



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERSHED MANAGEMENT
BUREAU OF OIL & GAS MANAGEMENT

**APPROVAL OF COVERAGE UNDER THE
EROSION AND SEDIMENT CONTROL GENERAL PERMIT
FOR EARTH DISTURBANCE ASSOCIATED WITH OIL AND GAS
EXPLORATION, PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS
OR TRANSMISSION FACILITIES
ESCGP-1**

Approval No: _____

In compliance with the provisions of The Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq., the Oil & Gas Act 58 P. S. § § 601.101 et seq., 25 Pa Code Chapters 78, 91, 93 and 102 regulations promulgated thereto, and sections 1905-A, 1917-A and 1920-A of the Administrative Code of 1929 (71 P.S. §§510-5, 510-17 and 510-20) the Department of Environmental Protection (Department) hereby authorizes the permittee to conduct earth disturbance activities at the following location:

PERMITTEE NAME AND ADDRESS

PROJECT NAME AND LOCATION

This authorization is granted to conduct earth disturbance activities and construct the erosion and sediment control and stormwater management best management practices (BMPs) within the project indicated above, provided that you comply with all representations set forth in your application and its supporting documents and permit conditions attached hereto.

Earth disturbance activities in accordance with the terms and conditions herein may commence on the date of the approval of permit coverage. This approval is valid for a period of five years when conducted pursuant to such terms and conditions the Department may terminate the approval prior to the expiration date upon notice to and approval. No condition of this permit shall release the permittee(s) from any responsibility or requirement under Pennsylvania statutes or regulations.

No condition of this permit shall release the permittee(s) from any responsibility or requirement under Pennsylvania statutes or regulations or local ordinances.

Approval Date: _____

Expiration Date: _____

Authorized by: _____

Title _____

**EROSION AND SEDIMENT CONTROL GENERAL PERMIT
FOR EARTH DISTURBANCE ASSOCIATED WITH OIL AND GAS
EXPLORATION, PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS
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General Information

1. This permit applies to earth disturbance activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities (oil and gas activities) that disturb five (5) or more acres at one time over the life of the project.
2. This permit is issued _____. The permit shall expire at midnight _____, unless extended in writing by the Department.
3. Persons proposing to conduct earth disturbance activities associated with oil and gas activities that disturb five (5) or more acres at one time over the life of the project, who wish to be covered by this general permit, must submit an administratively complete and acceptable Notice of Intent (NOI) to the Department or authorized County Conservation District ("District") at least 90 days prior to commencing the earth disturbance activity. The NOI shall be filed in accordance with the detailed instructions specified in the NOI package. Earth Disturbance activities cannot begin until the operator receives the permit approval.
4. An Erosion and Sediment Control Plan ("E&S Plan") must be implemented for the activity covered by this permit in accordance with 25 Pa. Code Chapter 78 and Chapter 102. The E&S Plan must be submitted for review and approval to the Department or District when acting as the reviewing entity (collectively "reviewing entity"). Best Management Practices ("BMPs") shall be constructed and maintained under the supervision of a competent individual trained and experienced in erosion and sediment control methods and techniques. The Post Construction Stormwater Management Plan ("PCSM Plan") shall also be implemented for the earth disturbance activity covered by this permit.

Standard Permit Conditions

1. Major modifications to the approved E&S Plan involving new or additional earth disturbance activity and/or the addition of a point source discharge will require prior approval by the reviewing entity and may require the submittal of a new NOI. All minor modifications to the E&S Plan and PCSM Plan shall be noted on the plan shall be noted on the plan that is available at the site and initialed by the Department or Conservation District staff. Minor changes to the E&S Plan or the PCSM Plan may include adjustments to BMPs and locations within the permitted boundary to improve environmental performance within the scope of the approved E&S Plan, change in ownership or address, typographical errors and field adjustments on-site such as the addition or deletion of BMPs to address unforeseen circumstances.
2. If the erosion and sediment control and stormwater management BMPs fail to achieve their intended purpose the permittee(s) shall investigate the reason for the failure and take necessary corrective actions which may include modification to existing BMPs or the design and construction of additional BMPs.
3. Nothing in this permit relieves the permittee(s) of the obligation to obtain any other applicable permits, or of complying with all federal, state, or local laws, regulations or standards for the construction, operation, and maintenance of this project.
4. All relevant conditions of any prior Departmental permits, decrees or orders issued to the permittee(s) or their predecessor shall be continued in full force and effect unless explicitly superseded by this permit. The provisions of this permit shall apply to the permittee's successors, lessees, heirs, and assigns. Permit ownership and/or responsibilities may be transferred or shared after written notice to, and upon approval from the reviewing entity. The notice shall be provided to the reviewing entity at least 30 days prior to the effective date of new ownership or permit responsibility. The transfer does not need to be published.

