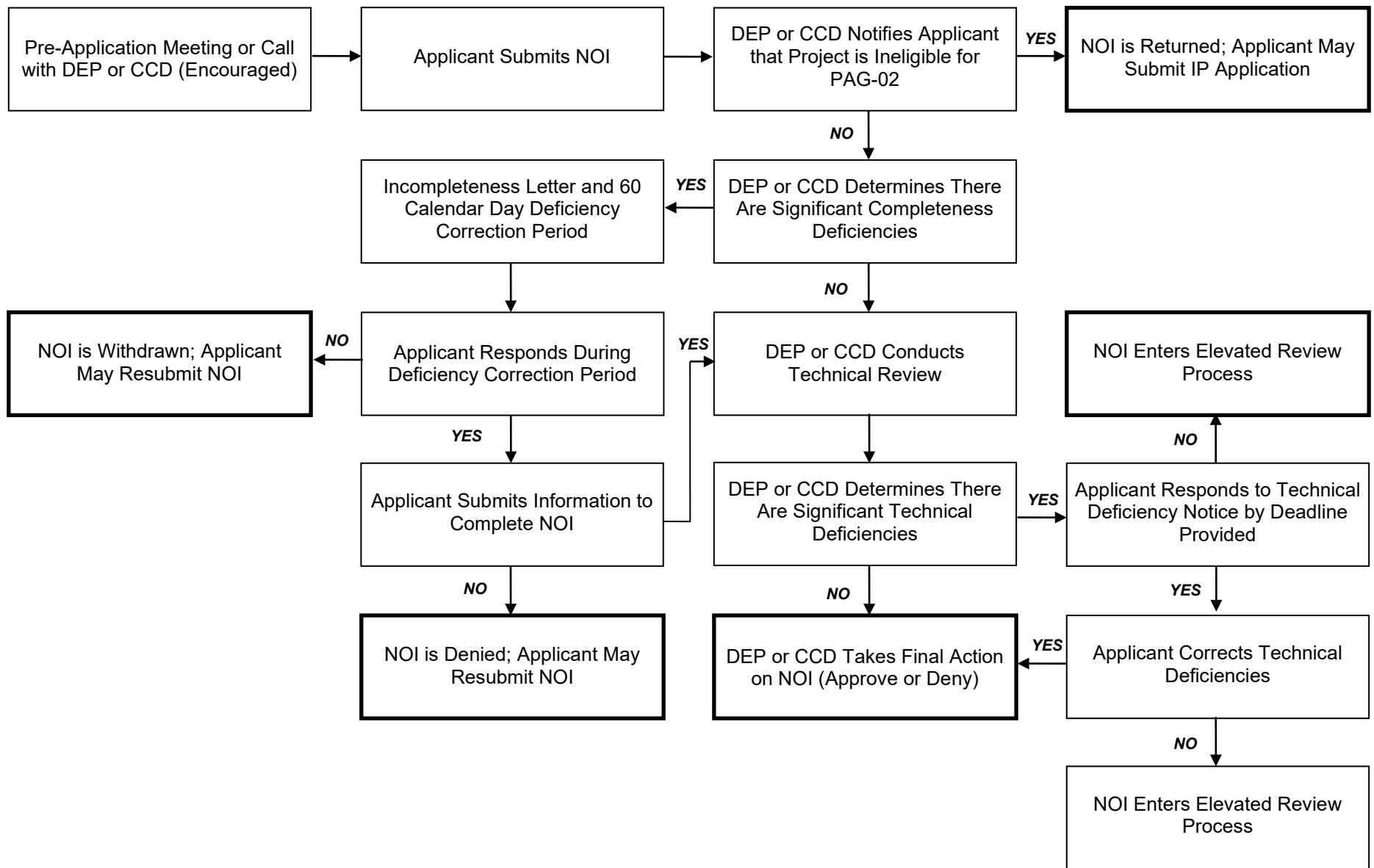
**Deadline for NOI Submission.** Persons seeking new coverage under the PAG-02 General Permit must submit a complete NOI package at least 60 calendar days prior to the planned date for commencing construction. **Submission of an NOI 60 calendar days prior to the planned date for commencing construction does not imply or guarantee that DEP or CCD will be able to approve PAG-02 coverage on or before the end of that 60-day period.** Applicants are encouraged to apply as early as possible prior to the planned date for commencing construction and ensure the NOI is complete and technically adequate.

**Where to Submit NOI Packages.** Applicants should submit complete PAG-02 NOI packages as specified in the PAG-02 checklist ([3800-PM-BCW0405c](#)) including applicable fees to DEP or CCD as follows:

- For a project located in a single county, submit the NOI package to the appropriate CCD for the county, unless the project is located in Forest or Philadelphia counties, in which the NOI package should be submitted to DEP's Northwest, Southwest, or Southeast regional offices, respectively.
- For projects located in two counties, submit the NOI package to the appropriate CCD for the county with the greatest amount of earth disturbance, unless that county is Forest or Philadelphia, in which case the NOI package should be submitted to DEP's Northwest, Southwest, or Southeast regional offices, respectively.
- For projects located in more than two counties but within the jurisdiction of the same DEP regional office, submit the NOI package to the appropriate DEP regional office.
- For projects located in more than two counties that are also in the jurisdictions of two or more DEP regional offices, submit the NOI package to DEP's Regional Permit Coordination Office in Harrisburg.

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

Figure 1: Overview of PAG-02 Administrative Process





**NOI Fees.** The following fees are applicable to the submission of a PAG-02 NOI:

**Disturbed Acreage Fee:** The applicant must submit a disturbed acreage fee in the form of a check or money order with the NOI package. The amount of the disturbed acreage fee is determined by multiplying the number of disturbed acres (where acres is rounded to the closest whole number) by \$100. For example, if 1.5 acres will be disturbed, round to 2 acres and submit a check or money order in the amount of \$200. This fee is made payable to the Commonwealth of Pennsylvania Clean Water Fund.

**Administrative Filing Fee:** The applicant must submit an administrative filing fee in the form of a check or money order with the NOI package in the amount of \$500. This fee is made payable to the county Clean Water Fund for the CCD in the county where the NOI was submitted. If the NOI is submitted to DEP, then this fee is made payable to the Commonwealth of Pennsylvania Clean Water Fund.

**NOTE 10** – The check or money order for the administrative filing fee must be separate from the check or money order for the disturbed acreage fee.

**NOTE 11** – If a CCD will be conducting the PAG-02 NOI review, additional fees may apply and a separate CCD application form may be needed. Please check the appropriate CCD website or otherwise contact the CCD for the latest fee schedule.

**Fee Exemptions:** In accordance with 25 Pa. Code § 102.6(b)(4), any federal or state agency or independent state commission that provides funding for program administration by DEP through the terms and conditions of a mutual agreement may be exempt from the NOI fees identified above. At this time, DEP, EPA, the Pennsylvania Turnpike Commission, the Pennsylvania Fish and Boat Commission, the Department of Conservation and Natural Resources, and the Pennsylvania Department of Transportation (PennDOT) are agencies that meet this requirement.

**County and Municipal Notification.** All applicants must submit County ([3800-FM-BCW0271b](#)) and Municipal ([3800-FM-BCW0271c](#)) Notification forms as attachments to the NOI. These forms serve two purposes: 1) to provide notice under Act 14 of planned land development activities requiring a DEP permit; and 2) to provide information to DEP or CCD concerning consistency with county and municipal plans and ordinances pursuant to Acts 67, 68, and 127 of 2000 (P.L. 483, P.L. 495, and P.L. 940)

In the event that an applicant has submitted the Notification forms to the appropriate county and municipality, but the county and/or municipality have not completed, signed and returned the forms to the applicant within 30 days, the applicant may submit the PAG-02 NOI to DEP or CCD with the following documentation: 1) copies of the County and Municipal Notification forms that were submitted to the county and municipality, in which the applicant's section is complete and signature provided; and 2) proof of receipt by the county and/or municipality (i.e., copies of returned registered mail receipts or other suitable documentation). DEP or CCD will consider county and municipal notification to be complete upon receipt of these items. If the county and/or municipality does complete and sign the Notification form(s) and return them to the applicant prior to DEP or CCD taking a final action on the NOI, the applicant must submit these forms to DEP or CCD to supplement the NOI.

**PNDI Receipt.** Applicants for PAG-02 coverage must submit a Pennsylvania Natural Diversity Inventory (PNDI) receipt with the NOI package along with copies of correspondence from jurisdictional agencies, if applicable. Applicants must visit [www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us), select Conservation Explorer, and utilize the PNDI Environmental Review tool to generate a PNDI receipt (draft receipts are not acceptable). The PNDI receipt must be up to date and not scheduled to expire prior to the anticipated commencement of construction. The PNDI receipt will indicate one of the following outcomes:

- **No Known Impact** – Nothing further required.
- **Conservation Measures** – Nothing further required.
- **Avoidance Measures** – The applicant must sign the PNDI receipt, indicating that the applicant can and will fulfill the Avoidance Measures for the project, and the Avoidance Measures must be identified in the Erosion and Sediment Control Plan (E&S Plan) and/or Post-Construction Stormwater Management Plan (PCSM Plan) as applicable. If the applicant cannot or chooses not to meet the Avoidance Measures, the applicant must follow the same process for Potential Impact described below.



- **Potential Impact** – In addition to the PNDI receipt, the applicant must provide the clearance letter(s) from the jurisdictional agencies identified in the PNDI receipt.

It is recommended that the PNDI process be completed prior to submission of a PAG-02 NOI to avoid the potential for delays and overall project risks. However, DEP will allow for a concurrent review for PAG-02 NOIs. Under the concurrent review process, the applicant may submit the PNDI receipt with the PAG-02 NOI and then, if necessary, work on obtaining clearance letters from jurisdictional agencies identified in the PNDI receipt during the review period. DEP or CCD will not, however, issue approval of coverage under PAG-02 until the clearance letter(s), if applicable, are submitted to supplement the NOI. It is noted that clearance applies to threatened and endangered species only (i.e., not species of special concern).

**Site Restoration.** For the purpose of this General Permit, site restoration projects can be characterized by one or more of the following criteria:

- Projects that will restore the area of earth disturbance to approximate original condition or will not have impervious surfaces.

**NOTE 12** – Restoration from forest (pre-construction) to meadow (post-construction) is considered acceptable.

**NOTE 13** – Runoff flows may not be concentrated following earth disturbance where such concentrated flows did not exist prior to earth disturbance.

- Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects.
- Slope stabilization projects not associated with a road maintenance activity.
- Slope flattening, not associated with a road maintenance activity, that changes the grade of the site, but does not significantly change the runoff characteristics.
- Spoil or borrow areas that will be covered with vegetation equivalent to a meadow in good condition or will be forested/wooded.
- Land clearing and grading for the sole purpose of creating vegetated open space such as parks and fields, excluding projects that alter hydrology from pre- to post-construction conditions.
- Athletic fields (i.e., natural grass) that do not alter hydrology from pre- to post-construction conditions.
- Demolition projects where vegetation will be established and no redevelopment is planned.

