

ATTACHMENT B

Public and Agency Coordination

B-1 – Rare, Threatened, and Endangered Species

1. PROJECT INFORMATION

Project Name: **Southgate Re-Development**

Date of Review: **2/26/2024 05:07:18 PM**

Project Category: **Development, Additions/maintenance to existing development facilities**

Project Area: **15.79 acres**

County(s): **Franklin**

Township/Municipality(s): **CHAMBERSBURG**

ZIP Code:

Quadrangle Name(s): **CHAMBERSBURG**

Watersheds HUC 8: **Conococheague-Opequon**

Watersheds HUC 12: **Falling Spring Branch-Conococheague Creek**

Decimal Degrees: **39.934214, -77.665338**

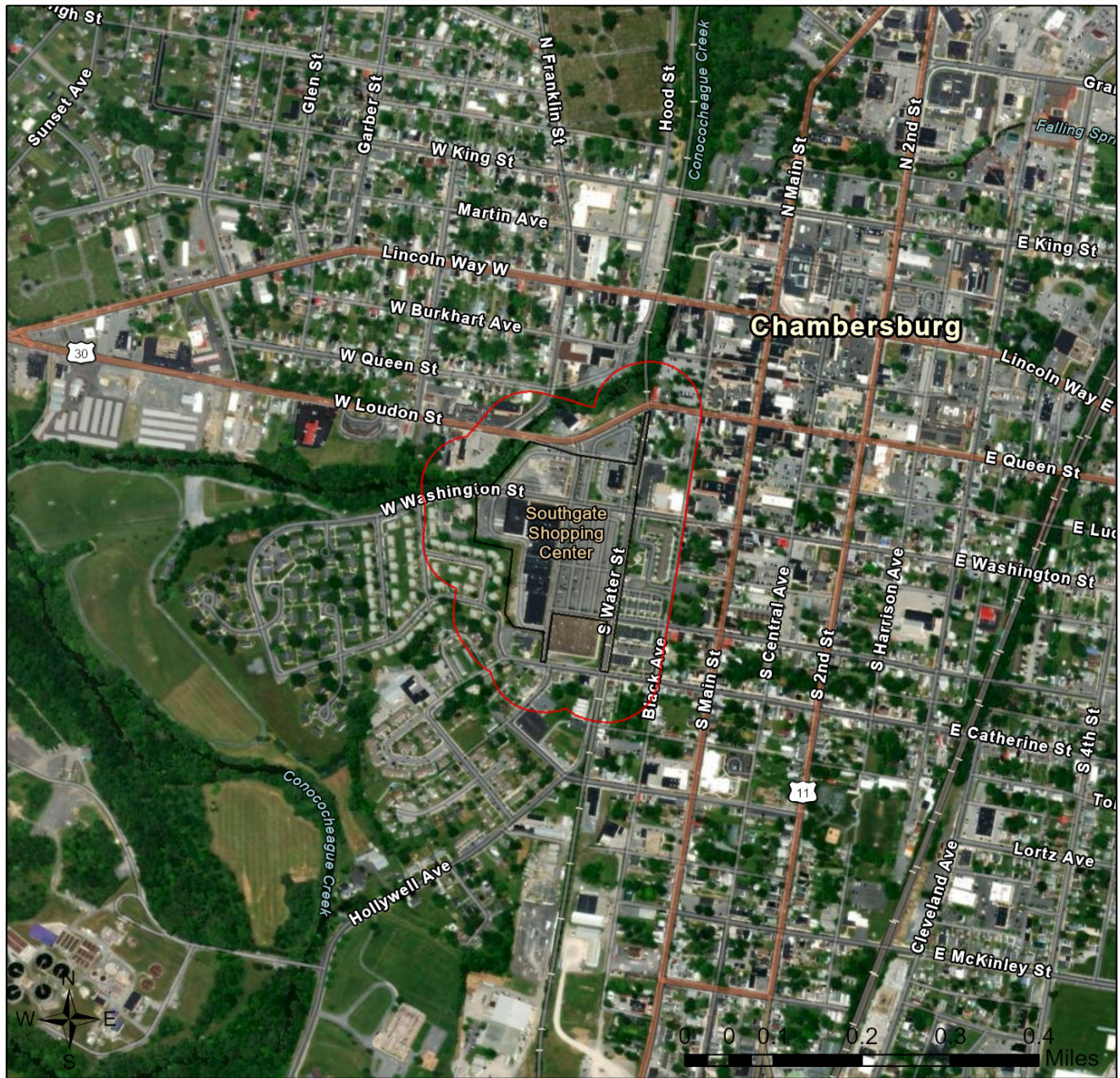
Degrees Minutes Seconds: **39° 56' 3.1689" N, 77° 39' 55.2174" W**



2. SEARCH RESULTS

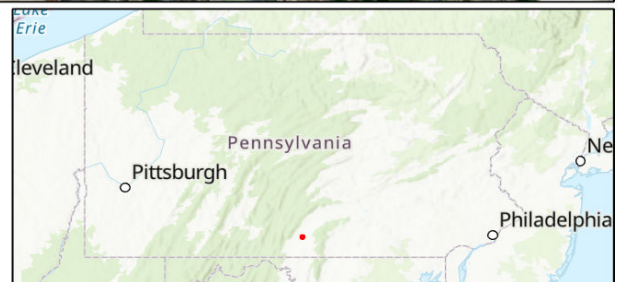
Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate no known impacts to threatened and endangered species and/or special concern species and resources within the project area. Therefore, based on the information you provided, no further coordination is required with the jurisdictional agencies. This response does not reflect potential agency concerns regarding impacts to other ecological resources, such as wetlands.

Southgate Re-Development





-  Buffered Project Boundary
-  Project Boundary

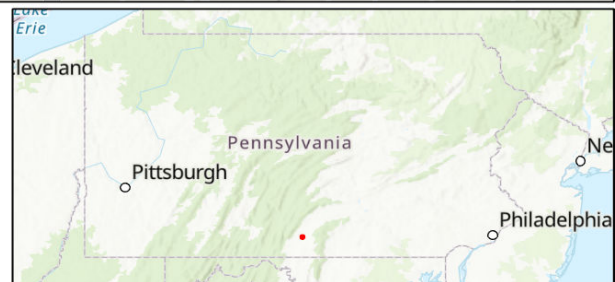


Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Southgate Re-Development



-  Buffered Project Boundary
-  Project Boundary



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

PA Game Commission

RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Fish and Boat Commission

RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE:

No impacts to **federally** listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq. is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.

5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

6. AGENCY CONTACT INFORMATION

PA Department of Conservation and Natural Resources

Bureau of Forestry, Ecological Services Section
400 Market Street, PO Box 8552
Harrisburg, PA 17105-8552
Email: RA-HeritageReview@pa.gov

PA Fish and Boat Commission

Division of Environmental Services
595 E. Rolling Ridge Dr., Bellefonte, PA 16823
Email: RA-FBPACENOTIFY@pa.gov

U.S. Fish and Wildlife Service

Pennsylvania Field Office
Endangered Species Section
110 Radnor Rd; Suite 101
State College, PA 16801
Email: IR1_ESPenn@fws.gov
NO Faxes Please

PA Game Commission

Bureau of Wildlife Management
Division of Environmental Review
2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Email: RA-PGC_PNDI@pa.gov
NO Faxes Please

7. PROJECT CONTACT INFORMATION

Name: Andrew Stottlemeyer
Company/Business Name: Borough of Chambersburg
Address: 100 South Second Street
City, State, Zip: Chambersburg, PA 17201
Phone: (717) 251-2434 Fax: ()
Email: astottlemeyer@chambersburgpa.gov

8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

Andrew M. Stottlemeyer
applicant/project proponent signature

February 26, 2024
date



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pennsylvania Ecological Services Field Office
110 Radnor Road Suite 101
State College, PA 16801-7987
Phone: (814) 234-4090 Fax: (814) 234-0748

In Reply Refer To:

03/20/2025 13:19:12 UTC

Project Code: 2025-0071650

Project Name: Chambersburg Area Municipal Authority – Southgate Stormwater Improvements Project

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Pennsylvania Ecological Services Field Office

110 Radnor Road Suite 101
State College, PA 16801-7987
(814) 234-4090

PROJECT SUMMARY

Project Code: 2025-0071650

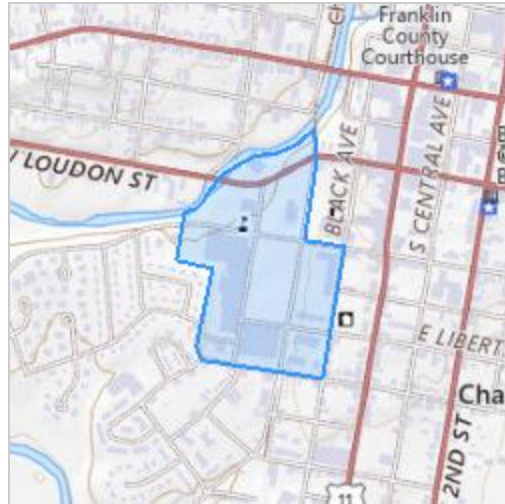
Project Name: Chambersburg Area Municipal Authority – Southgate Stormwater Improvements Project

Project Type: Federal Grant / Loan Related

Project Description: (1) Relocation of the stormwater conveyance system located under the Southgate Shopping Center parking lot by installing a new conveyance system under Water Street (between Liberty Street and Washington Street), and Washington Street (from Water Street to the location of the existing Conococheague Creek outfall). This work includes the removal of the existing street paving, sidewalk, and pedestrian paved trail. Additionally, a hybrid, three-foot-deep basin and subsurface network of perforated pipes will be installed on the northwest corner of Cedar Avenue and Washington Street (Tax Parcel ID 05-1D08.-002C-EX0000). (2)• Cedar Avenue (between Liberty Street and Washington Street) is currently a thoroughfare between the shopping center buildings and the parking lot. Both the roadway and stormwater conveyance system below the road are in poor condition requiring reconstruction to support Southgate Stormwater Improvement objectives to mitigate flooding and accommodate community and economic growth. (3) • The Conococheague Creek streambank and floodplain restoration to include the removal of an existing mid-channel bar upstream, under, and downstream of the Loudon Street Bridge as well as excavating the downstream left bank upstream of W Loudon Street to create a floodplain bench. All streambanks will be protected with a combination of rock, wood, or vegetative toe protection. The project will include a riparian vegetation enhancement plan in the restored streambank and floodplain areas. In addition to the restoration work, PennDOT requested that existing scour protection on the downstream left opening (abutment and pier) of the Loudon Street Bridge be investigated and install additional riprap scour protection as required following removal of the sediment deposition. Accessibility to the stream and floodplain restoration (both upstream and downstream of the bridge) will be considered to minimize impacts to the Southgate Property trail and allow adequate construction access for the proposed work.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.9343297,-77.66506078902631,14z>



Counties: Franklin County, Pennsylvania

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

CLAMS

NAME	STATUS
Green Floater <i>Lasmigona subviridis</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7541	Proposed Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

FLOWERING PLANTS

NAME	STATUS
Northeastern Bulrush <i>Scirpus ancistrochaetus</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6715	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

-
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
 2. The [Migratory Birds Treaty Act](#) of 1918.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information](#)

[on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

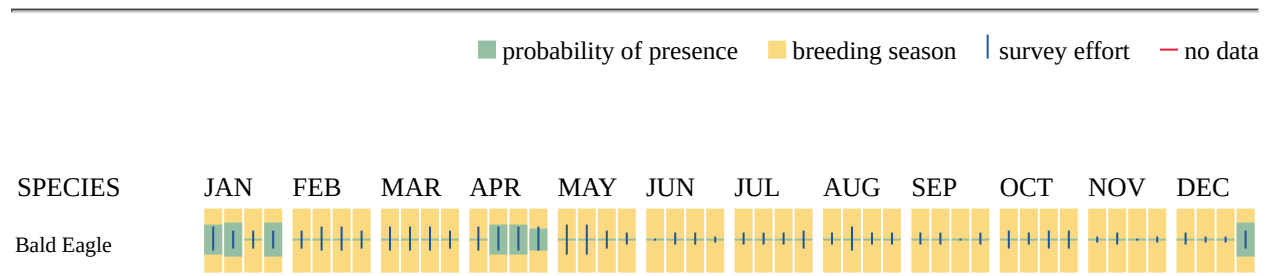
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (-)

A week is marked as having no data if there were no survey events for that week.



