



INSTRUCTIONS FOR NOTICE OF TERMINATION FOR A GENERAL (PAG-02) OR INDIVIDUAL NPDES PERMIT, ESCP, or ESCGP FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

GENERAL INFORMATION

This form serves to fulfill the obligations referenced in 25 Pa. Code §102.7 (related to Permit Termination).

Applicability

A permittee(s) presently covered under an Individual National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities, the General NPDES Permit for Stormwater Discharges Associated with Construction Activities (PAG-02), an Erosion and Sediment Control Permit (ESCP), or an Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities (ESCGP) shall submit this Notice of Termination (NOT) form to the delegated county conservation district or Department of Environmental Protection (DEP) Regional Office (whichever is the appropriate processing entity) for permits **granted the grandfathering provision per 25 Pa. Code §102.8(a)**.

Per 25 Pa. Code §102.8(a), after January 1, 2013, the renewal of a permit issued before November 19, 2010 shall comply with section 102.8, and thus, utilize the NOT Form # 3800-PM-BCW0229b which addresses the long-term operation and maintenance criteria not addressed by this NOT form. For example, a project which had been issued prior to November 19, 2010, renewed prior to January 1, 2013, and subsequently renewed after January 1, 2013 must utilize the NOT Form # 3800-PM-BCW0229b. Additionally, all (regardless of permit issuance or renewal date) NPDES permits containing post construction stormwater management (PCSM) best management practices (BMPs) installed or structurally modified to ensure compliance with 102.8 after January 1, 2013 must utilize NOT Form # 3800-PM-BCW0229b to account for those portions of the project containing PCSM BMPs installed or structurally modified after January 1, 2013.

Per 25 Pa. Code §102.7, the NOT form is to be submitted once the following have been achieved: permanent stabilization of earth disturbance activities per 25 Pa. Code §102.22(a)(2) and implementation of PCSM BMPs per the approved PCSM Plan or site restoration/reclamation via the approved Restoration/Reclamation Plan. Per 25 Pa. Code §102.22(a)(1), once permanent stabilization has been established, the temporary erosion and sediment control (E&S) BMPs shall be removed. Any areas

disturbed in the act of removing temporary E&S BMPs shall be permanently stabilized upon completion of the removal activity.

Per 25 Pa. Code §102.7, until written approval of a NOT is received, the permittee and any co-permittees will remain responsible for compliance with the permit terms and conditions. Permit expiration does not relieve the permittee and any co-permittees of this responsibility; only permit termination may provide such relief.

NOT Form Submission

The Department of Environmental Protection (Department) requires use of the most current NOT form available. The current NOT form and other related documents may be found under "E&S Resources" at: www.dep.pa.gov/constructionstormwater. Please type or print clearly when completing the form. If information needed is more than space allows, attach additional sheets.

NOT forms should be submitted to the conservation district office for the county in which the project is located, except for the following two counties:

- NOT forms for projects located in Forest county should be submitted to DEP's Northwest Regional Office in Meadville.
- NOT forms for projects located in Philadelphia county should be submitted to DEP's Southeast Regional Office in Norristown.

If your project occurs in multiple counties, the NOT form should be submitted to the county conservation district where the greatest amount of the project is located. Contact information for the county conservation districts may be found at: https://pacd.org/?page_id=59. A list of DEP regional offices can be found at <http://www.dep.pa.gov/About/Pages/Office-Locations.aspx>.

INFORMATION REQUIRED FOR THE NOT FORM TO BE DETERMINED COMPLETE

The reviewing entity will review the NOT form. If the NOT contains minor deficiencies, the permittee will be notified via telephone or email to explain the deficiencies and to offer the opportunity to submit the necessary materials within 30 calendar days of the original NOT receipt. If the NOT is deemed to be incomplete, or if information requested is not received within the 30-calendar-day review period, a written

notice of denial, and reasons for such denial, will be provided to the permittee, along with a request to resubmit a NOT form. Once a NOT form is deemed complete, the reviewing entity will schedule and conduct an onsite inspection to verify project completion and permanent stabilization.

The following information must be submitted for the application to be considered complete.

Section 1. Permit Information

Check the appropriate box for the permit type and provide the permit number.

Section 2. Project Location or Physical Address

Provide the facility/development name, address, municipality, and county. Provide the latitude and longitude coordinates for the approximate center of the project area or facility, in degrees, minutes, and seconds.