When these criteria are met the project qualifies for a site restoration plan under 25 Pa. Code § 102.8(n) to satisfy PCSM Plan requirements.

**Preparedness, Prevention and Contingency Plan.** In accordance with 25 Pa. Code § 102.5(l), a person shall prepare and implement a site-specific Preparedness, Prevention, and Contingency (PPC) Plan when storing, using or transporting materials including: fuels, chemicals, solvents, pesticides, fertilizers, lime, petrochemicals, wastewater, wash water, core drilling wastewater, cement, sanitary wastes, solid wastes or hazardous materials onto, on or from the project site during earth disturbance activities. Submission of a PPC Plan is not required with the NOI, but must be made available to DEP or CCD upon request (e.g., as part of a site inspection) if the materials listed above are stored, used, or transported.

**Operators/Co-Permittees.** In accordance with 25 Pa. Code § 102.5(h), operators who are not the permittee shall be co-permittees. An operator is a person who has oversight responsibility of earth disturbance activities on a project site or a portion thereof who has the ability to make modifications to the E&S Plan, the PCSM Plan, or site specifications and/or has day-to-day operational control over earth disturbance activities to ensure compliance with the E&S or PCSM Plans.

For example, if a gas station/convenience store company submits a PAG-02 NOI package and the package is approved by DEP or CCD, the gas station/convenience store company becomes the permittee. If the gas

station/convenience store company hires a general contractor to oversee site construction, the general contractor becomes an operator. The general contractor may then hire an excavating company to handle the bulk earth disturbance, who also becomes an operator. However, if the general contractor hires an electrical contractor to install an underground electric line, the electrical contractor would not become an operator.

If operator(s) are known by the applicant at the time of NOI submission, the name(s) of the operator(s) should be identified on and sign the NOI. Upon approval of coverage, the operator(s) identified in the NOI will become co-permittee(s). Following approval of coverage, every time an operator is selected for a project with PAG-02 General Permit coverage, the permittee(s) and the operator(s) must complete and sign the Co-Permittee Acknowledgement Form for Chapter 102 Permits ([3800-FM-BCW0271a](#)) prior to commencing earth disturbance work. These forms must be retained by the permittee(s) and must be sent to the appropriate DEP or CCD office prior to the co-permittee commencing earth disturbance work. If an operator completes their job responsibilities, the operator may elect to terminate its responsibilities under the PAG-02 General Permit prior to submission of a Notice of Termination (NOT) by the permittee by completing and signing a Co-Permittee Liability Release form ([3800-FM-BCW0271](#)). These forms must also be signed and retained by the permittee and must be sent to the appropriate DEP or CCD office when the forms are fully signed. Note that the co-permittee cannot be released from liability under the NPDES permit unless approved by the permittee.

**Amendments to Approved Coverage.** Following commencement of coverage under the PAG-02 General Permit, construction plans may change. If, despite the changes, the project remains eligible for PAG-02 coverage, the permittee can amend coverage under PAG-02. If the changes will result in the project being ineligible for PAG-02 coverage, the permittee must provide DEP or CCD with written or verbal notification of the permittee's intention to submit an individual permit application. For the types of changes that qualify for Major and Minor Amendments and the application or NOI requirements for the amendments, refer to DEP's [Frequently Asked Questions \(FAQ\) for Chapter 102 Permit Amendments](#). Permittees who are unsure whether proposed changes constitute a Major or Minor Amendment should contact the appropriate DEP or CCD office.

**Off-Site Support Activities.** Off-site support activities are not required to be contiguous to the project site for PAG-02 eligibility. If the permittee plans to utilize multiple off-site support activity locations, earth disturbances resulting from these off-site support activities are cumulative if they are located no more than one-quarter (0.25) mile apart. If located more than one-quarter mile apart, activities at off-site support locations are considered discrete construction activities, unless contiguous to the project site. For example, the construction of a new road will involve three off-site staging and material handling areas. Two areas are located within 1,000 feet of each other, and the third will be located one-half (0.5) mile away and not contiguous to the road project site. Earth disturbance associated with the two areas within 1,000 feet of each other will be considered part of the original project site disturbance, while the third area will be considered a standalone construction site, subject to E&S controls and a permit if necessary.

For off-site support activities that discharge wastewater, the permittee must apply for and obtain an Individual NPDES Permit under Chapter 92a.

**Earth Disturbance Threshold.** Other than agricultural plowing and tilling, animal heavy use areas, timber harvesting, oil and gas, and road maintenance activities, DEP considers earth disturbances exceeding 0.99 acre as needing NPDES permit coverage due to the likelihood that actual earth disturbance during construction will meet or exceed the one-acre threshold for a permit under 25 Pa. Code § 102.5. For example, proposed earth disturbances of 0.999, 0.995 and 0.991 acre will be rounded up to one acre and a permit would be required. Disturbances of 0.99 acre and smaller would not require a permit, unless part of a portion, part, or stage of a larger common plan of development or sale or otherwise required by DEP in accordance with federal regulations.

**Area of Earth Disturbance.** Applicants must calculate the area of earth disturbance based on the area associated with earth disturbance activity as defined in 25 Pa. Code § 102.5. The area of earth disturbance does not include areas used for temporary storage of materials, products, or equipment associated with a project involving earth disturbance if the storage activity in itself does not disturb the land. For example, the temporary use of a field to store pipe and related materials for utility construction does not constitute an earth disturbance if the field is not disturbed prior to, during, or following the storage activity.

**E&S Requirements for Runoff from Off-Site Areas.** For E&S purposes, a person proposing an earth disturbance activity must minimize the potential for accelerated erosion and sedimentation due to stormwater runoff from 1) the project site, and 2) all areas outside of the project site (i.e., off-site areas) in which stormwater flows onto the project site.

- If stormwater from off-site areas is diverted around a project site, the person proposing an earth disturbance activity is responsible for ensuring adequate BMPs are installed and maintained to prevent accelerated erosion concerns at the location where such stormwater is diverted and discharged to, unless the responsibility is agreed to by a different party. Such agreement must be retained by the permittee and made available to DEP or CCD upon request.
- If off-site stormwater is diverted to a storm sewer, the person proposing an earth disturbance is responsible for acquiring permission to discharge to the storm sewer. Such permission must be retained by the permittee and made available to DEP or CCD upon request.
- If off-site stormwater is diverted to a surface water, the person proposing an earth disturbance activity, or a different party if agreed to, must ensure measures are taken to prevent accelerated stream bank erosion, downstream flooding, deposition of pollutants, or other impacts that may cause or contribute to an impairment of the surface water. Such measures and demonstration should be included in the E&S Plan attached to the NOI.

**PCSM Requirements for Runoff from Off-Site Areas.** For PCSM purposes, a person proposing an earth disturbance activity that requires permit coverage must manage stormwater for volume, rate, and water quality across the project site and all off-site areas in which stormwater flows onto the project site.

- For runoff from off-site areas that is diverted around a project site or diverted to a storm sewer or a surface water, follow E&S requirements identified above.
- Runoff from off-site areas that is not diverted around a project site must be managed by the person proposing an earth disturbance activity. Calculations relating to volume, water quality, and peak rate do not need to include off-site stormwater in order to demonstrate compliance with Chapter 102; however, the design of BMPs must include consideration of the receipt of any off-site stormwater. For example, a BMP may include a bypass to release a volume of water equivalent to the volume received from off-site sources, as long as measures are taken to prevent accelerated stream bank erosion, downstream flooding, deposition of pollutants, or other impacts that may cause or contribute to an impairment.

**Common Plan of Development or Sale.** A common plan of development or sale may be considered any announcement or piece of documentation (e.g., sign, public notice or hearing, advertisement, drawing, permit application, zoning request, computer design) or physical demarcation (e.g., boundary signs, lot stakes, surveyor markings) indicating construction activities may occur on the same or contiguous tax parcels. For DEP's approach to Chapter 102 permitting of common plans of development or sale, refer to DEP's [Frequently Asked Questions \(FAQ\) for Chapter 102 Common Plan of Development or Sale](#).

**NOTE 14** – Where DEP or CCD determines that an entity has sold property to others in the interests of eliminating the need for a permit for an earth disturbance activity involving a larger common plan of development or sale, DEP or CCD may require the person proposing to conduct the earth disturbance activity to apply for and obtain a permit prior to commencing the earth disturbance activity.

**Other Requirements.** The applicant is expected to download the PAG-02 General Permit from DEP's website and read and understand it prior to submitting an NOI. The applicant should contact DEP or CCD if clarification of General Permit requirements is needed. A permittee is expected to download and utilize DEP's Chapter 102 Site Inspection Report ([3800-FM-BCW0271d](#)) throughout construction; alternative formats containing identical information are acceptable. The permittee will be required to submit an NOT ([3800-PM-BCW0229b](#)) following completion of the earth disturbance activity and permanent stabilization.

In addition, the permittee may require the use of other DEP forms throughout construction, including but not limited to:

- [3800-FM-BCW0271](#) – Co-Permittee Liability Release form. May be used by an operator that is a co-permittee, or any other co-permittee, to report termination of responsibility under a permit. May not be used by the applicant of a NOI who becomes a permittee.
- [3800-FM-BCW0271a](#) – Co-Permittee Acknowledgement Form for Chapter 102 Permits. Must be used when an operator will commence earth disturbance activities and must be a co-permittee.
- [3800-PM-BCW0041](#) – Application for NPDES or WQM Permit Transfer. Must be used when the applicant of an NOI, who becomes the permittee, elects to transfer permit coverage to another person.
- [3000-FM-OWP0100](#) – PA Stream Buffer Tracking form. Must be used when the applicant will utilize a voluntary riparian forest buffer.

If any of these situations apply, these forms would be submitted to the DEP or CCD office in which the NOI was submitted.

In addition, prior to construction the permittee must ensure that all other necessary permits and approvals associated with the construction and earth disturbance activities have been obtained, including Act 537 sewage planning approvals where applicable. A pre-construction meeting must be held prior to construction, unless waived by DEP or CCD.

## NOI – GENERAL INFORMATION

The NOI form, including required attachments, must be completed in its entirety in accordance with these instructions for all new projects (i.e., when the NOI Type is “New”).

For an NOI Type of Major Amendment, the entire NOI must be completed in accordance with these instructions **and any new or updated information must be in bold text or otherwise highlighted for the reviewer**. The proposed change(s) should be described in the Project Description field.