Non-BCC
Vulnerable

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10

NAME	BREEDING SEASON
Black-capped Chickadee <i>Poecile atricapillus praticus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/10645	Breeds Apr 10 to Jul 31
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454	Breeds May 20 to Jul 31
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9643	Breeds May 20 to Aug 10
Cerulean Warbler <i>Setophaga cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 27 to Jul 20
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20
Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
Northern Saw-whet Owl <i>Aegolius acadicus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9101	Breeds Mar 1 to Jul 31
Prairie Warbler <i>Setophaga discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9513	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10

NAME	BREEDING SEASON
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9478	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

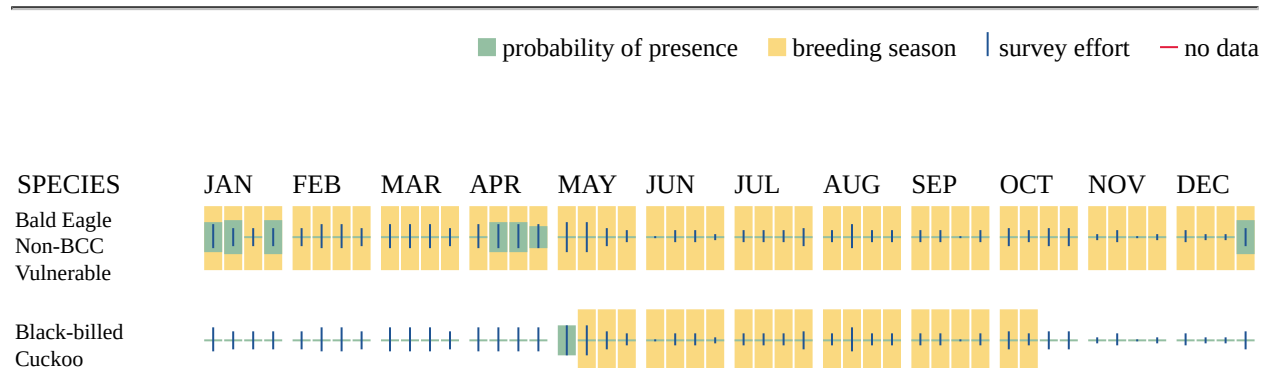
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

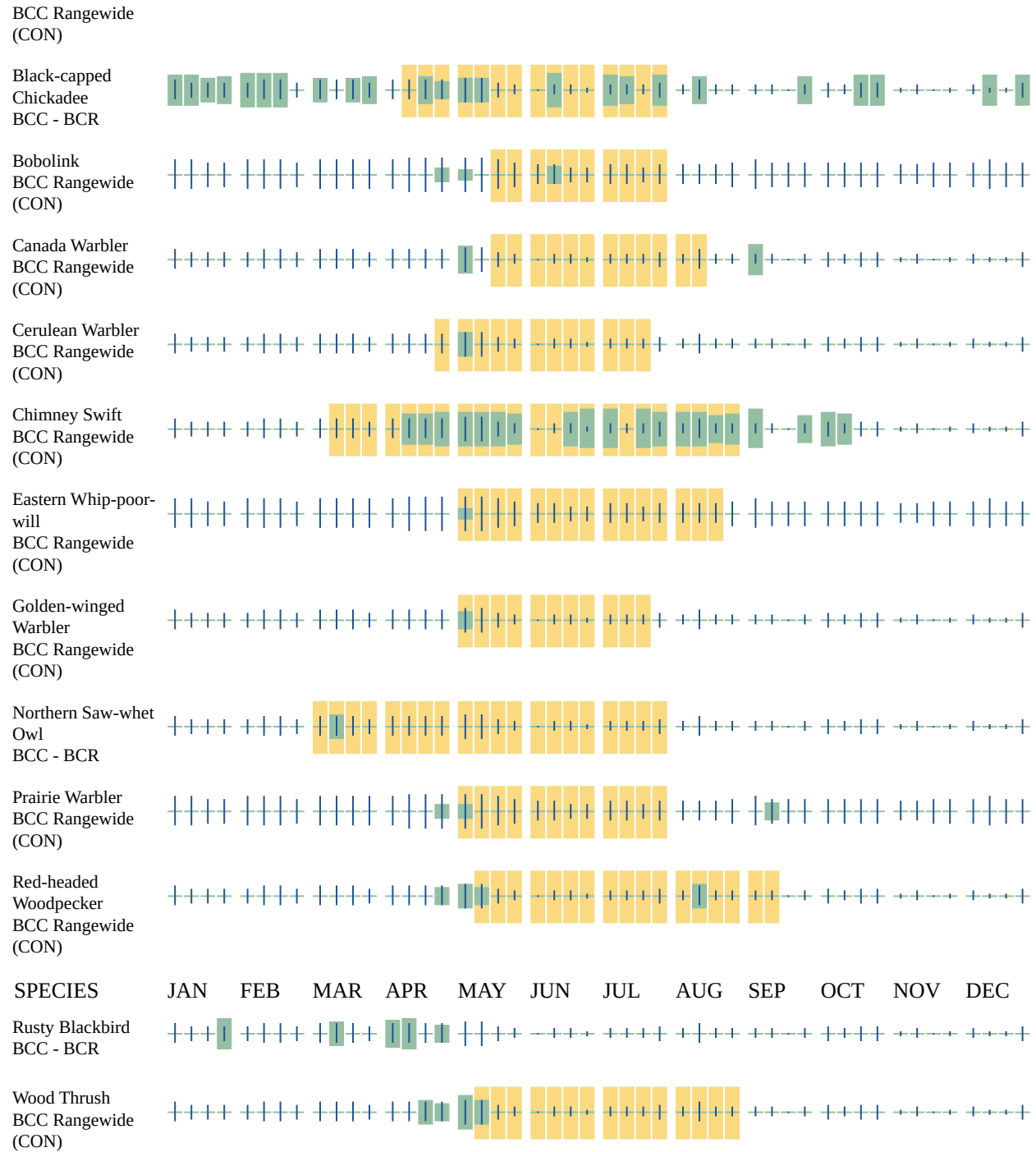
Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (-)

A week is marked as having no data if there were no survey events for that week.





Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds

- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R2UBH

IPAC USER CONTACT INFORMATION

Agency: Chambersburg borough
Name: Chris Fletcher
Address: 212 East Seventh Avenue
City: Homestead
State: PA
Zip: 15120
Email: chris@urbandesignventures.com
Phone: 4124616916

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers
Name: Christopher Johnson
Email: christopher.a.johnson@usace.army.mil
Phone: 4104784140



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pennsylvania Ecological Services Field Office
110 Radnor Road Suite 101
State College, PA 16801-7987
Phone: (814) 234-4090 Fax: (814) 234-0748

In Reply Refer To:

03/20/2025 13:28:29 UTC

Project code: 2025-0071650

Project Name: Chambersburg Area Municipal Authority – Southgate Stormwater Improvements Project

Federal Nexus: yes

Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Record of project representative's no effect determination for 'Chambersburg Area Municipal Authority – Southgate Stormwater Improvements Project'

Dear Chris Fletcher:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 20, 2025, for 'Chambersburg Area Municipal Authority – Southgate Stormwater Improvements Project' (here forward, Project). This project has been assigned Project Code 2025-0071650 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the **Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey)**, invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat and/or Tricolored Bat

Based upon your IPaC submission and a standing analysis, your project has reached the following effect determinations:

Species	Listing Status	Determination
----------------	-----------------------	----------------------

Tricolored Bat (*Perimyotis subflavus*)

Proposed
Endangered

No effect

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate.

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Green Floater *Lasmigona subviridis* Proposed Threatened
- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Northeastern Bulrush *Scirpus ancistrochaetus* Endangered

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the species covered by this key. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the Pennsylvania Ecological Services Field Office and reference Project Code 2025-0071650 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

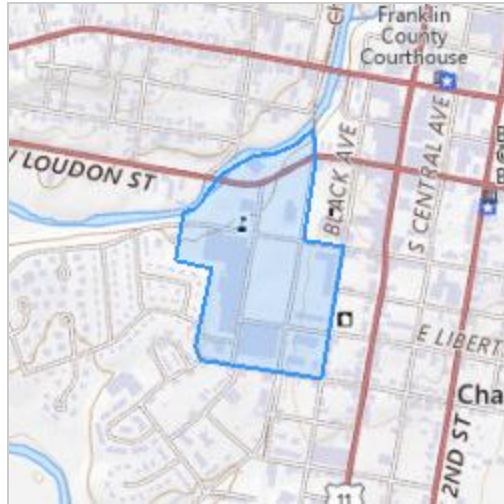
Chambersburg Area Municipal Authority – Southgate Stormwater Improvements Project

2. Description

The following description was provided for the project 'Chambersburg Area Municipal Authority – Southgate Stormwater Improvements Project':

(1) Relocation of the stormwater conveyance system located under the Southgate Shopping Center parking lot by installing a new conveyance system under Water Street (between Liberty Street and Washington Street), and Washington Street (from Water Street to the location of the existing Conococheague Creek outfall). This work includes the removal of the existing street paving, sidewalk, and pedestrian paved trail. Additionally, a hybrid, three-foot-deep basin and subsurface network of perforated pipes will be installed on the northwest corner of Cedar Avenue and Washington Street (Tax Parcel ID 05-1D08.-002C-EX0000). (2) Cedar Avenue (between Liberty Street and Washington Street) is currently a thoroughfare between the shopping center buildings and the parking lot. Both the roadway and stormwater conveyance system below the road are in poor condition requiring reconstruction to support Southgate Stormwater Improvement objectives to mitigate flooding and accommodate community and economic growth. (3) The Conococheague Creek streambank and floodplain restoration to include the removal of an existing mid-channel bar upstream, under, and downstream of the Loudon Street Bridge as well as excavating the downstream left bank upstream of W Loudon Street to create a floodplain bench. All streambanks will be protected with a combination of rock, wood, or vegetative toe protection. The project will include a riparian vegetation enhancement plan in the restored streambank and floodplain areas. In addition to the restoration work, PennDOT requested that existing scour protection on the downstream left opening (abutment and pier) of the Loudon Street Bridge be investigated and install additional riprap scour protection as required following removal of the sediment deposition. Accessibility to the stream and floodplain restoration (both upstream and downstream of the bridge) will be considered to minimize impacts to the Southgate Property trail and allow adequate construction access for the proposed work.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.9343297,-77.66506078902631,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

6. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

9. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

10. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

11. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

12. Does the action area contain (1) talus or (2) anthropogenic or naturally formed rock shelters or crevices in rocky outcrops, rock faces or cliffs?

No

13. Will the action cause effects to a bridge?

Note: Covered bridges should be considered as bridges in this question.

No

14. Will the action result in effects to a culvert or tunnel at any time of year?

No

15. Are trees present within 1000 feet of the action area?

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

16. Does the action include the intentional exclusion of bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

No

17. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

18. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

19. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic permanently or temporarily on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

20. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

21. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

Note: For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

No

22. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

23. Will the action include drilling or blasting?

No

24. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

25. Will the proposed action involve the use of herbicides or other pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

26. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season?

Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

27. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable northern long-eared bat or tricolored bat roosting habitat?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

28. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

No

29. Will the proposed action result in the use of prescribed fire?

Note: If the prescribed fire action includes other activities than application of fire (e.g., tree cutting, fire line preparation) please consider impacts from those activities within the previous representative questions in the key. This set of questions only considers impacts from flame and smoke.

No

30. Does the action area intersect the tricolored bat species list area?

Automatically answered

Yes

31. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

32. Has a presence/probable absence bat survey targeting the [tricolored bat and following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area?

No

33. Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities?

(If unsure, answer ""Yes."")

Note: If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer ""Yes."" For a complete definition of suitable summer habitat for the tricolored bat, please see Appendix A in the [Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines](#).

No

34. Do you have any documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: Chambersburg borough
Name: Chris Fletcher
Address: 212 East Seventh Avenue
City: Homestead
State: PA
Zip: 15120
Email: chris@urbandesignventures.com
Phone: 4124616916

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers
Name: Christopher Johnson
Email: christopher.a.johnson@usace.army.mil
Phone: 4104784140

Green Floater (*Lasmigona subviridis*)

Freshwater Mussel Species of Concern

State Rank: S2 (imperiled), Global Rank: G3 (vulnerable)

Identification

The green floater (*Lasmigona subviridis*) is a small mussel, usually less than 55 mm in length. The shell is thin and the mussel has a subovate or trapezoidal shape. The color varies from a dull yellow to green with many dark green rays visible, especially in young individuals. This species may be confused with the creek heelsplitter (*Lasmigona compressa*) (NatureServe 2005; Strayer and Jirka 1997). The creek heelsplitter is larger, thicker shelled, and less ovate. Also, the creek heelsplitter has only been found in the Ohio River Drainage in Pennsylvania while the green floater is also present in the Susquehanna and Delaware River Drainages.



photo source: PNHP

Habitat

The green floater is often found in small creeks and large rivers and sometimes canals. This species is intolerant of strong currents and occurs in pools and other calm water areas (NatureServe 2005, North Carolina Mussel Atlas, Strayer and Jirka 1997). Preferred substrate is gravel and sand in water depths of one to four feet. This species is more likely to be found in hydrologically stable streams, not those prone to flooding and drying. Good water quality is also important for this mussel species (North Carolina Mussel Atlas).

