



## INSTRUCTIONS FOR A NOTICE OF INTENT (NOI) FOR COVERAGE UNDER THE EROSION AND SEDIMENT CONTROL GENERAL PERMIT (ESCGP-1) FOR EARTH DISTURBANCE ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING OR TREATMENT OPERATIONS OR TRANSMISSION FACILITIES

### General Information

Earth disturbance activities cannot begin until you receive the permit authorization. You should use the most up-to-date NOI authorization package available. These instructions are designed to assist the applicant in completing the NOI and in determining if any other environmental permits or approvals are needed for the project. Please type or print clearly when completing the form. If information needed is more than space allows, copy that appropriate page of the form and complete as required. If a question is not applicable to you or your project, check N/A in the appropriate box.

When the total amount of earth disturbance activity results in 5 acres or greater of substantially connected earth disturbance at one time or 5 or more acres of earth will be disturbed over the life of the project, the operator must obtain an ESCGP-1 approval before conducting any earth disturbance activities. If a centralized storage pit or impoundment is constructed, all well sites serviced by the impoundment, associated access roads, pipelines and other support facilities are considered a single project. An administratively complete and acceptable NOI should be filed at the earliest possible date but no later than 60 days prior to the proposed commencement of the activity using the standard review process, or 14 business days prior to the proposed commencement of the activity when using the expedited review process.

### Expedited Review Process

DEP has an established expedited permit review procedure for erosion and sediment control permits that can be utilized for oil and gas activities other than transmission facilities. Applicants that follow this process and qualify for permit coverage through the expedited review process will be provided with an acknowledgement of coverage under ESCGP-1 within 14 business days from the submission of a complete and acceptable NOI. If approval is not received within 14 business days, the applicant may call the regional office to obtain a copy. To qualify for expedited review the applicant must:

- Submit a complete and quality application package.

- Develop an E&S Plan that meets the standards and specifications identified in the Department's *Erosion and Sediment Pollution Control Manual*, No. 363-2134-008, as amended and updated.
- Develop a Site Restoration Plan with post construction BMPs that are designed to meet the standards and specifications identified in the *Pennsylvania Stormwater Best Management Practices Manual*, No. 363-0300-002, as amended and updated.
- Satisfies and meets the terms and conditions of the general permit and regulations.
- Meets the guidelines of DEP's Oil and Gas Operators Manual, the Erosion and Sediment Pollution Control Program Manual, and the Pennsylvania Stormwater Best Management Practices Manual.
- Applies BMPs consistent with the site characteristics and meets applicable performance and water resource protection requirements.

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

### Operator Requirement

When the operator/contractor and owner/developer of the facility or activity is not the same individual, corporation, partnership, or other entity, the Department recommends that both the operator and owner apply for coverage under a permit as co-permittees. If, prior to earth disturbance activities, no operator/contractor has been selected, then once selected, the operator/contractor must either be made

a co-permittee or the permit must be transferred to the contractor.

### Permit Application Filing Fee

Except for state government agencies, a check for \$500 for an ESCGP-1 must be included with the NOI. The check must be made payable to the "Commonwealth of Pennsylvania Clean Water Fund". The check is to be dated within ten days of the application submittal date.

### Permit Authorization

The DEP Regional Office Oil and Gas Program will give the applicant written notification of permit approval or denial. **Earth disturbance activity cannot begin until permit authorization is received.**

The following information must be submitted in order for the NOI to be considered administratively complete.

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

The E&S Plan must contain BMPs designed to minimize point source discharges to surface waters, preserve the integrity of stream channels and protect the physical, biological and chemical qualities of the receiving water. An E&S Control Plan (3 copies) must be submitted to the Department along with the completed application. If the earth disturbance activities are located in a High Quality or Exceptional Value watershed or Exceptional Value wetland pursuant to PA Code Chapter 93 and Chapter 105 of the Department's regulations, the required E&S Control Plan must address the special protection requirements in the Department's regulations at Pa. Code Chapter 102, Section 102.4(b)(6) and Section II Chapter 4 of the *Oil and Gas Operators Manual*.