For an NOI Type of Minor Amendment, the General Information, Applicant Information, Eligibility Information, Compliance History, and the Certification for PAG-02 Applicants sections must be completed, at a minimum. Additionally, any other section of the NOI must be completed if the information contained within that section has been updated as part of the amendment, **and the updated information must be in bold text or otherwise highlighted for the reviewer**. The proposed change(s) should be described in the Project Description field.

For an NOI Type of Renewal, the General Information, Applicant Information, Eligibility Information, Compliance History, and the Certification for PAG-02 Applicants sections must be completed. Additionally, the permittee must attach a letter specifying that the previously approved E&S and PCSM Plans have not been revised, an indication of what work has been completed and what work remains on the project site, and verification that the permittee remains eligible for coverage under the General Permit.

1. **NOI Type.** Check the appropriate box to indicate whether the NOI is for a new project (new earth disturbance not covered by an existing DEP-issued or CCD-issued Chapter 102 permit), renewal of an existing Chapter 102 permit, a Major Amendment, or a Minor Amendment. If the box for Renewal, Major Amendment or Minor Amendment is checked, enter the Permit ID Number of the permit coverage the applicant seeks to renew or amend.
2. **Primary NAICS Code.** Provide the appropriate six-digit North American Industry Classification System (NAICS) code that represents the primary economic activity of the project site. The NAICS codes can be found on the NAICS section of the United States Census Bureau’s website at [www.census.gov/eos/www/naics](http://www.census.gov/eos/www/naics) (the “Downloads” list on the left side of the screen contains the most recent list).
3. **Additional NAICS Code(s).** Provide any other applicable six-digit NAICS code(s) that represents the economic activity of the project site. More than one six-digit code may be entered into the box provided.
4. **Project Description.** Enter a brief narrative of the project in the space provided or otherwise submit an attachment with a description of the project. Explain the purpose of the earth disturbance activities and construction objectives for the project.

**NOTE 15** – For NOIs associated with amendments, provide a detailed description of the changes to the project being sought under the amendment.

5. **Site Restoration.** Check the box if the project meets the criteria of a site restoration project as identified in these instructions across the entire project site.
6. **Common Plan of Development or Sale.** Check the box if the project is part of a larger common plan of development or sale. If checked, specify the anticipated number of phases in the project and the number of phases that have already been completed, currently under construction, or currently under existing PAG-02 coverage (amendments only). For the purpose of this question, the term “phase” is used to describe a portion of a common plan of development or sale that is incorporated into General Permit coverage following initial approval through a major amendment to that coverage.

## NOI – APPLICANT INFORMATION

The NOI form assumes that there is one applicant for PAG-02 coverage. If there are co-applicants, complete this section for all co-applicants by including additional pages in the NOI package. If permit coverage is authorized co-applicants will become dual permittees, meaning that they will both hold the permit coverage equally together. Operators, as defined at 25 Pa. Code § 102.1, do not need to complete the Applicant Information section of the NOI. A separate section is to be completed for operators.

1. **Organization Name or Registered Fictitious Name.** Applicants other than individuals must provide the name under which they conduct the activity or business for which the permit or other authorization will be issued.

Individuals should complete the “Organization Name” if they conduct their business or activity under a name other than their own (e.g., “Jones Construction Company” rather than “Mary Jones”).

For partnerships, list the business name of the partnership as it appears on legal partnership papers.

If the applicant is an individual(s) or partnership, also provide the appropriate information on the individual name lines.

Registered Fictitious Names, as registered by the Pennsylvania Department of State, should list the owner of the fictitious name, along with the fictitious name in the following format: Owner of the fictitious name d/b/a Registered Fictitious Name.

2. **Employer ID#.** Also referred to as “Federal Tax ID#”, the Employer ID# (EIN) aids DEP in identifying the organization and prevents duplicate data entry from occurring. This information is required for applicants other than individuals.
3. **Individual Last Name, First Name, MI, Suffix.** This information must be provided for applicants who are individuals or partnerships.
4. **Applicant Address.** Enter the mailing address of the 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.
5. **Applicant City, State, ZIP.** Enter an appropriate city, borough, or town designation; do not enter a township designation in this area. 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. If other than USA, provide the country.
6. **Applicant Contact Name.** Applicants that are organizations must provide the name of a person representing the applicant. This applicant contact must be an employee of the organization and must be located at the mailing address of the applicant and may receive correspondence on behalf of the applicant. This individual should be a high-level employee (e.g., CEO, VP, Operations Manager) or someone capable of answering questions regarding the organization such as EIN, fictitious name ownership, address data, related organizations, corporate changes, etc. Identify the full name of the applicant contact.

7. **Applicant Contact Title.** Enter the title of the applicant contact.
8. **Applicant Contact Phone.** Report the phone number, including any extension, of the applicant contact.
9. **Applicant Contact Email.** List the email address of the applicant contact.
10. **Applicant Contact Fax.** Enter the fax number of the applicant contact.
11. **Ownership.** Check the appropriate box to indicate the type of ownership associated with the project site.

## NOI – ELIGIBILITY INFORMATION

Check the appropriate box for True or False in response to the statements listed relating to eligibility for PAG-02 coverage. In general, a response of False to any statement will render the applicant ineligible to use PAG-02.

1. **Stormwater discharges from the project site will not drain to surface waters, including wetlands, that are classified for special protection.**

Identify the surface water(s) that will receive drainage from the earth disturbance area during and following construction, and visit DEP's [Statewide Existing Use Classifications website](#) to determine if those water(s) have existing uses of HQ) or (EV). If an existing use is not listed for the surface waters, review 25 Pa. Code §§ 93.9a to 93.9z to determine whether the surface waters are designated as HQ or EV. If either the existing or designated uses of the surface waters is HQ or EV, the applicant is ineligible to use PAG-02.

**NOTE 16** – Special protection waters include exceptional value wetlands as defined at 25 Pa. Code § 105.17. If any stormwater discharges will be to wetlands, the applicant is expected to determine whether the wetlands are exceptional value wetlands by consulting appropriate resources including but not limited to the Pennsylvania Fish and Boat Commission's list of wild (i.e., natural reproduction) trout waters, 25 Pa. Code Chapter 93, and other resources.

**NOTE 17** – If there will be no discharges to wetlands, applicants should rely solely on DEP's Existing Use website and 25 Pa. Code Chapter 93 in addressing this question.

2. **The applicant is not in violation of any DEP or EPA enforceable document, including any permit, schedule of compliance, consent assessment of civil penalty, or order at the project site or other sites or facilities owned or operated by the applicant in Pennsylvania, and has not shown a lack of ability or intention to comply with laws administered by DEP or EPA as indicated by past or continuing violations.**

If the applicant is presently in violation – as notified through a Notice of Violation, inspection report or other documentation from DEP or CCD or EPA – at any site or facility owned or operated by the applicant in Pennsylvania, and the violation has not been resolved through satisfaction of a settlement agreement, implementation of corrective action, payment of a civil penalty assessment, or satisfaction of the terms and conditions of any other enforcement action, the applicant should select False; otherwise select True. In general, where False is selected, the applicant will be ineligible to use PAG-02 unless it is determined by DEP or CCD that complying with the terms and conditions of PAG-02 will resolve the violation(s).

3. **The PNDI receipt indicates either 1) “No Impact”, or 2) “Conservation Measures”, or 3) “Avoidance Measures” that have been agreed to by the applicant, or 4) “Potential Impact” or “Avoidance Measures” not agreed to by the applicant but clearance letters from jurisdictional agencies are attached to the NOI or otherwise will be submitted prior to General Permit coverage.**

Applicants may select True where the PNDI search reveals No Known Impact or Conservation Measures, Avoidance Measures that will be fulfilled, or Potential Impact/Avoidance Measures where clearance letters from jurisdictional agencies have been or are expected to be received.

4. **Soils in the area of the earth disturbance are not contaminated at levels exceeding residential or non-residential medium-specific concentrations (MSCs) in 25 Pa. Code Chapter 250 at residential or non-residential construction sites, respectively, unless a site-specific standard has been met or evidence is**



**provided that the contamination is naturally occurring or the result of widespread atmospheric deposition.**

Applicants with project sites having soil contamination exceeding MSCs may select True in response to this statement if appropriate documentation illustrating achievement of a site-specific standard or evidence of naturally occurring contamination is attached to the NOI. If analytical testing has been conducted as a result of environmental due diligence, the applicant must attach the analytical results to the NOI.

5. **Stormwater will not be discharged to MS4 or CSO systems OR will be discharged to MS4 or CSO systems with no net change in volume, rate or water quality OR will be discharged to MS4 or CSO systems with a net change (i.e., increase) and written consent of the MS4 or CSO permittee.**

If stormwater will not be directed to an MS4 or a combined sewer system with combined sewer overflows (CSOs), select True. If stormwater will be directed to an MS4 or a CSO system, select True if there will either be no net change (i.e., increase) in stormwater volume, rate, or water quality (pollutant loading) or if there will be a net change but the applicant has received written consent from the MS4 or CSO permittee. If written consent has been received, the applicant should attach it to the NOI.

6. **All fill material imported to the project site will be clean fill or will be regulated fill that has been authorized for use on the project site by DEP's Waste Management Program or will be used on an Act 2 site in accordance with standards established by DEP's Land Recycling and Environmental Remediation Standards Program.**

Refer to DEP's Management of Fill Policy ([258-2182-773](https://www.dep.state.pa.us/water/act2/act2.htm)) when responding to this statement.

7. **Stormwater discharges will not occur that would contain toxic or hazardous pollutants as defined in sections 307 and 311 of the Clean Water Act (33 U.S.C. §§ 1317 and 1321) or any other substance that – because of its quantity, concentration, or physical, chemical or infectious characteristics – may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters.**

Applicants may select True unless there is specific knowledge of toxic or hazardous pollutants that may be discharged during or following earth disturbance activities or unless chemicals such as flocculants will be introduced in a manner that is inconsistent with DEP's E&S Manual and DEP's Bureau of Clean Water has not provided approval.

8. **Stormwater will not be discharged to impaired waters caused by siltation, suspended solids, turbidity, water/flow variability, flow modification/alterations, or nutrients, or stormwater will be discharged to impaired waters but the applicant will implement non-discharge alternative(s) or ABACT BMPs.**

Applicants may select True where stormwater discharges will not be directed to surface waters identified as impaired in DEP's latest Integrated Report, or will be directed to impaired waters but the applicant will implement non-discharge alternative(s) or ABACT BMPs for E&S and PCSM. The latest Integrated Report is available on DEP's website (visit [www.dep.pa.gov](http://www.dep.pa.gov), select "Businesses", "Water", "The Bureau of Clean Water", "Water Quality Standards", and "Integrated Water Quality Report").