Host Fish

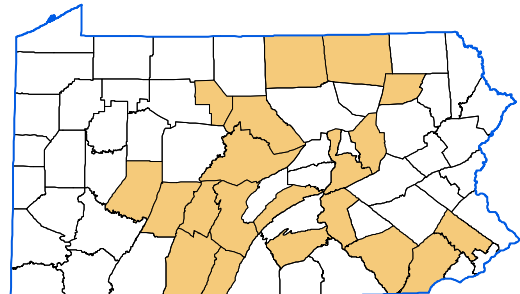
Glochidial (larval) hosts for the green floater are not known (NatureServe 2005, Strayer and Jirka 1997).

Status

From New York south to Georgia and west to Tennessee the green floater is found. This species is not very common in Pennsylvania, but has been found in the Susquehanna, Delaware, and Ohio River Drainages (NatureServe 2005). The state status of the green floater is imperiled (S2), as it is not frequently encountered within its expected range (www.naturalheritage.state.pa.us/invertebrates.aspx). The small size of this species may make it difficult to locate live animals during surveys. Shells of dead green floaters tend to get buried in the surrounding habitat. More extensive surveys are necessary to determine the current status of this species in Pennsylvania and the United States.

The green floater was listed as threatened in an assessment of the conservation status of the freshwater mussels of the United States by the American Fisheries Society (Williams et al. 1993). The green floater has been historically widespread in the Susquehanna River drainage in New York; however, populations have declined since the early 1990s, probably due to pollution (Strayer and Jirka 1997). Decline in the abundance of this species in other places could be due to stream transport of their preferred habitat, as well as increases in pollutants. The introductions of zebra mussels and Asian clams have also negatively impacted abundance of this species in surveys. However, since this mussel species is hermaphroditic, small populations might survive slightly better than other mussel species in less than ideal conditions (NatureServe 2005).

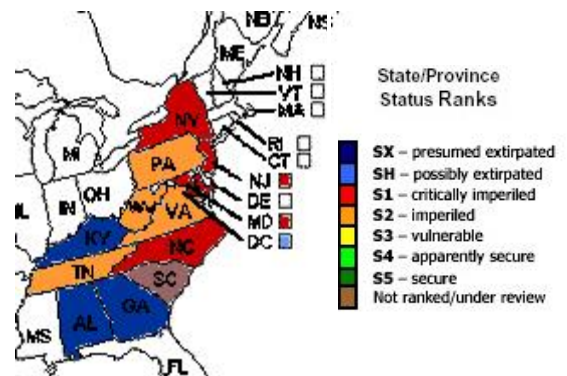
Pennsylvania Distribution by County



Pennsylvania Natural Heritage Program data 2007

North American State/Province Conservation Status

Map by NatureServe (2007)

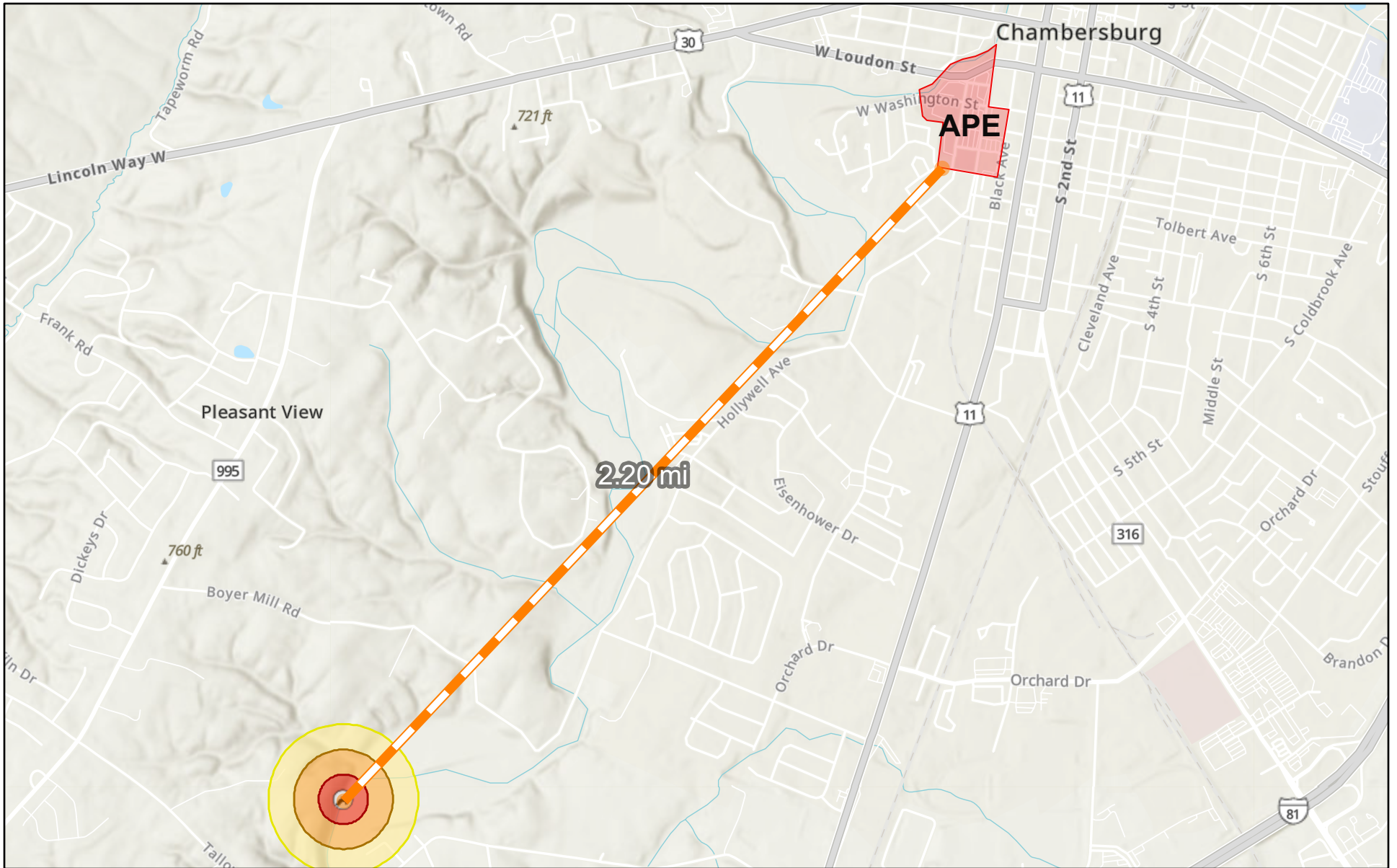


References

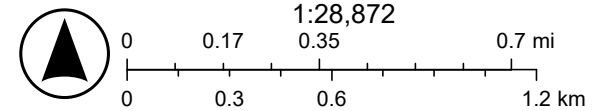
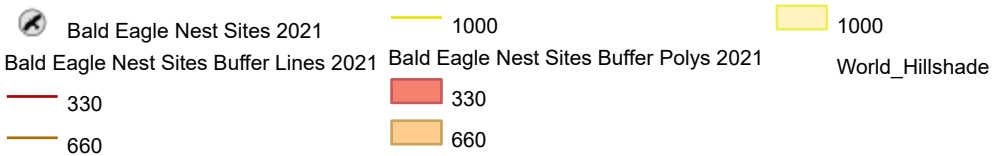
- NatureServe. 2007. NatureServe Explorer: An online encyclopedia of life [web application]. Version 6.2. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: September 4, 2007).
- North Carolina Mussel Atlas, Species Information and Status. Website: www.ncwildlife.org/pg07_WildlifeSpeciesCon/pg7b1a1_9.htm
- Pennsylvania Natural Heritage Program. Biota of Concern In Pennsylvania (BOCIP) Lists. Website: www.naturalheritage.state.pa.us/invertebrates.aspx
- Strayer, D.L. and K.J. Jirka. 1997. The Pearly Mussels of New York State. The New York State Education Dept., Albany, NY 113pp and plates.
- Williams, J.D., M.L. Warren, K.S. Cummins, J.L. Harris, and R.J. Neves. 1993. Conservation Status of Freshwater Mussels. Fisheries 18(9): 6-22.



Bald Eagle Nest Locations



7/14/2025



Esri, NASA, NGA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User

Urban Design Ventures, LLC
 US Fish & Wildlife

ATTACHMENT B

Public and Agency Coordination

B-2 – Cultural Resources - State Historic Preservation Officer (SHPO)



The information contained in this report reflects the status of the project at the time of printing. It does not represent a completed project.

Project Name: Chambersburg Area Municipal Authority (CAMA) – Southgate Stormwater Improvements Project

Project Number: 2024PR05462

Project Type: Environmental Review

Project Status: Under Review

Project Description: Relocation and improvement of Southgate Stormwater Management system and construction of a hybrid retention system; roadway, curb, and sidewalk reconstruction/construction; and, demolition of building occupying floodway. See uploaded document for full project description.

Project Created: 11/21/2024 - Blair Horton

Project Last Edited:

Project Closed:

Submitted from PATH: No

Project Comments:

Environmental Review

Involves Ground Disturbance: Yes

10 or More Resources in the APE:

One or More Above Ground Resources 45 Years in Age or Older: Yes

Approximate Age of Buildings: 137

Present Land Use: Public rights-of-way. The Maranatha Ministries cold weather shelter building at 195 East Queen Street (195 West Loudon Street) proposed for demolition was built prior to 1887. The portion of the strip mall building at 151 Cedar Street proposed for demolition was previously occupied by the former Chambersburg Beauty College. The Rent-a-Center portion of said strip mall building will remain. The subject strip mall building was built between 1988 and 1994,

Past Land Use: Public rights-of-way. H. Sierer and Co. Furniture Factory and saw mill at 195 East Queen Street (195 West Loudon Street). The age of the structure identified below that is proposed for demolition is based on the earliest Sanborn Fire Insurance Map available on the Library of Congress' online collections.

Project includes Construction: Yes

Project includes Demolition: Yes

Project includes Rehabilitation: No

Project includes Disposition: No

Opinion:

Opinion Date:

Opinion Comment:

APE Location Description: The Area of Potential Effect (APE) is generally described as: BEGINNING AT THE POINT OF INTERSECTION of the easterly right-of-way (ROW) line of Black Ave and the northerly ROW line of Catherine St; thence northwardly along the said easterly ROW line of Black Ave to its point of intersection with the northly right-of-way line of W Washington St; thence westwardly along the said northerly ROW line of W Washington St to its point of intersection with the easterly ROW line of S Water St; thence northerly along said easterly ROW line of S Water St, crossing W Loudon St along the pedestrian bridge to the centerline of the Conococheague Creek; thence westwardly along said centerline of the Creek to the existing stormwater outfall; thence southwardly to the westerly property boundary of parcel 05-1D08.-002B-000000; thence southwardly along said westerly property boundary to the northerly ROW line of Catherine St; thence eastwardly to the



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easterly ROW line of Black Ave, the POINT OF BEGINNING.

LOD Location Description: The Limits of Disturbance (LOD) are restricted to the noted public rights-of-way and the parcel located in the northwest corner of the intersection of Washington Street and Cedar Street. See attached EXHIBIT 1 - Project Footprint Boundaries for an illustration of the limits of disturbance.

APE Acreage/LOD Acreage: 28.79/1.70

Project Address: 143 Cedar St Chambersburg PA 172010000

Project Located On Federal: No

Project Located On State: No

Project Located On Municipal: Yes

Project Located On Private: Yes

Agencies

Name	Type
Army Corps of Engineers	Federal

Municipalities

County	Municipality
Franklin	Chambersburg Borough

Project Documents

Name	Type
Chambersburg Southgate SWM - Section 106 Historic Review Request - RVSD	Document

SHPO Response Attachments

Name	Type	Submission Number
SHPO Response 2024PR05462.001	Correspondence	2024PR05462.001
SHPO Response to FEMA 2024PR05707.002	Document	2024PR05462.001

Contacts

Name	Email	Phone
Christopher Fletcher	chris@urbandesignventures.com	
Zachary Laros	zachary@urbandesignventures.com	
Phil Wolgemuth	pwolgemuth@chambersburgpa.gov	7172512436
Ethan Bean	ethan.a.bean@usace.army.mil	

Associated Projects

Number	Name	Type
No Records		



The information contained in this report reflects the status of the project at the time of printing. It does not represent a completed project.