### Pennsylvania Natural Diversity Inventory (PNDI)

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

**INSTRUCTIONS CAREFULLY.** It is the applicant's responsibility to resolve potential impacts to T&E species before applying for this permit. When the activities are on lands of the Allegheny National Forest (ANF), evaluation of potential conflicts are to be coordinated with the appropriate ANF Ranger District.

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

### Cultural Resources Notice

A Cultural Resources Notice is not required for the Erosion and Sediment Control General Permit (ESCGP-1) for Earth Disturbance Associated with Oil and Gas Activities as per the exemptions to the History Code (0120-PM-PY0003). Permitted activities which may affect Historic Resources on the National Register of Historic Places are not exempt regardless of size. When the activities are on lands of the Allegheny National Forest (ANF), evaluation of cultural resources are to be coordinated with the appropriate ANF Ranger District. If, during the earth disturbance activity, historic resources are encountered, the earth disturbance activity should be ceased immediately and the Pennsylvania Historic and Museum Commission notified.

For additional information, refer to DEP's Implementation of Pennsylvania History Code (012-0700-001), see [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

### Municipal Notification (ACT 14 NOTICE)

Act 14, which amended the Commonwealth's Administrative Code (71 P.S. §510-5) requires every applicant for a new, amended or revised permit to give written notice to each municipality (Borough, Township) and county government in which the facility is located. The municipality and county government must receive the written notice at least thirty (30) - days before the Department may issue or deny approval of coverage. The municipal notice also provides an opportunity for local government to identify any concerns or issues associated with the proposed project before the Department completes its review of the NOI. A sample of the municipal notification is provided in these instructions as **Attachment A**.

The applicant must submit with the NOI:

1. A copy of correspondence notifying the municipality and county government of your intention to submit a NOI, and
2. Evidence that the municipality and county government has received your notification.

Acceptable forms of this evidence include certified mail receipt or written acknowledgement of the notification from the municipality.

Failure to provide a copy of the notification correspondence and evidence of municipal receipt of your notification with the NOI will delay processing of your application. Failure to comply with Municipal notification will result in the return of the NOI as incomplete.

### Section A: E&S Planning Requirements

1. The total project area is the entire area of activity, development or sale including, the area of an earth disturbance activity, the area planned for an earth disturbance activity and other areas which are not subject to an earth disturbance activity. Enter the size of the area in acres to the nearest tenth of an acre. Total Disturbed Area is that portion of the total project area where earth disturbance activities are planned to occur over the life of the project. For phased projects, this refers to the disturbed area of the initial project phase plus the planned disturbed areas of subsequent project phases. Enter the size of the area in acres to the nearest tenth of an acre.
2. Project Name. Provide the name by which this proposed earth disturbance activity or project is, or will be, known.
3. Project Type and Description. Check all boxes that best describe the general type of activity. In the description, provide details such as number of wells to be drilled. Does the project include a tank battery, compressor station, pipeline, etc.?
4. Latitude and Longitude. Provide the latitude and longitude coordinates for the approximate center of the project area or facility. The coordinates should be in degrees, minutes and seconds. Indicate which Reference Datum was used to obtain the data.
5. U.S.G.S. Quad Map Name. Locate the project area on an 8 1/2" x 11" photocopy of the U.S.G.S. topo map area. The map must include the name of the appropriate 1:24,000 scale U.S.G.S. 7.5 minute series quadrangle map where the project is located.
6. Estimated Timetable for Phased Projects. If the project is to be phased, provide an estimate of the timetable for the major phases. For each major phase, provide a description of the activity undertaken during the phase, total area of the phase, the disturbed area of the phase and the start and end dates for each phase of the activity. The sum of the total areas and disturbed areas listed under line 6 should be equal to the size of

the Total Project Area and Total Disturbed Area respectively, listed on line 1 of the NOI/application form.

7. Existing and previous land use. List the existing and previous land use.
8. Other Pollutants. If the stormwater discharge contains a pollutant other than sediment, list the pollutant, the source of the pollutant and concentration. Provide a plan for removal of the pollutant.
9. Provide the Chapter 93 stream classifications. The designated use of the stream can be obtained from 25 Pa. Code Chapter 93 of the Department's regulations located online at [www.pacode.com](http://www.pacode.com). The existing use can be obtained from the Department's Statewide Existing Use Listing on the Department's Web site [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Existing Use.