9. **Stormwater will not be discharged to waters with an EPA-approved or established TMDL for siltation, suspended solids, or nutrients, or will be discharged to TMDL waters (including the Chesapeake Bay) but the applicant will implement non-discharge alternative(s) or ABACT BMPs and any applicable wasteload allocation (WLA) will be achieved.**

Applicants may select True where stormwater discharges will not be directed to surface waters with an EPA-approved or established TMDL, or will be directed to TMDL waters but the applicant will implement non-discharge alternative(s) or ABACT BMPs for E&S and PCSM and in the NOI includes a demonstration that any applicable WLA in the TMDL will be met. TMDLs are available on DEP's website (visit [www.ahs.dep.pa.gov/TMDL/](http://www.ahs.dep.pa.gov/TMDL/)).



## NOI – EXISTING PERMITS

List all permits that have been issued or are pending for this facility or project site by DEP or CCD or EPA within the past five years, including those that have been terminated. Attach a separate sheet as necessary. Include any NPDES and Water Quality Management (WQM) permits, Chapter 105 permits, and any other environmental permits. Provide the permit number, the date of permit issuance, and the name of the agency which issued the permit, as applicable.

## NOI – PROJECT SITE INFORMATION

1. **Project Site Name.** Report the name of the site at the specific physical location or the name that the project will be known by. For example, “Smith Farm Site” or “ABC Commercial Development Site”. If this is a phased project, the Project Site Name should not include the phase number (e.g., “Rustic Farms” as opposed to “Rustic Farms – Phase 1”).
2. **Total Project Site Area.** Report the total area of the project site, in acres. A project site is the entire area of activity, development, lease, or sale including: 1) the area of an earth disturbance activity, 2) the area planned for an earth disturbance activity, and 3) other areas which are not subject to an earth disturbance activity.
3. **Project Site Impervious Area – Pre-Construction.** Report the area of impervious surface within the Total Project Site Area prior to construction, in acres, and list the percentage of impervious area relative to the Total Project Site Area. Note that the actual impervious area is requested rather than the impervious remaining after application of 25 Pa. Code § 102.8(g)(2)(ii).
4. **Project Site Impervious Area – Post-Construction.** Enter the area of impervious surface within the Total Project Site Area following construction, in acres, and list the percentage of impervious area relative to the Total Project Site Area.
5. **Hydric Soils or other wetland features are present within the Project Site.** Select the box for Yes if there are hydric soils or other wetland features located within the Total Project Site Area, otherwise select the box for No.

If Yes to question #5, identify that a wetland determination, conducted in accordance with DEP procedures, has been attached to the NOI.

**NOTE 18** – The NOI may be deemed incomplete without the inclusion of a wetland determination if the answer to question #5 is Yes.

6. **County and Municipality.** Indicate the county and municipality in which the site is located. Check the appropriate box to identify the type of municipality entered (i.e., city, borough, township).
7. **Additional County and Municipality.** If the project site is located in more than one municipality and/or county, enter the additional county and municipality. If the project site is located in more than two municipalities and/or counties, attach a sheet to the NOI specifying all municipalities and counties in which the project site is located.
8. **Site Location Address.** Provide the physical address of the location where the permitted activities will occur, if available. PO Box Numbers are not acceptable for site location information.

**NOTE 19** – If there is no physical address of the location (e.g., “1549 East End Road”), then the distance (in miles) and direction (e.g., north, south, east, west) should be identified from the nearest intersection (e.g., “Steeple Chase Drive, 0.5 mi. south of intersection with Roberts Road”). For linear projects that do not have a physical address, use the project center point and provide the name of the nearest road.

9. **Site Location City, State, ZIP.** Report the city (or municipality), state and ZIP code of the project site location (including the 4-digit extension), if available.

## NOI – OPERATOR INFORMATION

If known at the time the NOI is submitted, the applicant should identify all persons who: 1) have oversight responsibility of earth disturbance activities on the project site or a portion thereof; 2) have the ability to make modifications to the E&S Plan, the PCSM Plan or site specifications; and/or 3) have day-to-day operational control over earth disturbance activities to ensure compliance with the E&S or PCSM Plans. All such persons are considered operators and will be considered co-permittees if DEP or CCD approves coverage under the General Permit. There is space provided for up to two operators; if a project will have more than two operators, the applicant should attach additional sheets to the NOI.

1. **Operator Name.** Identify the name of the organization or individual who is considered an operator.
2. **Contact Name.** If the operator is an organization, list an individual whom may be contacted by DEP or CCD.
3. **Operator Address.** Provide the mailing address of the operator.
4. **Operator Phone.** Enter the phone number for the operator identified as the contact.
5. **Operator City, State, ZIP.** Enter the city, state, and ZIP code (including 4-digit extension) of the operator's address.
6. **Operator's Role in Project.** Check the appropriate box to indicate whether the operator is a General Contractor, Consultant or Excavation Contractor. Select the box for Other if none of these apply.
7. **Operator's Responsibilities.** Briefly describe the responsibilities of the identified operator during the earth disturbance activities (e.g., bulk earthmoving, PCSM BMP installation).

If an operator is unknown at the time the NOI is submitted, the permittee will be responsible for ensuring that new operators selected following permit coverage complete and sign the Co-Permittee Acknowledgement Form for Chapter 102 Stormwater Permits ([3800-FM-BCW0271a](#)).

## NOI – EARTH DISTURBANCE INFORMATION

1. **Total Earth Disturbance Area.** Report the total area of earth disturbance in acres and square feet (sf). Include the area associated with all off-site support activities that are part of the project and are not independent construction sites if these areas have been identified at the time of NOI. When reporting Total Earth Disturbance Area in acres, report to the nearest one-hundredth of an acre. Per the Earth Disturbance Threshold section of these instructions, acreage between 0.991 and 0.999 should be rounded to 1.00 acre.

**NOTE 20** – The Total Earth Disturbance Area must be fully within the Total Project Site Area.

2. **Pre-Construction Impervious Area.** Identify the area of pre-construction impervious surface within the earth disturbance area in sf.
3. **Post-Construction Impervious Area.** Identify the area of planned post-construction impervious surface within the earth disturbance area in sf.
4. **Pre-Construction/Present Land Use(s).** Identify the actual dominant land uses of the project site for the five years preceding the NOI submission and specify the percentage of the Total Earth Disturbance Area that is comprised of each land use. Use of agricultural, residential, and urban for land use descriptions is recommended, although the applicant may opt to use more detailed land use descriptions or may use land cover descriptions (e.g., descriptions used by the National Land Cover Database are acceptable). Land cover descriptions of pervious and impervious are also acceptable. Attach a separate sheet if necessary.
5. **Post-Construction Land Use(s).** Identify all post-construction land uses within the earth disturbance area and specify the percentage of the Total Earth Disturbance Area that is comprised of each land use, utilizing similar land use (or land cover) descriptions as used for pre-construction land use(s).

6. **E&S and PCSM Plan Drawing(s).** Attach to the NOI the E&S and PCSM Plan Drawing(s) that identify topographic information, the project site boundary, the limit of disturbance (LOD) boundary, surface waters, anticipated discharge points during and following construction, anticipated locations for E&S and PCSM BMPs, and drainage patterns. Also attach E&S and PCSM Plan Drawing(s) showing the location(s) of off-site construction support activities, if known at the time of NOI submission. Check the box if the Drawing(s) are attached.

**NOTE 21** – Site-specific E&S Plan Drawings and PCSM Plan Drawings will satisfy this requirement if the drawings include all of the features referenced above (if this is the case, the box should be checked).

7. **Coordinates.** Report the latitude and longitude of the center of the proposed disturbed area, in decimal degrees with a minimum of five digits to the right of the decimal. If the project is a linear project, then report one terminus of the project and attach a sheet specifying the other terminus of the project to the NOI.
8. **Horizontal Reference Datum.** Indicate the Horizontal Reference Datum used to determine the coordinates by checking the box for North American Datum (NAD) of 1927, NAD of 1983, World Geodetic System (WGS) of 1984, or "Unknown".
9. **Off-Site Construction Support Activities.** Select the box for Yes if the applicant is aware that off-site support activities will be necessary for the project, otherwise select the box for No.
10. If Yes to question #9, identify the nature of known off-site support activities whose area of disturbance is included in the Total Earth Disturbance Area response to question #1. Provide a description of the activity, the distance from the site (from the LOD boundary), and the disturbance area associated with the activity. For example, the Total Earth Disturbance Area associated with a project is reported in question #1 as 1 acre, of which 0.2 acre is an off-site support activity located 0.1 mile from the limit of disturbance boundary. Identify the activity in question #10, report the distance as 0.1, and report the disturbance area as 0.2. If No to question #9, this question may remain blank.

**NOTE 22** – E&S Plan(s) for these off-site support activities should be submitted with the NOI.

11. If Yes to question #9, identify the nature of known off-site support activities whose area of disturbance is not included in the Total Earth Disturbance Area response to question #1. The table for question #11 would generally be used only in situations where a linear project has multiple off-site support activities that are greater than one-quarter (0.25) mile apart and are not contiguous to the project site. Identify those off-site support activities that meet these criteria, if known at the time of NOI submission. Any such off-site support activities identified in the table for question #11 are for information purposes only and are not part of the earth disturbance area covered by PAG-02. If the earth disturbance area of an off-site support activity listed in this table is greater than or equal to one acre, separate NPDES permit coverage must be obtained. If No to question #9, this question may remain blank.

**NOTE 23** – E&S Plan(s) for these off-site support activities may be submitted with the NOI or may be submitted separately for review and approval prior to use.

12. **Fill Material.** All fill material imported to a project site with coverage under PAG-02, must be one of the following, as defined in DEP's Management of Fill Policy ([258-2182-773](#)):
- Clean fill (i.e., fill that is uncontaminated material meeting clean fill concentration limits and has not been blended, mixed, or treated to meet the definition of uncontaminated material);
  - Regulated fill used on Act 2 sites, as defined in DEP's Management of Fill Policy, that does not require authorization under DEP's Waste Management General Permit No. WMGR096 but is used in accordance with standards established by DEP's Land Recycling and Environmental Remediation Standards Program; or
  - Regulated fill (i.e., fill that has been affected by the release of a regulated substance and is not uncontaminated material but meets regulated fill concentration limits and has not been blended, mixed, or treated to meet the definition of regulated fill) that has been authorized for use on the project site under DEP's Waste Management General Permit No. WMGR096.

Check the appropriate box(es) concerning the use of fill material at the project site. Applicants should review DEP's Management of Fill Policy to ensure understanding of the requirements relating to fill material. Prior to submission of the PAG-02 NOI, the applicant has a responsibility to conduct environmental due diligence, as defined in the Policy, to verify the nature of any fill that will be imported to the project site. **If the applicant (or permittee) determines, either prior to NOI submission or following approval of coverage under PAG-02, that fill will be imported to the project site that has not already been determined to be clean fill, or is not already authorized for use on the project site by Waste Management General Permit WMGR096 or by DEP's Land Recycling and Environmental Remediation Standards Program, the applicant (the person utilizing the fill) and the person donating the fill to the applicant (or permittee) must do the following:**

- Complete DEP's [online Certification of Clean Fill form](#) and maintain a copy of the form at the project site for review by DEP/CCD upon request if the fill has been determined to be clean fill.
- If the fill is not clean fill, is not covered by WMGR096, and is not being used on an Act 2 site, the applicant (or permittee) must obtain authorization under WMGR096 or the fill may not be used on the project site.