5. The Department reserves the rights to modify, suspend, revoke or terminate previous coverage under this permit if the permittee(s) shows a lack of ability or intent to comply with the provisions of the permit, or has exhibited a history of non-compliance with the permit conditions.
6. Earth disturbance activities in a watershed, where the designated or existing use is High Quality or Exceptional Value or exceptional value wetland pursuant to 25 Pa Code Chapter 93.4b, shall comply with the anti-degradation requirements of 25 Pa Code Chapter 93.4 Sections 93.4a thru 93.4c and 25 Pa Code Chapter 105.13. Additional BMPs for special protection watersheds are contained in Chapter 4 of the Oil and Gas Operators Manual (No. 550-0300-001), the Stormwater Best Management Practices Manual (363-0300-002) and 25 Pa Code Chapter 102.4(b).
7. Erosion and sediment control and stormwater management BMPs shall be designed and implemented to meet the standards and specifications identified in 25 Pa Code Chapters 78, 93, 102 and any other applicable laws and regulations. Best Management Practices for oil and gas activities are listed in the Department's Oil and Gas Operators Manual, No. 550-0300-001 and Erosion and Sediment Pollution Control Manual, No. 363-2134-008, the Water Quality Antidegradation Guidance No. 391-0300-002 and the Stormwater Best Management Practices Manual No. 363-0300-002. The permittee(s) may use BMPs that are not identified in the foregoing manuals if the permittee(s) demonstrates to the reviewing entity's satisfaction that the proposed BMPs achieve equivalent or superior environmental protection standards.
8. If the earth disturbance activities authorized by this permit at any time create conditions that cause or threaten to cause pollution to waters of the Commonwealth, the permittee(s) shall immediately implement remedial measures to correct the conditions.
9. The permittee(s) shall notify the delegated conservation district or the Department by either telephone or certified mail of the intent to commence earth disturbance activities. The notification must be at least seven days prior to the start of earth disturbance activities. Attendance at a pre-construction conference is required upon request by the District or Department.
10. BMPs must be inspected on a weekly basis and after each measurable stormwater event, including the repair of the BMPs to ensure effective and efficient operation. A written report of each inspection shall be kept to include a summary of site conditions, BMPs, and compliance, corrective action taken and the date, time, and the name of the person conducting the inspection. These documents are to be made available to the Department upon request.
11. Upon completion of the earth disturbance activity the site shall be permanently stabilized according to the requirements of Pa Code Chapter 102. In addition, post construction stormwater management BMPs shall be in place and operating prior to a site being considered permanently stabilized.
12. Procedures which ensure that the proper disposal or recycling of materials associated with or from the project site will be undertaken in an environmentally safe manner, and in accordance with federal and state law and regulations. No waste or similar materials shall be disposed, buried, dumped, or discharged at the site unless it is in accordance with federal and state law and regulations.
13. Issuance of this permit does not authorize earth disturbance activities in wetlands or other water obstructions or encroachments as depicted in the approved E&S Plan. Any changes to the approved E&S Plan resulting from other permits from the Department that authorize activity in wetlands or other water obstructions or encroachments must be submitted to the reviewing entity for review and approval prior to initiating the earth disturbance activity. If hydric soils are present, a wetland identification must be conducted in accordance with Department procedures. All wetlands and watercourses must be included on the E&S Plan.
14. The permittee may not discharge floating materials, oil grease, scum, foam, sheen and substances which produce odor, taste, turbidity, or settle to form deposits in concentrations or amounts sufficient to be, or create a danger of being, harmful to the water uses to be protected or to human, animal, plant or aquatic life.
15. In accordance with 25 Pa. Code § 78.55, operators of oil and gas wells are required to prepare and implement a Preparedness, Prevention, and Contingency plan. A copy of the plan shall be provided to the Department upon request.