### Section B: Applicant Information

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

**Applicant's Last Name, First Name, MI.** Required information. Enter the Name of the Corporation, Partnership, Agency or Individual.

**Co-Applicant's Last Name, First Name, MI.** Required for additional individuals, partners or operators to be co-permittee. Enter the Name of the Corporation, Partnership, Agency or Individual.

**Mailing Address.** The mailing address of the Owner/Operator (applicant) identified above (this should not include locational data that is not appropriate for a mail piece). In addition to the street number and name, PO Box#, RR# Box#, or Highway Contract# designations, use any appropriate designation and number to further define the mailing address of the applicant.

e.g., APT (Apartment) FL (Floor)  
BLDG (Building) RM (Room)  
DEPT (Department) STE (Suite)

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

### Section C: Site Information

**Site Name.** Provide the name of the site at the specific physical location. Do not use abbreviations, acronyms, etc.

**Site Location.** Provide the physical address of the location where the permitted activities will occur. No PO Box Numbers will be accepted for site location information. Provide the city (or municipality), state, and the ZIP+4.

**Detailed Written Directions to Site.** When providing written directions, do not use PO Box address data. Include landmarks and approximate distances from the nearest highway.

**County and Municipality.** Indicate the county(ies) and municipality(ies) in which the site is located. Check the appropriate box to identify the type of municipality entered (city, borough, township). If more than one municipality or county is affected, please list them on an attached separate sheet.

#### **Section D: Well Site Restoration Plan and Post Construction Stormwater BMPs**

The Erosion and Sediment Control Plan shall include a Site Restoration Plan containing post construction stormwater management (PCSM) BMPs.

1. Attach three (3) copies of the Site Restoration Plan that includes a written narrative, identification and location of PCSM BMPs, plan drawings of PCSM BMPs, operation and maintenance procedures, and when necessary supporting calculations and measurements. The Site Restoration Plan shall be consistent with an Act 167 Stormwater Management Plan that incorporated measures to protect and maintain existing uses and water quality (plans approved after January 2005) or be consistent with local ordinances developed to satisfy the requirements of discharging stormwater through a municipal separate storm sewer system).

In the absence of an Act 167 Stormwater Management Plan or local ordinances, the Site Restoration Plan should provide design features and PCSM BMPs that will manage any net increase in stormwater runoff volume after the completion of the project. The Department recommends that these design features be based on a 2-year/24-hour frequency storm.

2. The Site Restoration Plan should be designed to maximize volume reduction technologies, eliminate (where possible) or minimize point source discharges to surface waters, preserve the integrity of stream channels, and protect the physical, biological and chemical qualities of the receiving surface water. In addition to these water quality features, all Site Restoration plans must comply with local water quantity and/or flood control requirements.

#### **Supporting calculations and measurements**

Supporting calculations and measurements are not required if **ALL** the earth disturbance area within the project boundary is permanently revegetated or otherwise stabilized with pervious materials, the approximate original contours are

maintained and PCSM BMPs are used that use natural measures to eliminate pollution, do not require extensive construction efforts, promote pollutant reduction, and are capable of controlling the net increase in the volume and rate of stormwater runoff from a 2-year/24 hour storm event and infiltrates the net increase of the post construction runoff. Supporting calculations and measurements would not be required unless there will be permanent impervious paved surfaces or above-ground structures or facilities (excluding well-heads and brine storage tanks and other such ancillary equipment. (See model plan for further guidance). Crushed rock or gravel roads are not considered impervious. All other projects must provide supporting stormwater runoff calculations and measurements.

3. If the proposed PCSM BMPs will not infiltrate all the net increase in stormwater runoff volume, please explain how you plan to manage the increased stormwater runoff volume.
4. Please check the appropriate box and list the existing BMPs that will be used or expanded.
5. **Summary Table For Supporting Calculation and Measurement Data.**

Please provide this summary data from the calculations and measures submitted as part of the Site Restoration Plan unless supporting calculations and measurements are not required as per item 2.e. of Section D.

The Summary Table of Supporting Calculations and Measurements (Table) is designed to provide a snapshot idea of stormwater runoff amounts before and after project completion. Although they may be used for crosschecking with the Site Restoration Plan, the figures presented in the table are not meant to be a substitute for supporting calculations of the Site Restoration Plan. The purpose of the Table is to give the permit reviewer an idea of how the stormwater hydrology regime will be changed by the project. Please use the following descriptions for purposes of providing figures in the Table. In addition to these definitions, please see the page "How to Complete the Summary Table" located at the end of these instructions for further explanation.