Plan Drawings must include a note explaining the need for permittees and operators to conduct environmental due diligence and comply with DEP's Management of Fill Policy.

13. **Act 2 Enrollment.** Check the box for Yes if the site has been enrolled in DEP's Act 2 Program, otherwise select the box for No. Act 2 sites undergoing remediation may use PAG-02 for NPDES permit coverage if contaminated soils and groundwater are not disturbed.
14. **Act 2 Release.** Check the box for Yes if the site was previously enrolled in DEP's Act 2 Program and cleanup standards have been met. If applicable, attach the Act 2 release of liability letter to the NOI. These letters generally identify the media and pollutant(s) addressed by the release of liability.
15. **Act 537 Status.** Indicate whether Act 537 sewage planning approval is needed for the project. If Yes, indicate whether the approval letter is attached to the NOI.

**NOTE 24** – If Act 537 sewage planning is necessary but the approval is not available at the time the PAG-02 NOI is submitted, the NOI will not be considered incomplete. Act 537 approval, if needed, is required prior to conducting earth disturbance activities.

16. **Chapter 105 Permit or Authorization.** Check the box for Yes if the project requires a permit or other authorization under 25 Pa. Code Chapter 105, otherwise select the box for No and skip question #17.
17. If Yes to question #16, identify the type of permit or authorization necessary for the project under 25 Pa. Code Chapter 105 by checking the appropriate box.
18. **Other Required DEP/CCD Permits or Authorizations.** Check the box for Yes if the project requires any other authorizations or permits from DEP or CCD; otherwise, select the box for No and skip question #19.
19. If Yes to question #18, identify all other authorizations or permits from DEP or CCD necessary for the project. Include the status of the authorization or permit. If applicable, attach the approval letter to the NOI.

#### NOI – COMPLIANCE HISTORY

Check the appropriate box to indicate if the applicant(s) is or has in the past five years been in violation of any DEP regulation, permit, order, or schedule of compliance at this or at any other facility or project site. If the answer is "No," no further information is needed in this area. If the answer is "Yes," list each permit, order or schedule of compliance and provide compliance status of the permitted facility or operation. If needed, use additional sheets to provide all information.

#### NOI – STORMWATER DISCHARGE INFORMATION

1. **Discharge Point Locations and Receiving Waters, During Construction.** Identify all discharge points and the receiving waters to which they discharge during construction. If there will be no discharge points (i.e., all stormwater flows will be sheet flows or shallow concentrated flows as may occur for example with a linear project

such as utility installation or replacement where disturbed areas will be restored to approximate original condition), the box for “Not Applicable” may be checked. If “Not Applicable” is checked, the applicant must still complete all information under the heading of “Receiving Waters” (i.e., name of receiving waters, whether the water is in the Chesapeake Bay watershed, whether discharges flow to non-surface waters, the Chapter 93 classification, and whether the waters are impaired and are covered by an EPA-approved TMDL as discussed below).

- **Discharge Point No.** – Provide a three-digit identification number consisting of numerals only (i.e., no letters or other symbols) for each discharge point receiving stormwater discharges associated with construction activity from the earth disturbance area, starting with 001 and continuing with 002, 003, and so on. If there are more discharge points than space allows, attach an additional sheet. The permittee is authorized to discharge through the discharge points identified in this table if coverage under PAG-02 is approved.

**NOTE 25** – Discharge points are all engineered structures, drainageways and areas of concentrated flow where runoff leaves a project site, except for areas of shallow concentrated flow that are controlled by perimeter BMPs. For example, water filtering through a compost sock should not be considered a discharge point). Discharge points are not only pipes (i.e., outlets from BMPs) but also include areas where stormwater flows will concentrate by natural means or by design and areas of concentrated flow prior to level spreaders or other diffusion of flows. Discharge points may be situated at or near surface waters or at another location, at or prior to the project site boundary.

- **Latitude / Longitude** – Report the latitude and longitude coordinates in decimal degrees with at least five digits to the right of the decimal place for the discharge point. This location should correspond to the point where stormwater will enter surface waters or, for discharges to non-surface waters, the point where stormwater will leave the project site.
- **Name of Receiving Waters** – Specify the name of the surface waters receiving stormwater discharges (i.e., receiving waters) for each discharge point, as specified in 25 Pa. Code Chapter 93. If the receiving waters are not identified in Chapter 93, use the term “Unnamed tributary to XXX”, where XXX is the first named surface water downstream. If the discharge is to a storm sewer, list the name of the receiving waters followed by, “via storm sewer” (e.g., “Muddy Run via storm sewer”). If the discharge is to existing wetlands, list the name of the receiving waters followed by, “via wetland.”
- **Ches. Bay?** – Check the box if the project is located within the Chesapeake Bay watershed, and the receiving waters drain to the Chesapeake Bay.
- **Non-Surface Waters** – Check the box if the applicant is proposing any stormwater discharge to areas other than surface waters, either on or off the project site, during or following construction. For example, an applicant should check this box if a stormwater discharge point will be located at a property boundary to a swale that eventually reaches surface waters.

**NOTE 26** – If there will be off-site discharges (e.g., discharges to a non-surface water such as a swale, ditch, or ground surface via level spreader, that will flow through a property or properties not owned by the applicant prior to reaching a surface water), the applicant is expected to secure an easement (e.g., common law or express easement) providing legal authority for the off-site discharge, unless waived by the property owner, and to provide for adequate BMPs to prevent accelerated erosion on off-site property. Stormwater management to prevent accelerated erosion is also required for discharges to non-surface waters on property owned by the applicant. Submission of an easement for off-site discharges is not required as part of the NOI package. The PAG-02 General Permit does not grant property rights.

- **Ch. 93 Class.** – Report the existing use or, if DEP’s [Statewide Existing Use Classifications website](#) does not list the water, the designated use of the receiving waters under 25 Pa. Code Chapter 93.
- **Impaired?** – Check the box if the receiving waters are “**impaired**” (i.e., not attaining water quality standards) **for siltation, suspended solids, turbidity, water/flow variability, flow modifications/alterations, or nutrients** according to DEP’s latest published Integrated Report. The box may remain un-checked if the waters are not impaired or are impaired for other causes.

- **TMDL?** Check the box if the receiving waters have an **EPA-approved or established TMDL for siltation, suspended solids, or nutrients**. The box may remain un-checked if the waters do not have an EPA-approved TMDL or if a TMDL has been developed for other causes.

Attach additional sheets as necessary to report all discharge points.

2. **Discharge Point Locations and Receiving Waters, Post-Construction.** Provide the same information in this table as in question #1, except this table requests information concerning post-construction discharges. The information in this table may be the same as in question #1.

**NOTE 27** – If there is a discharge point that will exist during construction but is eliminated following construction, then that discharge point should not be used in the post-construction table, and vice-versa for discharge points that are proposed after construction but not during construction.

3. **Discharges to Storm Sewers or Combined Sewers.** Check the appropriate box (i.e., Yes or No) to indicate whether any of the discharge points identified in questions #1 and #2 above discharge to a storm sewer system. If Yes, indicate whether the storm sewer is also an MS4 or a CSS with CSOs (i.e., Yes or No). Identify the name of the storm sewer owner/operator and list all discharge point numbers that will discharge to the storm sewer. If unsure whether the storm sewer is also classified as an MS4 or CSS with CSOs, contact the municipality in which the facility is located. If there are no discharges to storm sewers, check the box for No and enter “N/A” for the remaining questions for question #3.

**NOTE 28** – If the answer is Yes, then an off-site discharge analysis will be required to be provided with the NOI. Refer to DEP’s [Frequently Asked Questions \(FAQ\) for Chapter 102 Off-Site Discharges of Stormwater to Non-Surface Waters](#) for additional guidance on what is required with an off-site discharge analysis.

4. **Non-Stormwater Discharges.** Identify and describe all non-stormwater discharges that are expected to occur during permit coverage. Include off-site support areas that are part of the Total Earth Disturbance Area. List each type of non-stormwater discharge anticipated, the discharge point that is expected to receive the discharge, and the expected frequency and volume of discharges. Attach a separate sheet as necessary. Select the appropriate box if no non-stormwater discharges are anticipated.
5. **Discharges to Non-Surface Waters.** Check the box for Yes if the applicant is proposing any new or increased stormwater discharge to areas other than surface waters or storm sewers, either on or off the project site, during or following construction; otherwise select No.

**NOTE 29** – If the answer is Yes, an off-site discharge analysis must be provided with the NOI. Refer to DEP’s [Frequently Asked Questions \(FAQ\) for Chapter 102 Off-Site Discharges of Stormwater to Non-Surface Waters](#) for additional guidance on what is required with an off-site discharge analysis.

6. **Impaired Waters.** For all discharges in questions #1 (discharge points during construction) or #2 (discharge points following construction) where 1) the Ches. Bay indicator box is checked; or 2) the Impaired indicator box is checked; and/or 3) the TMDL indicator box is checked, report the following information (attach additional sheets as necessary):

- Discharge Point No. – As entered for questions #1 and/or #2.
- Check the appropriate box to indicate whether stormwater volume, rate, and water quality up to the design storm events (or as otherwise approved in an approved and current Act 167 Plan) will be managed using a non-discharge alternative or an ABACT BMP.
- Describe the E&S and PCSM BMP(s) preceding the discharge point, as applicable. If the BMP is ABACT, the applicant should refer to the section number in DEP’s E&S Manual and/or Pennsylvania Stormwater Best Management Practices Manual ([363-0300-002](#)) (BMP Manual), as amended, or alternative BMP list, that refers to the BMP as meeting ABACT.
- If wasteload allocations (WLAs) in a TMDL apply to the stormwater discharge, check the box for Yes, otherwise check the box for No. If Yes, describe how the discharge will comply with the WLAs. Applicants



are encouraged to attach to the NOI calculations demonstrating compliance with WLAs; if not submitted, DEP or CCD may request such calculations.

### NOI – CERTIFICATION FOR PAG-02 APPLICANTS

The applicant(s) must certify that the information contained in the NOI is true, accurate, and complete, and must agree to abide by the terms and conditions of the General Permit. The application shall be signed as follows:

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

If the person signing for the applicant is signing pursuant to a Power of Attorney or other legal delegation of contractual authority, documentation of such authority must be provided.