Associated Resources

Number	Name	Type
2024RE04882	H. Sierer and Co. Furniture Factory	Above Ground

Associated Surveys

Number	Name	Type
<i>No Records</i>		

Reports

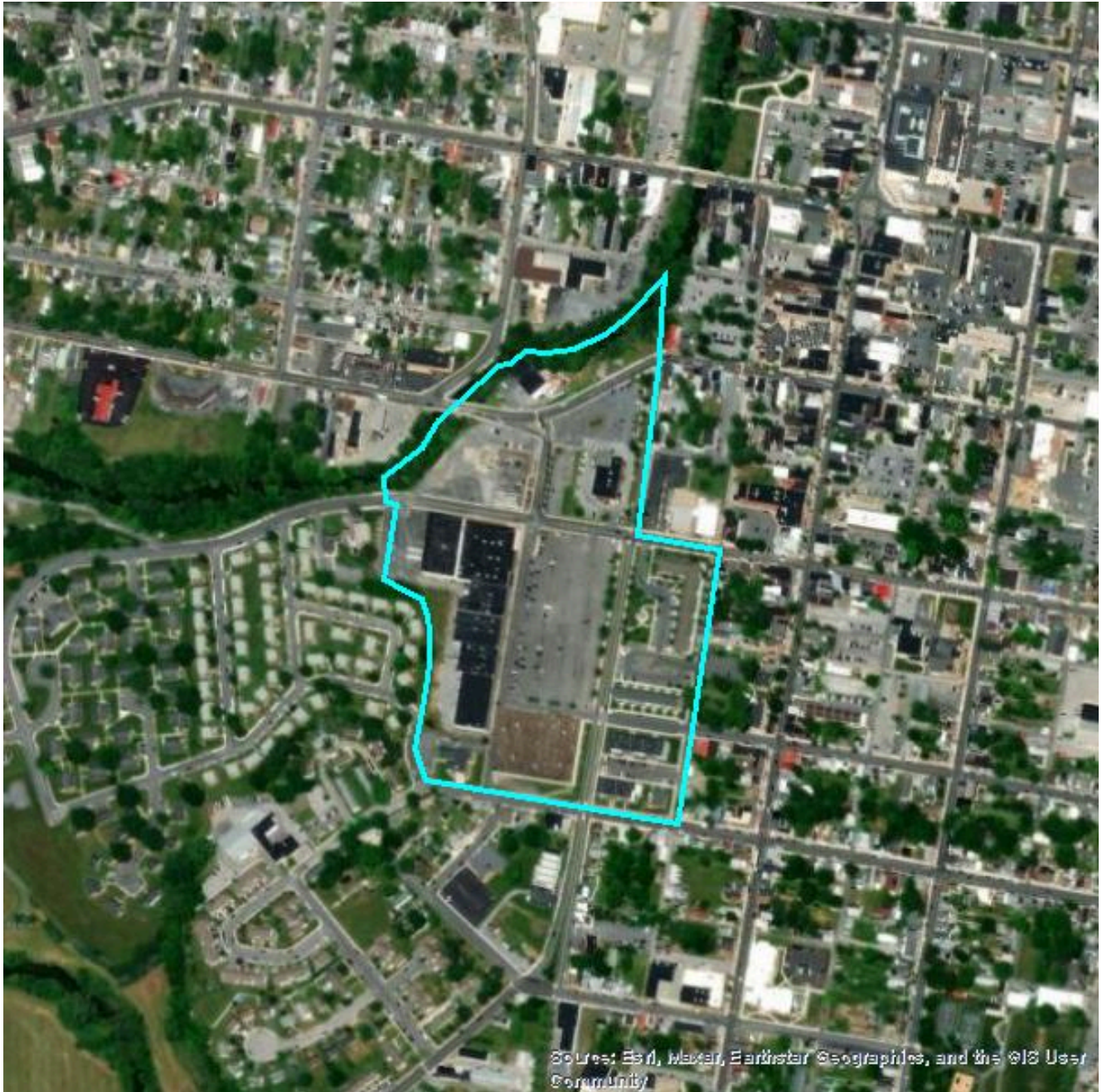
Number	Title	Date	Author
<i>No Records</i>			

Success Stories

Name	Type
<i>No Records</i>	

The information contained in this report reflects the status of the project at the time of printing. It does not represent a completed project.

Project Map





The information contained in this report reflects the status of the project at the time of printing. It does not represent a completed project.

Project Photos

No Records

Submissions

2024PR05462.001

Type: Initial

Status: Closed

Description: Initial Submission

Reviews:

Triage

Above Ground Review

Triage

Archaeology Review

Blair Horton

Barbara Frederick

John Gardosik

Justin McKeel

Resource Reconciled

More Information Requested

Internal DOE Comment(s)

No Archaeological Concerns



Pennsylvania State Historic Preservation Office

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

December 20, 2024

Christopher Fletcher

RE: ER Project # 2024PR05462.001, Chambersburg Area Municipal Authority (CAMA) – Southgate Stormwater Improvements Project, Army Corps of Engineers, Chambersburg Borough, Franklin County

Dear Christopher Fletcher,

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Proposed Project

The project involves improvements to the stormwater management system including demolition of portions of a strip mall (constructed between 1988 and 1994) and 195 West Queen Street.

Project Review History

Franklin County is seeking a grant from FEMA under the Hazard Mitigation Grant Program to acquire and demolish the property at 195 West Queen Street and return it to open space to mitigate future flood damage and allow more natural conveyance of floodwater in the event of high water. This portion of the project was previously reviewed by PA SHPO under PA-SHARE Project # 2024PR05707. Please see the PA SHPO response letter for the FEMA-sponsored demolition under Attachments on the Response Screen in PA-SHARE.

We offer the following comments on the Chambersburg Area Municipal Authority – Southgate Stormwater Improvements Project.

Area of Potential Effects (APE)

PA SHPO concurs with the APE as presented in PA-SHARE.

Archaeological Resources

Assessment of Effect

There is a high probability that prehistoric and/or historic archaeological resources are located in this project area. In our opinion, the proposed project should have No Effect on such resources, provided that excavation is limited to the removal of the foundation and that clean off-site fill is used. Should project plans change and/or should you be made aware of historic property concerns, please reinstate consultation with our office using PA-SHARE.

Above Ground Resources

Identification of Historic Properties

Based on the information provided and available in our files, the building at 195 West Queen Street, the H. Sierer and Company Furniture Factory is a contributing resource to the Chambersburg Historic District (Resource # 1980RE00652). While not specifically called out in the inventory for the 1980

nomination, the building dates to the period of significance, is included in the Comprehensive Historic Resource Survey, and the National Register boundary was drawn to include the property on which the former mill is located. The Chambersburg Historic District, listed in the National Register in 1980, comprises residential, commercial, and industrial buildings and is significant under Criterion A for its association with the Military history, more specifically the Civil War and its effects on the borough of Chambersburg, and under Criterion C for Architecture. The period of significance spans from the eighteenth century to the twentieth century.

Assessment of Effect

While we are not concerned about the proposed demolition of the strip mall and changes to the street scape, based on the information provided, it is our opinion the project will result in an Adverse Effect to a Historic Property, specifically the Chambersburg Historic District. The proposed demolition of the building at 195 West Queen Street will result in physical destruction of the building, a contributing resource to the historic district that would detract from the district's ability to convey its historical and architectural significance.

To comply with the regulations of the Advisory Council on Historic Preservation, the federal agency must follow the procedures outlined in 36 CFR 800.6, when the effect is adverse. The federal agency, or those acting on their behalf, will need to notify the Advisory Council of the effect finding and continue to consult with the PA SHPO and other consulting parties to seek ways to avoid, minimize, and/or mitigate the adverse effects on historic properties. The Advisory Council can be contacted electronically following the instructions found here: <https://www.achp.gov/e106-email-form>.

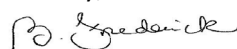
Continued Consultation

In accordance with the regulations for Section 106 (36 CFR 800.2.a.4), federal agencies or those acting on their behalf are required to consider the effects of their undertakings on historic properties in consultation with identified historic preservation stakeholders. Consultation is defined as the process of seeking, discussing and considering the views of other participants and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process. Please provide documentation of your agency's efforts to identify consulting parties with an interest in the effect of this project on historic properties. Potential consulting parties that should be contacted to determine if they would like to participate in Section 106 consultation include Downtown Chambersburg, Inc., Chambersburg Heritage Center, the Franklin County Historical Society, and the Franklin County Planning Department.

We recommend that you continue to consult with the PA SHPO and invited consulting parties on ways to minimize and/or mitigate the known adverse effects on historic properties. We also recommend you coordinate with FEMA to determine who will be the lead federal agency for resolution of the adverse effect and continued consultation under Section 106.

For questions concerning above ground resources, please contact Barbara Frederick at bafrederic@pa.gov. For questions concerning archaeological review, please contact Justin McKeel at jusmckeel@pa.gov.

Sincerely,



Barbara Frederick
Environmental Review Division Manager



December 19, 2024

Allison King
FEMA Region 3

RE: ER Project # 2024PR05707.002, HMGP-4618-0046-PA (1) Franklin County –
Acquisition/Demolition of 1 Property, Federal Emergency Management Agency, Chambersburg
Borough, Franklin County

Dear Allison King,

Thank you for submitting information concerning the above referenced project.

Proposed Project

The proposed project involves the demolition of the building at to 195 Queen Street, a contributing resource to the Chambersburg Historic District (Resource # 1980RE00652), which is listed in the National Register of Historic Places (National Register). PEMA has submitted a grant application to FEMA under the Hazard Mitigation Grant Program, referenced as HMGP-4618-0046-PA (1), proposing to acquire and demolish the property located at 195 West Queen Street and return it to open space.

Area of Potential Effects (APE)

PA SHPO concurs with the APE as presented in PA-SHARE.

Archaeological Resources

Assessment of Effect

There is a high probability that prehistoric and/or historic archaeological resources are located in this project area. In our opinion, the proposed project should have No Effect on such resources, provided that excavation is limited to the removal of the foundation and that clean off-site fill is used. Should project plans change and/or should you be made aware of historic property concerns, please reinitiate consultation with our office using PA-SHARE.

Above Ground Resources

Identification of Historic Properties

Thank you for the information on the identification of historic properties for the above listed project. We offer the following comments. Based on the information provided and available in our files, our office concurs with the agency that the building at **195 West Queen Street** remains a **contributing resource** to the **Chambersburg Historic District (Resource # 1980RE00652)**. The Chambersburg Historic District, listed in the National Register in 1980, comprises residential, commercial, and industrial buildings and is significant under Criterion A for its association with the Military history, more specifically the Civil War and its effects on the borough of Chambersburg, and under Criterion C for Architecture. The period of significance spans from the eighteenth century to the twentieth century.

We disagree with the agency's finding of 195 Queen Street as individually eligible for listing in the National Register. It is our opinion that 195 Queen Street does not retain sufficient integrity to convey individual significance under Criteria A, B, or C and is therefore **not individually eligible** for listing in the National Register of Historic Places (National Register). The building has undergone a loss of integrity due to numerous alterations and additions and as a result it no longer conveys its historic appearance. This assessment does not address potential archaeological significance.

Please note, our opinions on National Register eligibility are conditional based on the information available to date. Should new information be brought to our attention in any future reviews of the above properties, a re-evaluation of the significance, integrity, and/or overall National Register eligibility of these properties may be necessary. Also note, none of these resources have been evaluated for archaeological potential.

Assessment of Effect

Based on the information provided, we concur with the agency's finding that the project will result in an Adverse Effect to a Historic Property, specifically the Chambersburg Historic District. The proposed demolition of the building at 195 West Queen Street will result in physical destruction of the building, a contributing resource to the historic district that would detract from the district's ability to convey its historical and architectural significance.

To comply with the regulations of the Advisory Council on Historic Preservation, the federal agency must follow the procedures outlined in 36 CFR 800.6, when the effect is adverse. The federal agency, or those acting on their behalf, will need to notify the Advisory Council of the effect finding and continue to consult with the PA SHPO and other consulting parties to seek ways to avoid, minimize, and/or mitigate the adverse effects on historic properties. The Advisory Council can be contacted electronically following the instructions found here: <https://www.achp.gov/e106-email-form>.