**Design storm:** The frequency storm event used for the purposes of designing the Post Construction Stormwater Management BMPs should be consistent with local stormwater management ordinances developed to satisfy the requirements of an Act 167 Stormwater Management Plan approved by the Department after July 2001, or an MS4 permit. In the absence

of said local ordinance, the design storm should be the 2-year/24-hour frequency storm.

**Pre-construction:** The dominant land condition or land use of the project site for the five (5) years preceding the planned project.

**Impervious area (Pre-construction):** The amount of impervious area on the project site as determined by the dominant land condition or land use for the five (5) years preceding the planned project.

**Impervious area (Post construction):** The amount of impervious area on the project site after the completion of the project.

**Volume of stormwater runoff without planned stormwater BMPs (Pre-construction):** The amount of stormwater that would runoff the project site during the design storm event as determined by the dominant land condition or land use for the five (5) years preceding the planned project.

**Volume of stormwater runoff without planned stormwater BMPs (Post construction):** The amount of stormwater that would runoff from the project site after construction if the planned stormwater BMPs were not installed.

**Volume of stormwater runoff with planned stormwater BMPs (Post construction):** The amount of stormwater that will run off from the project site after the planned stormwater BMPs are installed.

**Stormwater discharge rate for the design frequency storm (Pre-construction):** Show the stormwater runoff discharge rate for the design frequency storm event as determined by the dominant land condition or land use for the five (5) years preceding the planned project.

**Stormwater discharge rate for the design frequency storm (Post construction):** Show the stormwater runoff discharge rate for the storm event after the planned stormwater BMPs are installed.

6. Please check all the appropriate boxes. If there is no check box for a planned BMP, check the box for "other" and list the BMP. Do not list erosion and sediment control BMPs.

### Section E: Special Protection Waters

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

### Section F: Compliance Review

Provide the information requested. Use additional pages if necessary.

### Section G: Certification by Person Preparing Application

The person responsible for preparing the Erosion and Sediment Control Plan and Site Restoration Plan with PCSM BMPs must complete this section.

### Section H:

#### Applicant Certification

The NOI shall be signed as follows:

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

## ATTACHMENT A

### Instructions

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

### **SAMPLE NOTICE LETTER TO MUNICIPALITY AND COUNTY**

Date:

Dear (Municipal Secretary): or

Dear (County Commissioners):

This municipal notice, under the requirements of Act 14, is to inform you that (I am/we are) are applying for coverage under the Erosion and Sediment Control General Permit (ESCGP-1) for Earth Disturbance Associated with Oil & Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities from the Pennsylvania Department of Environmental Protection (DEP):

Applicant Contact:

Project Location:

Project Description:

Enclosed is a complete copy of the permit Notice of Intent (NOI) completed by the applicant for this project. DEP invites you to review the attached application and comment on the accuracy of answers provided with regard to land use aspects of this project; please be specific to DEP and focus on the relationship to municipal ordinances. If you wish to submit comments to DEP, you must respond within 30 days to the DEP regional office referenced in this letter. If you do not submit comments by the end of the comment period, DEP will assume that there are no substantive conflicts and proceed with the normal application review process.

Sincerely,

Enclosures

cc: /county planning agencies

**How to Complete the Summary Table**  
 (This table is located in Section D, page 4 of the Notice of Intent application form)

4. SUMMARY TABLE FOR SUPPORTING CALCULATION AND MEASUREMENT DATA See the Instructions on how to Complete This Section			
<input type="checkbox"/> Check this box if supporting calculations and measurements are NOT required in accordance with Section D.2.e on the preceding page.			
Design storm frequency _____ Rainfall amount _____ inches	Pre-construction	Post Construction	Net Change
Impervious area (acres)	1	2	3
Volume of stormwater runoff (acre-feet) without planned stormwater BMPs	4	5	6
Volume of stormwater runoff (acre-feet) with planned stormwater BMPs		7	8
Stormwater discharge rate for the design frequency storm	9	10	11

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