### NOI – CERTIFICATION FOR OPERATORS

Operators that are identified in the Operator Information section of the NOI must sign the NOI, acknowledging that the operator is assuming joint and severable responsibility, coverage, and liability under the permit for all duties, responsibilities, and non-compliance with the permit, as a co-permittee of this permit coverage.

### E&S MODULE 1

E&S Module 1 ([3800-PM-BCW0406a](#)) must be attached to all PAG-02 NOIs. Completion of E&S Module 1 constitutes an E&S Plan required by 25 Pa. Code § 102.4(b)(5) for the purpose of PAG-02 coverage when accompanied by E&S Plan Drawings and supporting calculations. Instructions for completing E&S Module 1 for PAG-02 coverage are presented herein (each Chapter 102 NPDES permit application/NOI instructions document has specific information on how to complete Module 1 for that application/NOI).

Enter the name of the applicant, Project Site Name, the receiving surface water name(s), and the receiving surface water use(s) as listed on the PAG-02 NOI.

#### **E&S Plan Information**

1. **Topography.** In the space provided, describe the existing topographic features of the project site and the immediate surrounding area. Describe land cover, structures, drainage patterns, surface waters and other features of the pre-construction (i.e., present) land surface.
2. **Soils.** For soils present at the project site, identify in the table provided: 1) the Natural Resources Conservation Service (NRCS) soil survey map unit symbol of soils present at the project site; 2) the NRCS soil survey map unit name; 3) the acres associated with each soil map unit; 4) the Hydrologic Soil Group (HSG) associated with each soil map unit; 5) the percentage of each soil map unit within the disturbed area; 6) average depths of each soil



map unit; and 7) the presence of hydric soils within the soil map unit on the project site (check the box if True). Discuss the presence of any soil limitations (e.g., steep slopes) and how the E&S Plan was developed to address those limitations. If no limitations exist the applicant may enter, "N/A." If hydric soils are present, a wetland determination should be attached to E&S Module 1. Check the appropriate box to indicate whether a wetland determination is attached (select the box for Yes, No, or N/A if there are no hydric soils on the project site). If soils are known to be contaminated on the project site, identify the pollutants exceeding Act 2 standards (MSCs contained in 25 Pa. Code Chapter 250), attach an E&S Plan Drawing that illustrates the extent of soil contamination, and describe the methods that will be used to avoid or minimize disturbance of the contaminated soils.

3. **Land Use.** Describe past, pre-construction (i.e., present) and post-construction (i.e., proposed) land uses of the project site and how earth disturbance activities will alter the land uses of the project site. For past land uses, provide a description of the historical uses of the land (i.e., at least 50 years ago).
4. **Runoff.** Describe the volume and rate of runoff from the project site and any area upgradient of the project site that flows onto the project site, to supplement supporting E&S BMP design calculations. Discuss the management of this runoff during construction. This may be a qualitative description.
5. **E&S BMPs.** Check all boxes within the table to indicate the E&S BMPs that have been selected for installation or implementation at the project site. The BMP Names are consistent with the E&S Manual and ordered as they appear in the E&S Manual's Table of Contents. Identify the E&S Plan Drawing Number(s) where the E&S BMPs are presented and where operation and maintenance (O&M) requirements are specified. Explain any deviations from the E&S Manual in the space provided and as necessary attach an additional sheet providing the demonstration required by 25 Pa. Code § 102.11(b). If an alternative E&S BMP is proposed, identify it at the end of the table for question #5. Alternative E&S BMPs should be identified on DEP's list of reviewed alternative BMPs prior to proposing their use in a PAG-02 NOI (see [www.dep.pa.gov/constructionstormwater](http://www.dep.pa.gov/constructionstormwater), select E&S Resources).

**NOTE 30** – Following question #5 there is a Table 1 that is intended for applicants seeking PAG-01 coverage or an individual permit for small construction activities only. Applicants for PAG-02 coverage should not complete Table 1.

6. **Standard E&S Worksheets.** Check the box if all applicable Standard E&S Worksheets from Appendix B of the E&S Manual have been completed and are attached.
7. **Other Equivalent Worksheets.** Check the box if information and calculations equivalent to the Standard E&S Worksheets from Appendix B of the E&S Manual have been completed and are attached. **The submission of completed Standard E&S Worksheets or equivalent providing the same information is required for applicants seeking PAG-02 coverage.**
8. **Sequence.** In the space provided, identify the E&S Plan Drawing Number(s) that describes the 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.
9. **Calculations Completed.** Check the box if supporting calculations for BMP design have been completed and will be provided upon request. For applicants seeking PAG-02 coverage, this box should remain unchecked (i.e., such calculations must be provided by PAG-02 applicants).
10. **Calculations Attached.** Check the box if the supporting calculations have been attached to the NOI. **The submission of supporting E&S calculations is required for applicants seeking PAG-02 coverage.** Standard E&S Worksheets that document design calculations for a BMP may be used to satisfy this requirement; where a Standard E&S Worksheet is not available or otherwise does not fully document design calculations, the applicant must attach separate calculations.
11. **Standard Figures or Details Serve as Plan Drawings.** Check the box if standard Figures and/or Construction Details in the E&S Manual will serve as plan drawings for the project. For applicants seeking PAG-02 coverage, this box should remain unchecked.
12. **Plan Drawings Attached.** Check the box if plan drawings have been attached to the NOI. **The submission of plan drawings is required for applicants seeking PAG-02 coverage.**

13. **Inspections.** Check the box to confirm the applicant's understanding that inspections of earth disturbance activities must occur weekly and following measurable storm events (i.e., at least 0.25 inch). An inspection must be conducted within 24 hours following a 24-hour period in which at least 0.25 inch of precipitation occurs, or when snowmelt occurs that is sufficient to produce a discharge.
14. **Temporary Stabilization.** In the space provided, identify the E&S Plan Drawing Number(s) that contain the following information relating to temporary vegetative stabilization measures: 1) vegetative species, 2) % pure live seed, 3) seed application rate, 4) fertilizer type, 5) fertilizer application rate, 6) mulch type, 7) mulching rate, and 8) liming rate.
15. **Permanent Stabilization.** In the space provided, identify the E&S Plan Drawing Number(s) that contain the following information relating to permanent vegetative stabilization measures: 1) vegetative species, 2) % pure live seed, 3) seed application rate, 4) fertilizer type, 5) fertilizer application rate, 6) mulch type, 7) mulching rate, 8) liming rate, 9) anchor material, 10) anchoring method, 11) rate of anchor material application, 12) topsoil placement depth, and 13) seeding season dates.
- NOTE 31** – If Standard E&S Worksheets will be attached to the NOI that address temporary and permanent stabilization, the applicant may refer to the attachment(s) in lieu of completing #14 and #15 in this section.
16. **Recycling or Disposal.** Describe how the applicant will ensure that proper recycling or disposal of materials will be conducted at the project site.
17. **Sensitive Features.** Identify the presence of any naturally occurring soil conditions or geologic formations (e.g., karst) that may have the potential to cause pollution during earth disturbance activities and identify BMPs that will be implemented to avoid or minimize potential pollution caused by these features. If no such features are known, the applicant may report, "unknown" or "none". These sensitive areas must also be identified on the E&S Plan Drawings.
18. **Thermal Impacts.** Identify whether the potential exists for thermal impacts to surface waters during the earth disturbance activity and, if such potential exists, identify BMPs that will be implemented to avoid, minimize, or mitigate potential thermal impacts.
19. **Consistency.** Check the appropriate box to indicate that the E&S Plan has been planned, has been designed, and will be implemented to be consistent with the PCSM Plan.
20. **Buffers.** If applicable, in the space provided identify the E&S and PCSM Plan Drawing Number(s) that show existing and proposed riparian forest buffers (select the box for N/A if not applicable).

### **E&S Plan Developer**

The developer of the E&S Plan for the project must complete this section.

If True, check the box next to the statement, "I am trained and experienced in E&S control methods." In that statement, "trained and experienced" also refers to the size and scope of the project. Check the box next to the statement, "I am a licensed professional" if the E&S Plan Developer is a professional engineer, landscape architect, geologist, or land surveyor licensed to practice in this Commonwealth. Enter the name of the E&S Plan Developer, the business title (if applicable), the company that employs the E&S Plan Developer, mailing address, city, state, ZIP code (including 4-digit extension), phone number, and email address. If the E&S Plan Developer is a licensed professional, enter the License Type (i.e., engineer, landscape architect, geologist and/or land surveyor), License No., and Expiration ("Exp.") Date of the license; otherwise, leave these fields blank.

The E&S Plan Developer must sign and date this section at the location specified. The signature attests to the accuracy of the information provided and to the E&S Plan Developer's understanding that the E&S Plan conforms to Chapter 102 requirements. Note that an E&S Plan Developer need not be a licensed professional, but must be a person trained and experienced in E&S control methods and techniques applicable to the size and scope of the project being designed.

## PCSM MODULE 2

PCSM Module 2 ([3800-PM-BCW0406b](#)) must be attached to all PAG-02 NOIs. Completion of PCSM Module 2 constitutes a PCSM Plan required by 25 Pa. Code § 102.8(f) for PAG-02 coverage when accompanied by PCSM Plan Drawings and supporting calculations. Instructions for completing PCSM Module 2 for PAG-02 coverage are presented herein (each Chapter 102 NPDES permit application/NOI instructions document has specific information on how to complete Module 2 for that application/NOI).

**NOTE 32** – Certain information required by 25 Pa. Code § 102.8(f) is intentionally left out of PCSM Module 2 because the same information is required by E&S Module 1. For these instances DEP has approved the E&S and PCSM Plans to be combined, in accordance with 25 Pa. Code §§ 102.4(b)(5)(xiv) and 102.8(d).

Enter the name of the applicant, Project Site Name, the receiving surface water name(s), and the receiving surface water use(s) as listed on the PAG-02 NOI.

### PCSM Plan Information

1. **Structural PCSM BMPs.** Identify all proposed structural and non-structural PCSM BMPs for implementation at the project site that will be utilized for volume, water quality, and/or rate control, as follows:

- **Discharge Point(s)** – Identify all discharge point ID numbers (e.g., 001, 002) that are associated with the structural or non-structural BMP, as identified in the Stormwater Discharge Information section of the NOI, as applicable.
- **BMP ID** – Provide a BMP ID number for each listed BMP, starting at 1. If there are two BMPs in series, each BMP should be listed on a separate row with a separate number. These BMP IDs numbers should also be identified on PCSM Plan Drawings.
- **BMP Name** – List the name of the BMP as contained in the BMP Manual, as amended. If the BMP is not identified in the BMP Manual the applicant may select a name that best describes the BMP. For BMPs in series, enter the name as follows: “BMP Name in series with BMP ID X.”
- **BMP Manual** – Identify the section of the BMP Manual that describes and provides standards for the BMP (e.g., 6.4.1). If the BMP is not contained in the latest version of the BMP Manual but has been approved by DEP’s Bureau of Clean Water as an alternative BMP, indicate “approved alternative” in the space provided.
- **Latitude / Longitude** – Report the latitude and longitude coordinates at the center of the BMP in decimal degrees with at least five digits to the right of the decimal place.
- **DA Treated (ac)** – List the drainage area, in acres, treated by the BMP.