Continued Consultation

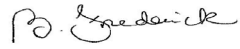
In accordance with the regulations for Section 106 (36 CFR 800.2.a.4), federal agencies or those acting on their behalf are required to consider the effects of their undertakings on historic properties in consultation with identified historic preservation stakeholders. Consultation is defined as the process of seeking, discussing and considering the views of other participants and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process. Please provide documentation of your agency's efforts to identify consulting parties with an interest in the effect of this project on historic properties. Potential consulting parties that should be contacted to determine if they would like to participate in Section 106 consultation include Downtown Chambersburg, Inc., Chambersburg Heritage Center, the Franklin County Historical Society, and the Franklin County Planning Department.

We recommend that you continue to consult with the PA SHPO and invited consulting parties on ways to minimize and/or mitigate the known adverse effects on historic properties. FEMA's 2018 Pennsylvania Statewide Programmatic Agreement (Amended 2023) allows for the resolution of adverse effects through the application of Treatment Measures and we understand FEMA is proposing the use of the Abbreviated Consultation Process per Stipulation II.C.6.a. for the undertaking. We agree it will not be necessary to execute a MOA or PA and mitigation can be commemorated in writing, provided there are no objections from any of the invited consulting parties. Of the Treatment Measures identified in the Programmatic Agreement, our preference would be F. Historic Property Inventory/Survey which would involve an update to the inventory for the Chambersburg Historic District since it has been nearly 45 years since the district was listed in the National Register of Historic Places.

Finally, this project is also being reviewed by our office as part of a larger project involving a U.S. Army Corps of Engineers permit (PA-SHARE Project # 2024PR05462). We recommend you coordinate with the U.S. Army Corps of Engineers to determine who will be the lead federal agency for resolution of the adverse effect.

For questions concerning above ground resources, please contact Liz Williams at elicarr@pa.gov. For questions concerning archaeological resource, please contact Justin McKeel at jusmckeel@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Frederick". The signature is written in a cursive style with a large initial "B".

Barbara Frederick

Environmental Review Division Manager

One Independence Mall
615 Chestnut Street, 6th floor
Philadelphia, PA 19106-4404



FEMA

May 21, 2025

Andrea Lowery
State Historic Preservation Officer
Pennsylvania Historical and Museum Commission
Bureau of Historic Preservation
400 North Street
Harrisburg, PA 17120-0093

**Re: FEMA Project No. HMGP-4618-0046-PA Franklin County
Acquisition/Demolition of One (1) Property
SHPO ER#2024PR05707.002- Demolition of 195 West Queen Street, Chambersburg,
PA - Adverse Effect, Chambersburg Historic District**

Dear Andrea Lowery,

This letter serves as continued consultation pursuant to Section 106 of the National Historic Preservation Act for the above-referenced undertaking. On December 19, 2024, the Pennsylvania (PA) State Historic Preservation Office (SHPO) concurred with FEMA's determination that the proposed demolition of the property at 195 West Queen Street constitutes an adverse effect to the National Register Historic Places (NHRP) listed *Chambersburg Historic District* (PA SHPO Key #1980RE00652).

In accordance with 36 Code of Federal Regulations 800.6, FEMA has been in regular communication with the Pennsylvania Emergency Management Agency (PEMA), Chambersburg Borough, and other interested consulting parties to devise a treatment measure strategy to resolve the adverse effect. These consulting parties have agreed to use the Abbreviated Consultation Process as outlined in Stipulation II.C.6.a of the 2024 *Programmatic Agreement Among the Federal Emergency Management Agency, the Pennsylvania State Historic Preservation Officer, and the Pennsylvania Emergency Management Agency* (Agreement). The Abbreviated Consultation Process concluded with the intent to pursue Historic Property Inventory/Survey to mitigate the adverse effect as outlined in Appendix C.E of the Agreement.

The treatment measure focuses on the reevaluation of the Chambersburg Historic District with a reconnaissance level or Phase I Identification Survey. Chambersburg Borough will hire a consultant meeting the Secretary of Interior's (SOI) Professional Qualifications (as published in 36 CFR Part 61) to execute a survey. The final scope, scale, and details of the required survey will be determined via continued consultation (please see below).

The treatment measure will be implemented within **one (1) year** of the execution of this agreement. The specific contributions of participating parties are detailed below.

- Chambersburg Borough shall hire an SOI-Qualified consultant to furnish FEMA and all consulting parties with a proposal to resurvey the Chambersburg Historic District.
- FEMA and consulting parties will have 30 calendar days from receipt of the proposal to review and provide written comments. If no comments are received at the end of 30 calendar days, Chambersburg Borough and consultant may proceed according to the draft proposal.
- Within 30 calendar days of the receipt of any comments, Chambersburg Borough and the consultant will provide written responses to any comments on the proposal by FEMA or consulting parties. Written responses will address the comments by FEMA or consulting parties with either acceptance of changes or justification for why the comments cannot be incorporated. The draft proposal will be revised with accepted changes and a final proposal will be distributed to FEMA and consulting parties.
- FEMA will issue a notice to proceed following approval of the final proposal.
- Chambersburg Borough shall deliver a draft survey report from the hired consultant to FEMA and all consulting parties.
- FEMA and the PA SHPO will have 30 calendar days from receipt of the draft survey report to review and provide written comments. If no comments are received at the end of 30 calendar days, then the draft report may be finalized.
- Within 30 calendar days of the receipt of any comments, Chambersburg Borough and the relevant consultant will provide written responses to any comments on the draft report by FEMA or consulting parties. Written responses will address the comments by FEMA or consulting parties with either acceptance of changes or justification for why the comments cannot be incorporated. The draft report will be revised to reflect accepted changes and a final report will be distributed to FEMA and consulting parties by Chambersburg Borough.
- Chambersburg Borough will provide quarterly updates to FEMA and PA SHPO on the progress of this treatment plan via email.

We respectfully request your signature below if you agree to this treatment measure plan, the execution of which will resolve the said adverse effect. Signature lines are present for PEMA, Chambersburg Borough, and the Franklin County Historical Society to formally acknowledge the terms of the agreement. If you have any questions or require any additional information, please do not hesitate to contact Megan Gomez, Historic Preservation Specialist, at (732) 513-1811 or megan.gomez@fema.dhs.gov.

Sincerely,

On behalf of
Kelly Wiles
Acting Regional Environmental Officer

Andrea Lowery

May 2025

Page 3

cc: Elizabeth Williams, Above Ground Resources Environmental Review Specialist, PA SHPO
Corey Davenport, State Hazard Mitigation Officer, PEMA
Jeffrey Stonehill, Borough Manager, Chambersburg Borough
Ann Hull, Director, Franklin County Historical Society

Andrea Lowery
May 2025
Page 4

PA SHPO:

Date: _____
Andrea MacDonald, Deputy Director, Pennsylvania Historic Preservation Office

PEMA:

_____ Date: _____
Randy Padfield, Director, Pennsylvania Emergency Management Agency

Chambersburg Borough:

Jeffrey Stonehill, Borough Manager, Chambersburg Borough

Date: _____

Franklin County Historic Society:

_____ Date: _____
Ann Hull, Director, Franklin County Historical Society



Pennsylvania State Historic Preservation Office

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

September 9, 2025

Sent Via PA-SHARE

RE: ER Project # 2024PR05462.002, Chambersburg Area Municipal Authority (CAMA)
Southgate Stormwater Improvements Project, Army Corps of Engineers, Chambersburg
Borough, Franklin County

Dear Submitter,

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Above Ground Resources

No Above Ground Concerns - Environmental Review - No Adverse Effect - Above Ground

Based on the information received and available within our files, in our opinion, the proposed project will have No Adverse Effect on the following historic properties: Chambersburg Historic District and Western Maryland Railroad, as no contributing buildings to the historic district will be demolished as part of the USACE permitted project. Should the scope of the project change and/or should you be made aware of historic property concerns, you will need to reinitiate consultation with our office using PA-SHARE.

For questions concerning above ground resources, please contact Barbara Frederick at bafrederic@pa.gov.

Sincerely,

Barbara Frederick
Environmental Review Division Manager

ATTACHMENT B

Public and Agency Coordination

B-3 – Cultural Resources - Tribal Historic Preservation Officer (THPO)



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Deborah Dotson, President
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

March 14, 2024

Dear Ms. Dotson:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 Code of Federal Regulations Part 800, regarding the proposed stormwater improvements project in Chambersburg, Franklin County, Pennsylvania (Enclosure 1). The Chambersburg Area Municipal Authority is proposing to abandon an existing 48-inch by 48-inch concrete box culvert and related stormwater piping and replace it with a new stormwater system. The project is being conducted under the Section 313 Program, which provides design and construction assistance to non-federal interests for implementing water-related environmental infrastructure and resource protection and development projects in South-Central Pennsylvania. The program was most recently amended in Section 346 of the 2022 Water Resources Development Act, and the project is being cost-shared by the U.S. Army Corps of Engineers, Baltimore District (USACE).

The project's area of potential effect (APE) may be defined as the area of direct construction impacts and the areas within which the undertaking may directly or indirectly cause alterations to the character or use of historic properties, including visual effects. A draft APE is included in Enclosure 1 for your review. Previously identified resources within the APE, as indicated by the Pennsylvania Historic & Archaeological Resource Exchange (PA-SHARE) are discussed below:

Above-ground Resources:

The eastern extent of the APE is located within the National Register of Historic Places (NRHP)-eligible Western Maryland Railroad District and is adjacent to the NRHP-listed Chambersburg Historic District; however, the proposed project would take place in previously disturbed rights-of-ways along Washington and Water Streets and would not adversely affect historic properties.

Archaeological Resources:

No previously identified archaeological resources are located within the APE. Additionally, the proposed project would take place in previously disturbed rights-of-way along Washington and Water Streets and would not affect any archaeological resources.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at consultation meetings, and we will fully consider any information you wish to provide.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,



Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Susan Bachor, Deputy THPO
Delaware Tribe of Indians
126 University Circle
Stroud Hall, Rm. 437
East Stroudsburg, PA 18301

March 14, 2024

Dear Ms. Bachor:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 Code of Federal Regulations Part 800, regarding the proposed stormwater improvements project in Chambersburg, Franklin County, Pennsylvania (Enclosure 1). The Chambersburg Area Municipal Authority is proposing to abandon an existing 48-inch by 48-inch concrete box culvert and related stormwater piping and replace it with a new stormwater system. The project is being conducted under the Section 313 Program, which provides design and construction assistance to non-federal interests for implementing water-related environmental infrastructure and resource protection and development projects in South-Central Pennsylvania. The program was most recently amended in Section 346 of the 2022 Water Resources Development Act, and the project is being cost-shared by the U.S. Army Corps of Engineers, Baltimore District (USACE).

The project's area of potential effect (APE) may be defined as the area of direct construction impacts and the areas within which the undertaking may directly or indirectly cause alterations to the character or use of historic properties, including visual effects. A draft APE is included in Enclosure 1 for your review. Previously identified resources within the APE, as indicated by the Pennsylvania Historic & Archaeological Resource Exchange (PA-SHARE) are discussed below:

Above-ground Resources:

The eastern extent of the APE is located within the National Register of Historic Places (NRHP)-eligible Western Maryland Railroad District and is adjacent to the NRHP-listed Chambersburg Historic District; however, the proposed project would take place in previously disturbed rights-of-ways along Washington and Water Streets and would not adversely affect historic properties.

Archaeological Resources:

No previously identified archaeological resources are located within the APE. Additionally, the proposed project would take place in previously disturbed rights-of-way along Washington and Water Streets and would not affect any archaeological resources.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at consultation meetings, and we will fully consider any information you wish to provide.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,



Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Bryan Printup, Tribal Representative
Tuscarora Nation
5226 Walmore Road
Lewiston, NY 14092

March 14, 2024

Dear Mr. Printup:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 Code of Federal Regulations Part 800, regarding the proposed stormwater improvements project in Chambersburg, Franklin County, Pennsylvania (Enclosure 1). The Chambersburg Area Municipal Authority is proposing to abandon an existing 48-inch by 48-inch concrete box culvert and related stormwater piping and replace it with a new stormwater system. The project is being conducted under the Section 313 Program, which provides design and construction assistance to non-federal interests for implementing water-related environmental infrastructure and resource protection and development projects in South-Central Pennsylvania. The program was most recently amended in Section 346 of the 2022 Water Resources Development Act, and the project is being cost-shared by the U.S. Army Corps of Engineers, Baltimore District (USACE).

The project's area of potential effect (APE) may be defined as the area of direct construction impacts and the areas within which the undertaking may directly or indirectly cause alterations to the character or use of historic properties, including visual effects. A draft APE is included in Enclosure 1 for your review. Previously identified resources within the APE, as indicated by the Pennsylvania Historic & Archaeological Resource Exchange (PA-SHARE) are discussed below:

Above-ground Resources:

The eastern extent of the APE is located within the National Register of Historic Places (NRHP)-eligible Western Maryland Railroad District and is adjacent to the NRHP-listed Chambersburg Historic District; however, the proposed project would take place in previously disturbed rights-of-ways along Washington and Water Streets and would not adversely affect historic properties.