Section 3. Reason for Permit Termination

Check the appropriate box which describes the reason for the submittal of the NOT form. In most cases, the NOT form should not be submitted until all construction activity identified in the E&S/PCSM plan is complete and all disturbed areas have been stabilized. For example, for a subdivision where the operator will construct the infrastructure (roads, utilities, etc.) and houses, the operator should not submit the NOT form until all construction activity identified in the plans are complete and all disturbed areas have been stabilized. This includes individual lot development (i.e. house, driveway, and lawn construction). Thus, the first box should be checked.

However, circumstances may warrant a full permit termination after either some or none of the planned activities (i.e. any earth disturbance activities, such as clearing, grubbing, grading or the installation of E&S BMPs) were conducted, the site has been stabilized, and there is no intention for the permittee to commence or continue construction at the project site.

- For full terminations where **some of the planned activities were conducted including the installation or utilization of PCSM BMPs**, complete Sections 1 through 5 of the NOT form.
- For full terminations where **some of the planned activities were conducted yet no PCSM BMPs were installed or utilized**, complete Sections 1 through 4 of the NOT form. In lieu of the Section 5 certification, submit a signed cover letter and indicate in the letter that some earth disturbance activities took place, no PCSM BMPs were installed, and the site has been permanently stabilized.
- For full terminations where **no planned activities were conducted**, complete Sections 1 through

4 of the NOT form. In lieu of the Section 5 certification, submit a signed cover letter and indicate in the letter that no earth disturbance activities took place and no temporary E&S BMPs were installed.

If a permittee(s) wishes to terminate permit coverage on a portion of a project which is complete and permanently stabilized while continuing to maintain permit coverage on the remaining portion of a project until completion, this can be achieved through a partial permit termination. The following criteria must be met to utilize a partial permit termination:

1. Unless otherwise approved by the Department in writing, both the area of land to be terminated and the remaining land must be five (5) acres or greater. Therefore, the total project site must be ten (10) acres or greater.
2. Except for linear projects that involve restoration to pre-construction conditions, to the extent practicable in accordance with 25 Pa. Code §102.8(n), both portions of the project must not be hydrologically connected to (contributing stormwater drainage/flows to or receiving stormwater drainage/flows from) each other, up to and including the 100-year storm event. For example, if a BMP is located within the completed portion of the site and infiltrates the 2-year/24-hour storm but overflows during larger storm events to a larger basin which is not contained within the completed portion of the site, the partial NOT will not be approved.
3. Single lot terminations are permitted, so long as they meet the criteria above.

Provide a description of the portion of the project site to be terminated and provide the metes and bounds (attach additional sheet, if necessary). If submitting a NOT form for a partial termination, a notice of intent or permit application for an amendment to the permit to reflect the reduction in the project site must be submitted concurrently. The permit type checked on the notice of intent or permit application must be the same as the originally issued permit. For example, an Individual permit cannot be converted into a General Permit at the time a partial termination is requested.

Section 4. Permittee Information

Provide the name, address, telephone number, and email address of the permittee and any additional permittees (those who had been listed as co-applicants on the permit application). The name(s) and address(es) provided here must match the name(s) and address(es) of the applicant(s) on the permit application, unless the permit was transferred to a new permittee(s); in which case, the name(s) and address(es) must match the name(s) and address(es) listed on any applicable transfer form.

Section 5. Certification

The person listed in Section 4 is to complete this certification. If an additional permittee is listed in Section 4, print an additional Section 5 to be completed by the additional permittee. There is no need for a co-permittee, who was brought onto the permit after permit authorization/issuance, to complete the certification. Upon permit termination, all remaining co-permittees who had been brought onto the permit after authorization/issuance are automatically released from liability. The information provided in the certification must match the information provided on the permit application certification section or on any applicable permit transfer forms.

The permittee must complete the required certification by checking the appropriate box as indicated below, entering the entity name both in the second paragraph and next to the appropriate checkbox, and providing the printed permittee name and title, permittee signature, and date:

a. Corporations:

- 1) A president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any other

person who performs similar policy or decision-making functions for the corporation; or

- 2) The manager of one or more manufacturing, production or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. Partnerships or sole proprietorships -a general partner or the proprietor, respectively.
- c. Municipalities, State, Federal or other public agencies -either a principal executive officer or ranking elected official:
 - 1) The chief executive officer of the agency; or
 - 2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- d. For individuals, no indication of entity name or title is necessary.

If anyone else signs on behalf of a corporation, partnership, or public agency, documentation supporting delegation of contracting authority must be provided.

DOCUMENT REVISION HISTORY

Date	Revision Reason
January 2018	Changed review period from 20 business days to 30 calendar days; Added Department discretion to waive the 5-acre minimum criteria for partial terminations; Added a clarification that no permit type change may occur upon partial termination.