If there are undetained areas (i.e., areas in which stormwater will not be treated by a BMP), list the total area in acres of the undetained areas.

Select “The Project Qualifies as a Site Restoration Project (§ 102.8(n))” if the project (in its entirety) meets one or more of the criteria for a site restoration project, as discussed above. Site restoration projects are considered PCSM BMPs. Applicants of site restoration projects must complete Module 2 to the extent applicable, except for Stormwater Analysis and Infiltration Information sections, which may be skipped.

2. **Sequence and Critical Stages.** Describe the sequence of PCSM BMP implementation in relation to earth disturbance activities. Additionally, ensure that the critical stages of the PCSM BMP installation are identified and schedule of inspections for the critical stages is provided. If the sequence and critical stages are provided on the PCSM Plan Drawings, then identify this in the space provided (including the location in the drawings).

**NOTE 33** – The PCSM sequence must include the installation and construction steps necessary to construct and implement each PCSM BMP.

3. **Plan Drawings Developed.** Check the box if plan drawings of PCSM BMPs have been developed and will be available on-site. (For applicants seeking PAG-02 coverage, this box should remain unchecked).

4. **Plan Drawings Attached.** Check the box if plan drawings have been attached to the NOI. **Submission of plan drawings is required for applicants seeking PAG-02 coverage.**
5. **Waste Management.** Check the box if recycling and proper disposal of materials associated with PCSM BMPs are addressed as part of long-term operation and maintenance of the PCSM BMPs.
6. **Sensitive Features.** Identify the presence of any naturally occurring soil conditions or geologic formations (e.g., karst) that may have the potential to cause pollution after earth disturbance activities are completed and the PCSM BMPs are operational and identify BMPs that will be implemented to avoid or minimize potential pollution caused by these features. If no such features are known, the applicant may report, “unknown” or “none”. These sensitive areas must also be identified on the PCSM Plan Drawings.
7. **Thermal Impacts.** Identify whether the potential exists for thermal impacts to surface waters from post-construction stormwater and, if such potential exists, identify BMPs that will be implemented to avoid, minimize, or mitigate potential thermal impacts.
8. **Consistency.** Check the appropriate box to indicate that the PCSM Plan has been planned, has been designed and will be implemented to be consistent with the E&S Plan.
9. **Pre-development Site Characterization.** Check the appropriate box to indicate that a pre-development site characterization has been performed, including appropriate infiltration and geotechnical studies. Applicants for site restoration projects may skip this question. Attach soil test results, geotechnical study results, and appropriate narrative explanations of methods and study results to the NOI.

### **Stormwater Analysis – Runoff Volume**

Applicants of site restoration projects may skip this section. Otherwise, a Stormwater Analysis must be performed that addresses each discharge point. DEP allows applicants to complete the analysis on a surface water basis (i.e., all discharge points to a single surface water may be considered collectively). Attach additional sheets as necessary.

At the top of the form, identify the Surface Water Name and the Discharge Point ID Number(s) (e.g., 001, 002).

1. **Design Standard – Act 167.** Check the box if the applicant is using a design standard for volume management that is contained in an Act 167 Plan approved by DEP within the past five years. In general, DEP or CCD will only accept design standards based on Act 167 Plans when those plans have been approved by DEP within the past five years (this does not include municipal ordinances enacted under Act 167 Plans).
2. **Design Standard – Manage Net Change.** Check the box if the applicant is using the net change in the 2-year/24-hour storm, comparing post-construction conditions to pre-construction conditions, as the volume management design standard.
3. **Design Standard – Alternative.** Check the box if the applicant is using a volume management design standard that differs from an Act 167 Plan and the net change in the 2-year/24-hour storm. While use of alternative design standards is authorized by 25 Pa. Code § 102.8(g)(2)(iv), please be advised that NOIs using an alternative design standard may require additional review by DEP or CCD.
4. **PCSM Spreadsheet.** Check the box if the Volume Worksheet in DEP’s PCSM Spreadsheet was used for the stormwater volume management analysis and if a printout of the Volume Worksheet is attached. The PCSM Spreadsheet is available at [www.dep.pa.gov/constructionstormwater](http://www.dep.pa.gov/constructionstormwater), under the “E&S Resources” section. The PCSM Spreadsheet uses the net change in the 2-year/24-hour storm as the design standard and calculates infiltration and evapotranspiration (ET) credits for selected BMPs using DEP-approved methods. If a completed Volume Worksheet is attached to the NOI, the applicant may skip questions #5-9 in the remainder of this section and may omit supporting calculations.
5. **2-Year/24-Hour Storm Event.** Enter the total precipitation associated with the 2-year/24-hour storm event for the project site location, in inches. In addition, enter the source for the precipitation amount reported in question #5. [NOAA Atlas 14](#) values are preferred, but other sources may be used.

6. **Pre-Construction Volume.** Calculate and report the total stormwater runoff volume, in cubic feet (CF), for the earth disturbance area under pre-construction conditions. If the Volume Worksheet is not attached, attach calculations supporting the reported value and check the appropriate box.

**NOTE 34** – If the applicant chooses not to use the PCSM Spreadsheet, the applicant may complete and submit Worksheets from Chapter 8 of the BMP Manual or calculations in alternative format.

7. **Post-Construction Volume.** Calculate and report the total stormwater runoff volume, in CF, for the earth disturbance area under post-construction conditions (i.e., the runoff volume before PCSM BMPs are implemented). If the Volume Worksheet is not attached, attach calculations supporting the reported value and check the appropriate box.
8. **Net Change.** Report the difference, in CF, between Post-Construction Volume (i.e., question #7) and Pre-Construction Volume (i.e., question #6).

9. **Structural BMPs.** Report the following information for structural BMPs that will treat post-construction stormwater discharging to the surface water. If the Volume Worksheet is not attached, attach calculations supporting the information reported in the table. Note that BMPs that are “self-crediting” including Riparian Buffer, Landscape Restoration, and Vegetated Roof should not be used in this table since credit should already be received through selection of appropriate land covers in the calculation of post-construction runoff volume.

- **DP No.** – Identify the discharge point (DP) associated with the structural BMP.
- **BMP ID.** – List the BMP ID number as reported in the PCSM Plan Information section.
- **Series** – BMPs that are in series should be entered in the same order they will be configured in the field. For example, a vegetated swale that is followed by a rain garden should be entered with the vegetated swale first and the rain garden in the next row. When BMPs are in series, select the BMP number that the BMP is in series with. If a BMP is not in series, enter “-”. BMPs that are in series are separate and distinct BMPs, such as a vegetated swale followed by a rain garden. A BMP’s components cannot be broken down and treated as separate BMPs. For example, a rain garden that dewater in more than 24 hours cannot be broken into soil amendments followed by a dry extended detention basin.
- **Volume Routed to BMP (CF)** – Calculate and report the volume routed to the BMP during the 2-year/24-hour storm event, in cubic feet (CF). Include the area associated with the BMP as part of the volume calculation, as applicable. For example, the volume routed to an infiltration basin must include stormwater from the drainage area routed to the BMP along with direct precipitation on the infiltration basin. As another example, for a vegetated swale that reduces the runoff volume and then discharges to a rain garden, the volume routed to the rain garden would not include the volume reduced by the vegetated swale.
- **Infiltration Area (SF)** – Enter the infiltration area of the BMP in square feet (SF), if applicable. If the BMP is not designed as an infiltration BMP, leave this field blank.
- **Infiltration Rate (in/hr)** – Report the design infiltration rate or saturated hydraulic conductivity (Ksat) associated with the infiltration area, in inches per hour (in/hr) utilizing methods contained in Appendix C of the BMP Manual or other published and defensible methods. If the BMP is not designed as an infiltration BMP, leave this field blank. The design infiltration rate value entered should be the tested infiltration rate adjusted with factors of safety (and other additional factors) where appropriate.
- **Infiltration Period (days)** – Select the infiltration period, in days, for site-wide structural BMPs. DEP may accept infiltration periods up to 4 days (96 hours). However, 1) the maximum ponding depth for infiltration and bioretention BMPs may not exceed 2 feet at the 2-year/24-hour storm event, and 2) local ordinance requirements must be met, where applicable. Many local ordinances require infiltration periods no greater than 3 days (72 hours).
- **Vegetated? (Veg?)** – Check the box if the structural BMP will be “vegetated.” A vegetated PCSM BMP is a permanent BMP where vegetation is a dominant or significant component within the storage area. Vegetation must include species other than lawn/turf grasses. Grasses may be used, but may not be the only species planted.

- **Media Depth (ft)** – Enter the design depth of media used for the BMP, in feet (e.g., 1.5 feet of planting soil for a rain garden or 2 feet of stone for an infiltration trench). This does not apply to certain BMPs. If an underdrain is used, report the depth from the bottom of the media to the invert of the underdrain.
- **Storage Volume (CF)** – Enter the design storage volume for the BMP in cubic feet (CF). For storage within media, utilize an appropriate void space percentage for the chosen media (e.g., typically 30-40%). Note that storage volume is not a credit because it does not represent volume reduction; when storage volume infiltrates, evaporates, transpires, is released, or otherwise is reused, storage volume converts to credit.
- **Infiltration Credit (CF)** – Report the infiltration credit for the BMP. The approved calculation for infiltration credit is identified in DEP's PCSM Spreadsheet and instructions. Alternative methods for calculating this credit may be proposed but may require additional review by DEP or CCD.
- **ET Credit (CF)** – Report the evapotranspiration (ET) credit for the BMP. The approved calculation for ET credit is identified in DEP's PCSM Spreadsheet and instructions. Alternative methods for calculating this credit may be proposed but may require additional review by DEP or CCD.

To demonstrate that the selected BMPs will provide adequate volume reduction and/or management credit to offset the net increase in stormwater volume, calculate and enter the following below the table for question #9:

- **Total Infiltration & ET Credits (CF)** – Sum the infiltration and ET credits for all BMPs and report the value in the space provided.
- **Non-Structural BMP Volume Credits (CF)** – If non-structural BMP volume credits are proposed, provide as an attachment a detailed description of the non-structural BMPs and calculations warranting the credit, and report the value in the space provided.
- **Managed Release Credits (CF)** – If some portion of the volume required to be reduced or managed will be released using DEP's Managed Release Concept (MRC) alternative BMP, the applicant must attach the MRC Design Summary Sheet and provide a detailed explanation of the design as an attachment to Module 2. If applicable, enter the number of Managed Release Credits in the space provided. This value should correspond to the value entered for "2-Yr/24-Hr Volume Managed (cf)" on the MRC Design Summary Sheet.
- **Volume Required to Reduce/Manage (CF)** – Report the volume that must be reduced or managed. If using the design standard for managing the net change for storms up to and including the 2-year/24-hour storm, enter the value reported for question #8. Otherwise report the volume that is supported by an approved Act 167 Plan or other alternative, with appropriate justification attached to the module as necessary.
- **Total Credits** – Sum the values for Total Infiltration & ET Credits, Non-Structural BMP Volume Credits, and Managed Release Credits and report the value in the space provided. If this value exceeds the Volume Required to Reduce/Manage the stormwater analysis for runoff volume has been satisfied.