Archaeological Resources:

No previously identified archaeological resources are located within the APE. Additionally, the proposed project would take place in previously disturbed rights-of-way along Washington and Water Streets and would not affect any archaeological resources.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at consultation meetings, and we will fully consider any information you wish to provide.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,



Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure

ATTACHMENT B

Public and Agency Coordination

B-4 – State and Federal Permits



185 Franklin Farm Lane, Chambersburg, PA 17202
717.264.5499 www.franklinccd.org

*Partnering with our community to
conserve soil and water resources*

September 25, 2024

Mr. Andrew Stottlemyer
Borough of Chambersburg
100 South Second Street
Chambersburg, PA 17201
Sent via Email to: astottlemyer@chambersburgpa.gov

Re: PAG-02 NPDES General Permit Coverage Approval
Southgate Shopping Center Re-Development
NPDES Permit No. PAC280338
Chambersburg Borough, Franklin County

Dear Mr. Andrew Stottlemyer:

Under the authority of the federal Clean Water Act and Pennsylvania's Clean Streams Law, the Franklin County Conservation District has approved your Notice of Intent (NOI) for *renewal* of coverage under the PAG-02 NPDES General Permit for Discharges of Stormwater Associated with Construction Activities (PAG-02 General Permit). Enclosed is a copy of the PAG-02 General Permit. **Please review the General Permit carefully and contact this office if you have any questions.**

The latest versions of the NOI and its supporting documents, including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan, are incorporated into this approval, including the following plan drawings:

- The E&S Plan drawings, for Southgate Shopping Center Re-Development, dated 8/24/2023, and last revised 10/31/2023.
- The PCSM Plan drawings for Southgate Shopping Center Re-Development, dated 8/24/2023, and last revised 10/31/2023.

Your coverage under the PAG-02 General Permit is effective on **December 8, 2024** and will expire on **December 7, 2029**. This is the date the statewide (master) PAG-02 General Permit expires.

This authorization is providing you with coverage under the PAG-02 General Permit that is effective on December 8, 2024 (2024 PAG-02 General Permit). You are also authorized to

continue operating under the current PAG-02 General Permit until it expires on December 7, 2024. You are not required to submit an NOI to remain covered under the 2024 PAG-02 General Permit.

Prior to commencing earth disturbance activities resulting in stormwater discharges you must complete all of the following:

1. You must obtain all other state and local permits.
2. You must record a legal instrument disclosing planned PCSM stormwater control measures (SCMs) on applicable properties with the Recorder of Deeds and receive written authorization from District prior to scheduling the pre-construction meeting.
3. You must hold a pre-construction meeting unless waived by District, in writing.

You must record the following information with the Recorder of Deeds Office and submit the information recorded as well as proof of recording to District prior to scheduling the pre-construction meeting or within 45 days of the date of this letter:

- An instrument that is consistent with DEP's Sample Instrument for the Declaration of Restrictions and Covenants, available on DEP's website (visit www.dep.pa.gov/constructionstormwater and select E&S Resources).
- Approved PCSM Plan Drawing(s) identifying stormwater control measures (SCMs) or other documentation that identifies the location of the SCMs on the relevant properties; the planned size (length, width, depth) of the SCMs; depictions of the inlet and outlet structures of the SCMs, as applicable; construction materials and media, as applicable; and the planned vegetation for the SCMs, as applicable.
- Long-Term Operation & Maintenance (O&M) Plans for the SCMs, if separate from PCSM Plan Drawings.

You will need to visit DEP's website to download and use the following forms throughout your term of General Permit coverage. Go to www.dep.pa.gov/constructionstormwater, select E&S Resources, and click on the links under "Published Forms."

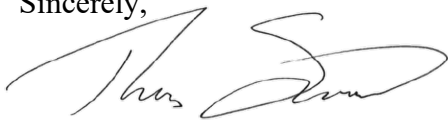
- **Visual Site Inspection Report (3800-FM-BCW0271d)** – You must use this report or an alternative document or electronic form that collects and retains identical information to document self-inspections of your project site. Inspections must occur weekly, following storm events of at least 0.25 inch, and in response to deficiencies. You must maintain these reports on-site and submit the reports upon request.

- **New Property Owner Notification Form (3800-FM-BCW0271i)** – If you sell property within your project site that contains a PCSM SCM, you must submit this form to DEP or Franklin CCD within 30 days of the date of the sale.
- **SCM Construction Certification Form (3800-FM-BCW0271i)** – You must submit this form to DEP or Franklin CCD within 30 days of the completion of any structural PCSM SCM, as determined by a licensed professional. The permittee and licensed professional responsible for oversight of critical stages of SCM construction must sign the form.
- **Annual Report (3800-PM-BCW0405e)** – You must submit the annual report by December 7 of each year; your first report is due **December 7, 2025**.
- **Notice of Termination (NOT) (3800-PM-BCW0229b)** – You must submit the NOT following installation of erosion and sediment control (E&S) best management practices (BMPs) and PCSM SCMs; permanent stabilization of earth disturbance activities; and removal of temporary E&S BMPs.

Persons aggrieved by an action of a conservation district under 25 Pa. Code Chapter 102 may request an informal hearing with DEP within 30 days of publication of this notice in the *Pennsylvania Bulletin*, pursuant to 25 Pa. Code § 102.32(c). DEP will schedule this informal hearing within 30 days of the request. After this informal hearing, any final determination by DEP may be appealed to the Environmental Hearing Board.

If you have questions, please contact Jill Schooley by e-mail at jschooley@franklinccd.org or by telephone at 717.264.5499 and refer to Permit No. PAC280338.

Sincerely,



Thomas Swartz
102 Program Manager
Franklin County Conservation District

cc: Dennis E. Black Engineering
Nathan Phillips – DEP SCRO
Chambersburg Borough

Enclosure: PAG-02 General Permit



**PAG-02
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR DISCHARGES OF
STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

NPDES PERMIT NO: PAC280338

In compliance with the provisions of the Clean Water Act, 33 U.S.C.A. §§ 1251--1387 and the Clean Streams Law, as amended, 35 P.S. §§ 691.1--691.1001,

**Mr. Andrew Stottlemyer
100 South Second Street
Chambersburg, PA 17201**

(permittee) is authorized to discharge from a project site known as **Southgate Shopping Center Re-Development**, located in **Chambersburg Borough, Franklin County** to **Conococheague Creek** in accordance with the effluent limitations, monitoring and reporting requirements, best management practices (BMPs), stormwater control measures (SCMs) and other conditions set forth in Parts A, B, and C herein.

APPROVAL OF COVERAGE TO DISCHARGE UNDER THIS GENERAL NPDES PERMIT IS AUTHORIZED BEGINNING ON DECEMBER 8, 2024 AND WILL EXPIRE ON DECEMBER 7, 2029. WHEN THE GENERAL PERMIT IS RENEWED, REISSUED OR MODIFIED, THE FACILITY OR ACTIVITY COVERED BY THE APPROVAL FOR COVERAGE MUST COMPLY WITH THE FINAL RENEWED, REISSUED OR MODIFIED GENERAL PERMIT.

Coverage and authorization to discharge under the PAG-02 NPDES General Permit ("General Permit") are subject to the following conditions:

1. The permittee's Notice of Intent (NOI), Erosion and Sediment Control (E&S) Plan, and Post-Construction Stormwater Management (PCSM) Plan are incorporated into this approval of coverage.
2. If there is a conflict between the requirements in the NOI or its supporting documents and the terms and conditions of the General Permit, the permittee must comply with the terms and conditions of the General Permit.
3. The permittee's failure to comply with the terms, conditions, and effluent limitations of the General Permit is grounds for the Department of Environmental Protection (DEP) and/or a delegated county conservation district (CCD) to take an enforcement action, and/or to terminate or revoke coverage under this General Permit.

Coverage under the PAG-02 General Permit is authorized by:

**Thomas Swartz
102 Program Manager
Franklin County Conservation District**



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

In compliance with the provisions of the Clean Water Act, 33 U.S.C.A. §§ 1251 – 1387, and Pennsylvania's Clean Streams Law, as amended, 35 P.S. §§ 691.1 – 691.1001, DEP hereby authorizes, subject to the terms and conditions contained in this General Permit, the discharge of stormwater associated with construction activities from earth disturbances greater than or equal to one (1) acre, or earth disturbances on any portion, part, or during any stage of, a larger common plan of development or sale that is greater than or equal to one (1) acre.

This General Permit does not apply to earth disturbance activities involving agricultural plowing and tilling, animal heavy use areas, timber harvesting activities, oil and gas exploration, production, processing, treatment, or transmission, or road maintenance activities.

No new discharge may be commenced under this General Permit until the applicant demonstrates compliance with and/or completes all of the following:

1. A complete NOI package (3800-PM-BCW0405b and required attachments) has been submitted, as determined by DEP/CCD, in accordance with the requirements of this General Permit and the NOI Instructions.
2. The applicant has received written approval of coverage under this General Permit, signed by the appropriate DEP/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, 35 P.S. §§ 750.1 et seq. (Act 537), if applicable.
4. The permittee has recorded a legal instrument disclosing planned post-construction stormwater management (PCSM) stormwater control measure(s) (SCM(s)) on applicable properties with the Recorder of Deeds and has received written authorization from DEP/CCD to schedule a pre-construction meeting, except as specified in Part C II.B of this General Permit.
5. A pre-construction meeting has been held unless waived by DEP/CCD, in writing.

DEP may deny coverage under this General Permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information in accordance with 25 Pa. Code § 92a.54.

SCOPE

This 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, if the eligibility requirements have been satisfied.

NOI REQUIREMENTS

Deadlines for NOI

An applicant seeking coverage under this General Permit must submit an administratively complete and acceptable NOI at least 60 days prior to the planned date for commencing any new discharge. 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.

Permittees with existing coverage under the PAG-02 General Permit (effective December 8, 2019) (existing permittees) are required to submit an NOI to remain covered under this General Permit (effective December 8, 2024) by December 7, 2024.

Contents of the NOI

The applicant must submit the information and attachments required by this General Permit, the NOI Checklist (3800-PM-BCW0405c), and the NOI form provided by DEP (3800-PM-BCW0405b for new and amended coverage or 3800-PM-BCW0405h for renewal of coverage) and sign the NOI in accordance with the requirements of 25 Pa. Code § 92a.22 (relating to signatories to permit applications and reports) and 40 CFR § 122.22.

Where to Submit the NOI

Applicants must submit complete PAG-02 NOI packages as specified in the PAG-02 NOI Checklist (3800-PM-BCW0405c) including applicable fees to DEP/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 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 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 (visit www.dep.pa.gov, select "Regional Resources and Contacts" and "Regional Permit Coordination Office").

For CCD mailing addresses, consult the Pennsylvania Association of Conservation Districts, Inc. (PACD) website at 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 (select "Regional Resources").

DISCHARGES AUTHORIZED BY THIS GENERAL PERMIT

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 temporary 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.
 - 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.
4. Non-stormwater discharges that are authorized by this General Permit.

DISCHARGES NOT AUTHORIZED BY THIS GENERAL PERMIT

The following discharges are not authorized under this General Permit, and DEP/CCD will deny coverage under this General Permit when one or more of the following conditions exist:

1. Stormwater discharges that, individually or in combination with other similar discharges, are or have the potential to be a contributor of pollution, as defined in the Pennsylvania Clean Streams Law, which are more appropriately controlled under an individual permit. (25 Pa. Code § 92a.54(e)(1))
2. Stormwater 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))
3. Stormwater discharges for which the applicant 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/CCD. (25 Pa. Code § 92a.54(e)(3))
4. Stormwater discharges that contain pollutants for which a change has occurred in the availability of demonstrated technology or practices for the control or abatement of the pollutants. (25 Pa. Code § 92a.54(e)(4))
5. Categorical point source effluent limitations are promulgated by the U.S. Environmental Protection Agency (EPA) for those point sources covered by this General Permit where such limitations are not incorporated into this General Permit. (25 Pa. Code § 92a.54(e)(5))
6. Stormwater 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))
7. Stormwater discharges from a project site for which an individual permit is required for other point source discharges, and issuance of both an individual permit and authorization for coverage under a General Permit for the project site would constitute an undue administrative burden on DEP. (25 Pa. Code § 92a.54(e)(7))
8. Stormwater discharges that DEP determines require an individual NPDES permit to ensure compliance with the federal Clean Water Act, Pennsylvania's Clean Streams Law, or DEP regulations. (25 Pa. Code § 92a.54(e)(8))
9. Stormwater discharges directly to surface 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))
10. Stormwater discharges containing 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 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))
11. Stormwater discharges that individually or cumulatively have the potential to cause or contribute to a violation of an applicable water quality standard established under 25 Pa. Code Chapter 93 (relating to water quality standards) or cause significant adverse environmental impact. (25 Pa. Code § 92a.54(a)(7))
12. Stormwater discharges associated with coal mining or noncoal mining activities pursuant to DEP's regulations at 25 Pa. Code Chapters 77 and 86-90.
13. Stormwater 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))
14. Stormwater discharges to surface waters identified as waters impaired for siltation; turbidity; Total Suspended Solids (TSS); algae; eutrophication; nutrients; flow regime modification; and/or habitat alterations in DEP's latest published Integrated Water Quality Monitoring and Assessment Report (Integrated Report) most recently approved by EPA unless the discharges will be managed with a non-discharge alternative or Antidegradation Best Available Combination of Technologies (ABACT) best management practices (BMPs).