16. The Erosion and Sedimentation Control Plan shall include any spoil, borrow or other work area associated with the oil and gas activity.
17. The Department and the District when acting as reviewing entity, reserves the right to require additional monitoring where a danger of water pollution is present, or water pollution is suspected of occurring from an earth disturbance activity subject to this permit. The permittee(s) shall commence such monitoring upon notification from the Department or the authorized conservation district when acting as the reviewing entity.
18. The permittee(s) must comply with all terms and conditions of this permit. Any permit non-compliance constitutes a violation of The Clean Streams Law, Oil and Gas Act, 25 Pa Code Chapters 78, 91, 93 and 102, and is grounds for enforcement action or permit suspension; revocation, modification and reissuance, or denial of a permit. The permittee(s) may be subject to criminal and/or civil penalties for violations of the terms and conditions of this permit under Sections 602 and 605 of The Clean Streams Law, 35 P.S. §§ 691.602 and 691.605 and Sections 503, 505, 506 and 507 of the Oil and Gas Act, P.S. §§ 601.503, 601.505, 601.506 and 601.507.
19. Pursuant to Sections 5(b) and 305 of The Clean Streams Law (35 P.S. §§ 691.5(b) and 691.305), Oil and Gas Act Section 508 (58 P.S. §§ 601.508) and Section 1917-A of the Administrative Code (71 P.S. § 510-17), the permittee(s) shall allow the head of the Department, and/or an authorized representative of the Department, or delegated conservation district, upon the presentation of an authorized identification or other credentials, as may be required under law, to:
 - Enter upon the permittee(s) premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit;
 - Have access to and copy at reasonable times, any records that must be kept under the terms and conditions of this permit;
 - Inspect any facilities or equipment (including monitoring and control equipment); and
 - Observe or sample any discharge.
20. Prior to the commencement of earth disturbance activities for additional phases or portions of a project, the permittee(s) shall submit a Plan for each additional phase or portion of the project in accordance with Permit Guidelines for Phased NPDES Stormwater Discharges Associated with Construction Activity Permits, Chapter 102 Erosion and Sediment Control Permits and Chapter 105 Waterway Restoration Permits (363-2134-013) for review and approval by the reviewing entity.
21. The permittee(s) shall contact the plan preparer for clarification of any requirements contained in the Erosion and Sediment Control Plan, Post Construction Stormwater Management Plan, Pollution Prevention and Contingency Plan, or other documents related to this permit. If additional clarification is necessary the permittee or co-permittee shall contact the Department or authorized Conservation District.
22. No regulated activity is authorized under this General Permit which is likely to directly or indirectly adversely affect a State or Federal threatened or endangered species or a species proposed for such designation, or which is likely to destroy or adversely modify the critical habitat of such a species, as identified under the Federal Endangered Species Act of 1973; Title 30, Chapter 75 of the Pa. Fish and Boat Code; Title 17, Chapter 25, Conservation of Wild Plants; and Title 31 Chapter 133 Game Wildlife code.

Permit registrations shall include a Pennsylvania Natural Diversity Inventory (PNDI) search receipt. Any "potential impact" must be resolved with the appropriate agency prior to registration of this General Permit. Information on PNDI searches is available through the PA Department of Conservation and Natural Resources, Bureau of Forestry, Ecological Services Section, P.O. Box 8552, Harrisburg, PA 17105-8852, telephone 717-787-3444 and at www.naturalheritage.state.pa.us.

- 23. Notice of Termination. When all stormwater discharges associated with the earth disturbance activity that are authorized by this permit are eliminated, the disturbed area has been permanently stabilized and BMPs identified in the PCSM Plan have been installed, the permittee or co-permittee of the facility must submit a signed Notice of Termination letter. All Notice of Termination letters are to be sent to the Department or the authorized Conservation District.

PERMIT ISSUED BY:

Director, Bureau of Watershed Management

Director, Bureau of Oil and Gas Management

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