If the Volume Worksheet is attached, this question may be skipped. If the Volume Worksheet is not attached, calculations supporting the information in this table must be attached.

### **Infiltration Information**

This section must be completed for each BMP that proposes infiltration. Applicants of site restoration projects may skip this section. At the top of each table, enter the BMP ID number as reported in the PCSM Plan Information section. Also check the box next to, "Soil/geologic test results are attached." Soil and geologic testing, as appropriate, must be completed for PCSM BMPs relying on infiltration in accordance with 25 Pa. Code § 102.8(g)(1) and the BMP Manual, as amended, and results must be attached to the NOI.

1. **Number of Tests.** Enter the number of infiltration tests completed for the identified BMP. In general, the number of tests completed should be consistent with Appendix C of the BMP Manual or other published and defensible methods.

2. **Test Method(s).** Report the method used to determine the infiltration rate. In general, the method and location(s) of infiltration testing should be consistent with Appendix C of the BMP Manual or other published and defensible methods.
3. **Test Pit Identifiers (from PCSM Plan Drawings).** Identify all test pits completed for the BMP (e.g., TP-1, TP-2). These identifiers should correspond with test pits identified on PCSM Plan Drawings.
4. **Average (Avg.) Infiltration Rate.** Report the average infiltration rate determined through infiltration testing for the BMP, in inches per hour (in/hr).
5. **Factor of Safety (FOS).** Specify the factor of safety used when translating the average infiltration rate to the rate used in the design of the BMP (e.g., 2:1).
6. **Design Infiltration Rate.** Report, in inches per hour (in/hr), the design infiltration rate used for the design of the BMP and incorporating the factor of safety.
7. **Separation Distance Between BMP and Bedrock.** An experienced professional should be on-site during completion of test pits or soil borings to determine the depth, in feet, to bedrock. The depth to bedrock should be measured from the proposed bottom bed elevation of the BMP (i.e., top of native soils) to the uppermost elevation where bedrock is encountered. If the depth to bedrock varies below the BMP, report the elevation corresponding to the minimum depth to bedrock.
8. **Separation Distance Between BMP and Seasonal High-Water Table.** To determine the separation distance from the bottom bed elevation of the BMP (i.e., top of native soils) and the seasonal high-water table, DEP expects that applicants will employ the services of an experienced professional to evaluate subsurface conditions through test pits or other procedures. In general, the depth to the seasonal high-water table should be determined by identifying the depth of the shallowest observed redoximorphic feature encountered: 1) directly above the observed water table, or 2) directly above the gleyed horizon. A gleyed horizon is a soil horizon with a reduced matrix color less than or equal to two chroma, although soils with lithic chroma colors of two chroma or less are not considered gleyed. If redoximorphic features are encountered but are not indicative of a seasonal high-water table, the attached test results should identify this as such, including what caused the redoximorphic features to form.

### **Stormwater Analysis – Peak Rate**

Applicants of site restoration projects may skip this section. Otherwise, a Stormwater Analysis must be performed that addresses each discharge point. DEP allows applicants to complete the analysis on a surface water basis (i.e., all discharge points to a single surface water may be considered collectively). Attach additional sheets as necessary.

Applicants of projects meeting the Small Site/Small Impervious Area Exception for Peak Rate Mitigation Calculations (Worksheet 6 in Chapter 8 of the BMP Manual) may skip this section. Even if an exception applies, a rate analysis and implementation of BMPs for rate control may be required under local ordinances.

At the top of the form, identify the Surface Water Name and the Discharge Point ID Number(s) (e.g., 001, 002).

1. **Design Standard – Act 167.** Check the box if the applicant is using a design standard for rate control that is contained in an Act 167 Plan approved by DEP within the past five years. In general DEP or CCD will only accept design standards based upon Act 167 Plans (not including municipal ordinances enacted under Act 167 Plans) when those plans have been approved by DEP within the past five years.
2. **Design Standard – Manage Net Change.** Check the box if the applicant is using the net change in peak rates for the 2-, 10-, 50-, and 100-year/24-hour storms, comparing post-construction conditions to pre-construction conditions, as the rate control design standard.
3. **Design Standard – Alternative.** Check the box if the applicant is using a rate control design standard that differs from an Act 167 Plan and the net change in the 2-, 10-, 50-, and 100-year/24-hour storms. While use of alternative design standards is authorized by 25 Pa. Code § 102.8(g)(3)(iii), please be advised that NOIs using an alternative design standard may require additional review by DEP or CCD.



4. **PCSM Spreadsheet.** Check the box if the Rate Worksheet in DEP's PCSM Spreadsheet was used for the peak rate analysis and if a printout of the Rate Worksheet is attached. The PCSM Spreadsheet is available at [www.dep.pa.gov/constructionstormwater](http://www.dep.pa.gov/constructionstormwater) (select "E&S Resources"). The PCSM Spreadsheet uses the net change in peak rate for the 2-, 10-, 50-, and 100-year/24-hour storms as the design standard. Note that the Rate Worksheet may not be suitable for large drainage areas. If a completed Rate Worksheet is attached to the NOI, the applicant may skip the remainder of this section and may omit supporting calculations. If the Rate Worksheet is not used to calculate peak rates, the applicant must complete the remainder of this section and must submit supporting calculations. Note that if an applicant only completes the summary of peak rates table in the Rate Worksheet, the remainder of this section must be completed and supporting calculations must be submitted.
5. **Alternative Calculations.** If an applicant is required to complete this section and the Rate Worksheet is not attached to the NOI, the applicant must submit supporting calculations in an alternative format as an attachment to the NOI, and must complete the remainder of this section.
6. **Precipitation Amounts.** Enter the total precipitation associated with the 2-, 10-, 50-, and 100-year/24-hour storms for the project site location, in inches. In addition, enter the source of the precipitation amounts reported in question #6. NOAA Atlas 14 values are preferred, but other sources may be used.
7. **Peak Discharge Rates, without BMPs.** Report the peak discharge rates, in cubic feet per second (cfs), for pre- and post-construction conditions without BMPs through time of concentration or other analyses. Report total rates for each storm event, summed for all flow patterns. Also report the difference between pre- and post-construction discharge rates (i.e., post-construction rate minus pre-construction rate).
8. **Rate Control BMPs.** Identify all BMPs used to mitigate peak rate differences between pre- and post-construction conditions. Report the calculated inflow and outflow rates to and from the BMP at each storm event. If BMPs are in series, specify the order of BMPs in the BMP ID column (e.g., BMP 1 in series with BMP 2).
9. **Peak Discharge Rates, with BMPs.** Report the peak discharge rates, in cfs, for pre- and post-construction conditions without BMPs, as reported in question #7, as well as the peak discharge rates for post-construction conditions with BMPs. Report the difference between pre- and post-construction discharge rates (i.e., post-construction rate with BMPs minus pre-construction rate).

### **Stormwater Analysis – Water Quality**

Applicants of site restoration projects may skip this section. Otherwise, a Stormwater Analysis must be performed that addresses each discharge point. DEP allows applicants to complete the analysis on a surface water basis, i.e., all discharge points to a single surface water may be considered collectively.

**PCSM Spreadsheet.** All PAG-02 applicants must check this box and attach to the NOI a printout of the Quality Worksheet in the PCSM Spreadsheet demonstrating that pollutant loads for Total Suspended Solids (TSS), Total Phosphorus (TP) and Total Nitrogen (TN) following construction will not exceed pre-construction pollutant loads for storms up to and including the 2-year/24-hour storm. **This water quality demonstration in the form of no net change (i.e., increase) in pollutant loads must be made in order for DEP or CCD to approve coverage under PAG-02.** See the instructions to the PCSM Spreadsheet for additional information on the Quality Worksheet.

### **Long-Term O&M**

List each PCSM BMP (including site restoration) and report the O&M requirements, including the repair, replacement, or other routine maintenance needs, including a schedule. If the long-term O&M requirements are provided on the PCSM Plan Drawings, identify the location(s) in the Plan Drawings in the "O&M Requirements" section

### **PCSM Plan Developer**

The developer of the PCSM Plan for the project must complete this section.

If True, check the box next to the statement, "I am trained and experienced in PCSM methods." In that statement, "trained and experienced" also refers to the size and scope of the project). Check the box next to the statement, "I am a licensed professional" if the PCSM Plan Developer is a professional engineer, landscape architect, geologist or land surveyor licensed to practice in this Commonwealth. Enter the name of the PCSM Plan Developer, the

business title (if applicable), the company that employs the PCSM Plan Developer, mailing address, city, state, ZIP code (including 4-digit extension), phone number and email address. If the PCSM Plan Developer is a licensed professional, enter the License Type (i.e., engineer, landscape architect, geologist, and/or land surveyor), License No., and Expiration ("Exp.") Date of the license; otherwise leave these fields blank.

The PCSM Plan Developer must sign and date this section at the location specified. The signature attests to the accuracy of the information provided and to the PCSM Plan Developer's understanding that the PCSM Plan is complete and conforms to Chapter 102 requirements. Note that a PCSM Plan Developer need not be a licensed professional, but must be a person trained and experienced in PCSM design methods and techniques applicable to the size and scope of the project being designed.

#### **APPLICANT'S CHECKLIST**

To ensure the NOI is complete, DEP provides a checklist ([3800-PM-BCW0405c](#)). This completed checklist must be submitted with the completed NOI form.

**Version History**

<b>Date</b>	<b>Revision Reason</b>
4/2020	Updated questions regarding eligibility for PAG-02 coverage regarding on-site contaminated soils and fill material. Updated questions in Earth Disturbance Information Section concerning fill material, providing clarification that fill material that is authorized for use on a project site under a Waste Management General Permit (WMGR096) approval may be authorized under PAG-02. Added Notes 28 and 29 concerning the need for an off-site discharge analysis when there will be discharges to off-site sewers or non-surface waters. Removed requirement that Worksheet 6 from Stormwater BMP Manual must be submitted when the peak rate exemption is satisfied, as reflected on the PCSM Spreadsheet. Added other state agencies and commissions that are exempt from Chapter 102 fees.
12/2019	Original