15. Stormwater 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 pollutants of concern include siltation; turbidity; TSS; algae; eutrophication; nutrients; flow regime modification; and/or habitat alterations, 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 must implement necessary steps to meet that allocation.
16. Stormwater discharges to municipal separate storm sewer systems (MS4s) and combined sewer systems (CSSs) without the written consent of the MS4 or CSS owner unless those discharges will result in no net increase (pre-condition to post-condition) in volume, rate, or water quality.

THE AUTHORITY GRANTED BY THIS GENERAL PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. DEP may require a permittee with discharges authorized by this General Permit to apply for and obtain an individual NPDES permit by notifying the permittee in writing that an individual NPDES permit application is required. Any interested person may petition DEP to require an individual NPDES permit for a discharge authorized under this General Permit.

DEP's notice that an individual permit application is required will include the following:

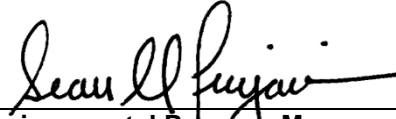
- A brief statement of the reasons for this decision;
 - An individual NPDES permit application form;
 - A deadline for the owner or operator to submit the application;
 - A statement that the permittee's failure to submit an individual NPDES permit application by the required deadline will result in termination of the permittee's authorization to discharge under this General Permit; and
 - A statement that on the effective date of the individual permit, coverage under this General Permit will automatically terminate.
2. Any person authorized to discharge by this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual NPDES permit.
 3. This General Permit does not authorize the discharge of any waste streams other than stormwater associated with construction activities and authorized non-stormwater discharges listed in Part C I.B.
 4. When DEP issues an individual NPDES permit for one or more discharges covered by this General Permit, the applicability of this General Permit is automatically terminated on the effective date of the individual permit. If DEP denies an individual permit for a discharge covered by this General Permit, DEP will advise in writing as to whether the discharger is authorized or is not authorized to continue discharging under this General Permit.
 5. This General Permit is effective for a term not to exceed five (5) years and will expire on the date specified below. If DEP modifies this General Permit during its current term, a permittee with approved coverage under this General Permit may, upon submission of an NOI, continue to discharge in accordance with the terms and conditions of the modified General Permit. If DEP reissues this General Permit, a permittee with approved coverage under this General Permit must submit an NOI to continue coverage under the reissued General Permit when notified by DEP.
 6. To modify or reissue this General Permit, DEP will publish a notice in the *Pennsylvania Bulletin* of a draft General Permit and provide a 30-day public comment period. After the comment period, DEP will publish notice of the final modified or reissued General Permit in the *Pennsylvania Bulletin*. The permittee must submit an NOI to continue discharging under this General Permit when notified by DEP and must comply with the final modified or reissued General Permit. If the permittee is unable to comply with the modified or reissued General Permit, the permittee must submit an application for an individual permit within 90 days of publication of the final General Permit. (25 Pa. Code § 92a.84)
 7. If a discharge approved for coverage under this General Permit subsequently exhibits a condition that renders the discharge ineligible for coverage (see "Discharges Not Authorized by this General Permit", above), the

permittee must take action to restore eligibility, to notify DEP in writing of the condition, and, if eligibility cannot be restored, to submit an individual NPDES permit application to DEP. DEP will terminate coverage under this General Permit if potential or actual adverse impacts to water quality occur as a result of the permittee's discharge.

8. No condition of this General Permit releases the permittee from any responsibility or requirements under other federal or Pennsylvania environmental statutes or regulations or local ordinances.

General Permit (PAG-02) Issued

By:



Environmental Program Manager
Bureau of Clean Water

Effective: December 8, 2024

Expires: December 7, 2029

PART A

EFFLUENT LIMITATIONS, MONITORING AND REPORTING REQUIREMENTS

I. EFFLUENT LIMITATIONS

- A. This General Permit establishes effluent limitations through the implementation of BMPs, including E&S BMPs and PCSM SCMs, to reduce the discharge of pollutants in stormwater discharges associated with construction activities. All stormwater discharges must comply with all applicable requirements established in accordance with 25 Pa. Code Chapters 91-96, 102, and 105 of DEP's rules and regulations. Permittees must implement BMPs exceeding those identified in approved E&S and PCSM Plans to protect and maintain water quality when notified in writing to do so by DEP/CCD.
- B. BMPs and SCMs.
1. The permittee must design, install, and maintain E&S BMPs and PCSM SCMs, as identified in the approved E&S and PCSM Plans, respectively, to minimize the discharge of pollutants. At a minimum, such BMPs and SCMs must be designed, installed, and maintained to: (25 Pa. Code § 102.11(c) and 40 CFR § 450.22(c))
 - a. Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges.
 - b. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
 - c. Minimize the amount of soil exposed during construction activity.
 - d. Minimize the disturbance of slopes exceeding 15%.
 - e. Minimize sediment discharges from the site. The design, installation and maintenance of E&S BMPs must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.
 - f. Provide and maintain natural buffers around surface waters of the Commonwealth, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible.
 - g. Avoid or minimize soil compaction in all areas where SCMs utilizing infiltration to manage stormwater is proposed. If the areas planned for infiltration SCMs are compromised through compaction or other means, the permittee must conduct soil testing to verify that the SCM will perform as designed and implement measures to decompact the soils, as applicable.
 - h. Preserve topsoil unless the intended function of a specific area of the project site dictates that the topsoil be disturbed or removed.
 2. Site Stabilization. (25 Pa. Code § 102.22)
 - a. Temporary Stabilization.
 - (i) Upon temporary cessation of an earth disturbance activity or any stage or phase of an activity where a cessation of earth disturbance activities will exceed four (4) days, the site must be immediately seeded, mulched, or otherwise protected from accelerated erosion and sedimentation pending future earth disturbance activities.

- (ii) For an earth disturbance activity or any stage or phase of an activity to be considered temporarily stabilized, the disturbed areas must be covered with one of the following:
 - (1) A minimum uniform coverage of mulch and seed, with a density capable of resisting accelerated erosion and sedimentation.
 - (2) An acceptable BMP which temporarily minimizes accelerated erosion and sedimentation.
 - b. Permanent Stabilization – Upon final completion of an earth disturbance activity or any stage or phase of an activity, the site must immediately have topsoil restored, replaced, or amended, seeded, mulched or otherwise permanently stabilized and protected from accelerated erosion and sedimentation.
 - (i) E&S BMPs must be implemented and maintained until the permanent stabilization is completed. Once permanent stabilization has been established, the temporary E&S BMPs must be removed or converted to PCSM SCMs. Any areas disturbed in the act of removing temporary E&S BMPs must be permanently stabilized upon completion of the temporary E&S BMP removal or conversion activity.
 - (ii) For an earth disturbance activity or any stage or phase of an activity to be considered permanently stabilized, the disturbed areas must be covered with one of the following:
 - (1) A minimum uniform 70% perennial vegetative cover, with a density capable of resisting accelerated erosion and sedimentation.
 - (2) An acceptable BMP which permanently minimizes accelerated erosion and sedimentation.
 - c. The permittee may not utilize seed mixtures containing invasive species or species that may be harmful to native plant communities.
- 3. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed as follows: (25 Pa. Code § 102.11(c) and 40 CFR § 450.22(e))
 - a. The permittee must utilize upland vegetated areas of the project site to infiltrate construction dewatering water prior to discharge, to the extent feasible.
 - b. For construction dewatering water that cannot be infiltrated in accordance with paragraph 3.a, above, construction dewatering water must be treated by an approved series of two or more BMPs prior to discharge to surface waters to reduce discharges with visual turbidity, unless the permittee can document that the outflow from a single BMP will achieve a turbidity of 50 Nephelometric Turbidity Units (NTUs) or less and receives written approval from DEP/CCD.
 - c. The permittee must notify in writing DEP/CCD at least seven (7) days prior to discharges if the permittee has reason to believe that dewatering water may contain pollutants other than sediment. The permittee must collect sample(s) of the dewatering water and analyze the water for the pollutants specified by DEP/CCD when notified by DEP/CCD in writing. If the dewatering water is found by the permittee or DEP/CCD to contain concentrations of pollutants exceeding numeric water quality criteria under Chapter 93 or may otherwise adversely affect surface waters, DEP/CCD may require the permittee to cease discharging and submit an application for an individual permit.
 - d. The permittee must use an oil-water separator or suitable filtration device that is designed to remove oil, grease, or other products if dewatering water is found to contain those materials.
 - e. The permittee must collect and dispose of materials and substances collected by filtration devices and backwash from these devices off-site unless otherwise authorized by DEP/CCD.

4. The permittee must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to: (25 Pa. Code § 102.11(c) and 40 CFR § 450.22(f))
 - a. Prevent the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated or otherwise controlled prior to discharge.
 - b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the project site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).
 - c. Prevent the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures. The permittee must prepare and implement a 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. The PPC Plan must be available upon request by DEP/CCD. (25 Pa. Code § 102.5(l))

5. The permittee may not discharge the following:
 - a. Wastewater from washout of concrete. (25 Pa. Code § 102.11(c))
 - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials. (25 Pa. Code § 102.11(c))
 - d. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance. (25 Pa. Code § 102.11(c))
 - e. Soaps or solvents used in vehicle and equipment washing. (25 Pa. Code § 102.11(c))
 - f. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water, and foam or substances that produce an observable change in the color, taste, odor or turbidity of the receiving water. (25 Pa. Code § 92a.41(c))
 - g. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa. Code § 93.6(a))

II. DEFINITIONS

Antidegradation Best Available Combination of Technologies (ABACT) means environmentally sound and cost-effective treatment, land disposal, pollution prevention and stormwater re-use BMPs that individually or collectively manage the difference in the net change in stormwater volume, rate, and quality for storm events up to and including the 2 year/24 hour storm when compared to the stormwater rate, volume, and quality prior to the earth disturbance activities to maintain and protect the existing quality of the receiving surface waters of this Commonwealth. (25 Pa. Code § 102.1)

Accelerated Erosion means the removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone. (25 Pa. Code § 102.1)

Best Management Practices (BMPs) means activities, facilities, measures, planning, or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters of this Commonwealth before, during, and after earth disturbance activities. (25 Pa. Code § 102.1)

Clean Fill means uncontaminated, nonwater-soluble, nondecomposable, inert solid material used to level an area or bring an area to grade. The term does not include materials placed in or on the waters of the Commonwealth. Although the placement of clean fill in or on waters of the Commonwealth cannot be managed under this policy, placement of clean fill in or on waters of the Commonwealth may be approved under a separate DEP authorization. The term includes only those materials that are identified as “fill,” as the term is defined in this policy. The term does not include fill that has been blended, mixed or treated with the purpose of meeting the definition of “clean fill” and that without being blended, mixed or treated would fail to meet the numeric limits identified in the definition of “uncontaminated material” contained in this policy.

Clean Streams Law means the Act of June 22, 1937, P.L. 1987, No. 394, as amended. (35 P.S. §§ 691.1--691.1001)

Clean Water Act means the Federal Water Pollution Control Act, as amended. (33 U.S.C.A. §§ 1251--1387)

Combined Sewer System means a sewer system that has been designed to serve as both a sanitary sewer and a storm sewer. (25 Pa. Code § 92a.2)

Co-Permittee means a person identified on the Authorization to Discharge page of this General Permit as responsible for the discharges of stormwater associated with construction activity who is jointly and individually responsible together with the permittee for compliance with all terms and conditions of this General Permit and applicable laws.

County Conservation District (CCD) means a conservation district, as defined in Section 3(c) of the Conservation District Law (3 P.S. § 851(c)), which has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the erosion, sediment, and stormwater management program in this Commonwealth. (25 Pa. Code § 102.1)

Critical Stages means the installation of underground treatment BMPs, structurally engineered BMPs, or other BMPs or components thereof as deemed appropriate by DEP or a CCD and that require the oversight of a licensed professional or designee.

DEP means the Department of Environmental Protection.

Designated uses means those uses specified in 25 Pa. Code §§ 93.4(a) and 93.9a--93.9z for each water body or segment, whether or not they are being attained, to be achieved as part of Pennsylvania’s water quality standards. (25 Pa. Code § 93.1)

Designee means a licensed professional as defined in this General Permit or someone acting on behalf of a licensed professional who has knowledge, skill, experience, training and education in the field of engineering, landscape architecture, geology, or land surveying that is beyond that possessed by a layperson and upon which a licensed professional can rely upon to provide oversight of critical stages of PCSM Plan implementation. A

designee must be independent from the operator co-permittee(s) responsible for the construction or installation of SCMs on a project site.

Dewatering means the act of draining accumulated stormwater and/or groundwater from building foundations, vaults, and trenches, or other similar points of accumulation.

Disturbed area means unstabilized land area where an earth disturbance activity is occurring or has occurred. (25 Pa. Code § 102.1)

Earth Disturbance Activity means a construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials. (25 Pa. Code § 102.1)

Environmental Due Diligence means investigative techniques, including visual property inspections, electronic database searches, review of ownership and use history of property, Sanborn maps, environmental questionnaires, transaction screens, analytical testing, and environmental assessments or audits.

EPA means the United States Environmental Protection Agency.

Erosion means the natural process by which the surface of the land is worn away by water, wind, or chemical action. (25 Pa. Code § 102.1)

Erosion and Sediment Control Plan (E&S Plan) – A site-specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during, and after earth disturbance activities. (25 Pa. Code § 102.1)

Exceptional Value Waters means surface waters of high quality which satisfy 25 Pa. Code § 93.4b(b) (relating to antidegradation). (25 Pa. Code § 93.1)

Existing uses means those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in Pennsylvania's water quality standards. (25 Pa. Code § 93.1)

Impaired Waters means surface waters that fail to attain one or more of its designated uses under 25 Pa. Code Chapter 93 and is listed in Categories 4 and 5 of Pennsylvania's Integrated Report.

Integrated Water Quality Monitoring and Assessment Report (Integrated Report) means DEP's report on the conditions of Pennsylvania's surface waters to satisfy Sections 305(b) and 303(d) of the Clean Water Act when approved by EPA.

Intermittent stream means a body of water flowing in a channel or bed composed primarily of substrates associated with flowing water which, during periods of the year, is below the local water table and obtains its flow from both surface runoff and groundwater discharges. (25 Pa. Code § 102.1)

High Quality Waters means surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying 25 Pa. Code § 93.4b(a). (25 Pa. Code § 93.1)

Infiltration-based SCM means an SCM that principally functions by allowing stormwater to infiltrate through the bottom and/or sides of the SCM to the subsurface environment.

Licensed Professional means professional engineers, landscape architects, geologists, and land surveyors licensed to practice in the Commonwealth. (25 Pa. Code § 102.1)

Long-Term Operation and Maintenance (O&M) means the routine inspection, maintenance, repair, or replacement of a BMP to ensure proper function for the duration of time that the BMP is needed. (25 Pa. Code § 102.1)

Municipal Separate Storm Sewer System (MS4) means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems pursuant to 40 CFR §§ 122.26(b)(4), (b)(7), and

(b)(16), respectively, or designated under 40 CFR § 122.26(a)(1)(v). (25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(b)(18))

Municipality means a county, city, borough, town, township, school district, institution, or authority, or another public body created by or pursuant to State Law. For the purposes of this definition, town includes an incorporated town. (25 Pa. Code § 102.1)

Notice of Intent (NOI) means a request, on a form provided by DEP, for coverage under a General NPDES Permit for Discharges of Stormwater Associated with Construction Activities. (25 Pa. Code § 102.1)

Notice of Termination (NOT) – A request, on a form provided by DEP, to terminate coverage under a General NPDES Permit for Discharges of Stormwater Associated with Construction Activities. (25 Pa. Code § 102.1)

Non-discharge alternative – Environmentally sound and cost effective BMPs that individually or collectively eliminate the net change in stormwater volume, rate, and quality for stormwater events up to and including the 2-year/24-hour storm when compared to the stormwater rate, volume, and quality prior to the earth disturbance activities to maintain and protect the existing quality of the receiving surface waters of this Commonwealth. (25 Pa. Code § 102.1)

Non-Stormwater Discharges means discharges that do not originate from storm events, which may include, but are not limited to, discharges of air conditioner condensate, non-contact cooling water, pavement wash water, external building washdown, irrigation water, or uncontaminated ground water or spring water.

Off-Site Construction Support Activities or Off-Site Support Activities means activities providing support for construction and earth disturbance activities covered by this General Permit, including but not limited to concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas (spoil), borrow areas, stockpiling of topsoil, transfer of topsoil to other locations, and turnaround areas.

Operator or Operator Co-Permittee means a person who has one or more of the following: (i) oversight responsibility of earth disturbance activity on a project site or a portion thereof who has the ability to make modifications to the E&S Plan, PCSM Plan or site specifications, (ii) day-to-day operational control over earth disturbance activity on a project site or a portion thereof to ensure compliance with the E&S Plan or PCSM Plan. (25 Pa. Code § 102.1)

Owner means a person who holds the legal title to the land subject to construction activity. This term also includes the person who held legal title to the land subject to construction activity at the time such activity was commenced on a site.

PCSM SCM means an SCM that is designed and implemented to satisfy the requirements of 25 Pa. Code § 102.8(g).

Perennial stream means a body of water flowing in a channel or bed composed primarily of substrates associated with flowing waters and capable, in the absence of pollution or other manmade stream disturbances, of supporting a benthic macro-invertebrate community which is composed of two or more recognizable taxonomic groups of organisms which are large enough to be seen by the unaided eye and can be retained by a United States Standard No. 30 sieve (28 meshes per inch, 0.595 mm openings) and live at least part of their life cycles within or upon available substrates in a body of water or water transport system. (25 Pa. Code § 102.1)

Permittee means a person who has coverage under this General Permit.

Permanent Stabilization means long-term protection of soil and water resources from accelerated erosion. (25 Pa. Code § 102.1)

Person – Any operator, individual, public or private corporation, partnership, association, municipality or political subdivision of this Commonwealth, institution, authority, firm, trust, estate, receiver, guardian, personal representative, successor, joint venture, joint stock company, fiduciary; Department, agency or instrumentality of state, federal, or local government, or an agent or employee thereof; or any other legal entity. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment or both, the term "person" may not exclude the members of an association and the directors, officers, or agents of a corporation. (25 Pa. Code § 102.1)

Point Source means any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, Concentrated Aquatic Animal Production Facility (CAAP), Concentrated Animal Feeding Operation (CAFO), landfill leachate collection system, or vessel, or other floating craft, from which pollutants are or may be discharged. (25 Pa. Code § 92a.2)

Post-Construction Stormwater means stormwater associated with a project site after the earth disturbance activity has been completed and the project site is permanently stabilized.

Post-Construction Stormwater Management Plan (PCSM Plan) means a site-specific plan consisting of both drawings and a narrative that identifies BMPs to manage changes in stormwater runoff volume, rate, and water quality after earth disturbance activities have ended and the project site is permanently stabilized. (25 Pa. Code § 102.1)

Preparedness, Prevention, and Contingency Plan (PPC Plan) means a written plan that identifies an emergency response program, material and waste inventory, spill and leak prevention and response, inspection program, housekeeping program, security and external factors, and that is developed and implemented at the construction site to control potential discharges of pollutants other than sediment into waters of this Commonwealth. (25 Pa. Code § 102.1)

Project Site means the entire area of activity, development, lease, or sale including: (i) the area of the earth disturbance activity; (ii) the area planned for the earth disturbance activity; and (iii) Other areas which are not subject to earth disturbance activity. (25 Pa. Code § 102.1)

Record Drawings means drawings that wholly and accurately depict as-built conditions of a project site following completion of an earth disturbance activity including but not limited to land covers, structures, grades, and SCMs and components thereof.

Regulated Fill means fill, as the term is defined in DEP's Management of Fill Policy (DEP ID No. 258-2182-773), that has been affected by release of a regulated substance and is not "uncontaminated material," as the term is defined in this policy. The term does not include fill that has been blended, mixed or treated with the purpose of meeting the definition of "regulated fill" and that without being blended, mixed or treated would fail to meet the regulated fill concentration limits, as the term is defined in this policy.

Snowmelt means the conversion of snow into overland stormwater and ground water flow as a result of warmer temperatures.

Stabilization means the proper placing, grading, constructing, reinforcing, lining, and covering of soil, rock, or earth to ensure their resistance to erosion, sliding, or other movement. (25 Pa. Code § 102.1)

Stormwater means runoff from precipitation, snowmelt, surface runoff, and drainage. (25 Pa. Code § 102.1)

Stormwater Control Measure (SCM) means any natural feature or manmade structure designed or utilized to reduce or manage the volume, pollutant load, and/or the peak rate of stormwater runoff. SCMs are BMPs that are implemented to treat stormwater from impervious surfaces and/or post-construction stormwater.

Structural PCSM SCM means a PCSM SCM that is a manmade structure used to manage post-construction stormwater, including but not limited to infiltration-based SCMs.

Surface Waters means perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds, and constructed wetlands used as part of a wastewater treatment process. (25 Pa. Code § 102.1)

Total Maximum Daily Load (TMDL) means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources and natural quality, and a margin of safety expressed in terms of mass per time, toxicity, or other appropriate measures. (25 Pa. Code § 96.1)

Toxic Pollutant (Toxics) means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring. (25 Pa. Code § 92a.2)

Wasteload Allocation (WLA) means the portion of a surface water's loading capacity that is allocated to existing and future point source discharges. (25 Pa. Code § 96.1)

Waters of this Commonwealth means rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth. (25 Pa. Code § 102.1)

Wetlands means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (25 Pa. Code § 105.1)

III. MONITORING, REPORTING, AND RECORDKEEPING

- A. When stormwater samples are collected and analyzed or measurements are taken under this General Permit, the permittee must ensure:
1. Samples and measurements taken for the purpose of monitoring are representative of the monitored activity. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(1))
 2. Records of monitoring information includes: (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(3))
 - a. The date, exact place, and time of sampling or measurements.
 - b. The individual(s) who performed the sampling or measurements.
 - c. The date(s) analyses were performed.
 - d. The individual(s) who performed the analyses.
 - e. The analytical techniques or methods used.
 - f. The results of such analyses.
 3. Monitoring is conducted according to test procedures approved under 40 CFR Part 136 unless another method is required under 40 CFR Subchapters N or O. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(4))
 4. Sampling and analysis of samples meet proper quality assurance and quality control (QA/QC) procedures. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(i) and 40 CFR §§ 122.41(e), 122.41(i)(3), 122.41(i)(4))
- B. Records Retention.
1. The permittee must retain all records of monitoring activities and results, copies of all plans and reports required by this General Permit, and records of all data used to complete the NOI for this General Permit for at least three (3) years from the date of the Notice of Termination (NOT) approval. The permittee must submit such records to DEP/CCD or EPA upon request. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(2))
 2. The permittee must retain a physical or electronic copy of the following documents on-site during earth disturbance activities at all times, and must make this information available for review and inspection by DEP/CCD or EPA during all stages of the earth disturbance activity: this General Permit, the NOI form submitted for General Permit coverage, all attachments to the NOI form, and the E&S Plan, PCSM Plan, and PPC Plan, as applicable.
- C. Inspection and Oversight Requirements. (25 Pa. Code § 102.4(b)(5)(x))
1. Site Inspections – The permittee must conduct visual site inspections throughout the duration of construction and until the NOT has been approved by DEP/CCD (unless otherwise approved in writing by DEP/CCD), at the following frequencies:
 - Routine Inspections must be conducted weekly.
 - Post-Storm Event Inspections must be conducted within 24 hours after the conclusion of each measurable storm event (i.e., precipitation in an amount of 0.25 inch or greater over a 24-hour period) or the occurrence of snowmelt sufficient to cause a discharge.
 - Corrective Action Inspections must be conducted anytime the permittee observes a deficiency in implementation of the E&S or PCSM Plans.
 - a. The permittee must document each site inspection on DEP's Chapter 102 Visual Site Inspection Report (3800-FM-BCW0271d) or alternative document or electronic form that collects and retains identical information. All requested information on the Visual Site Inspection Report must be completed as instructed. The permittee must take color photographs of E&S BMPs and PCSM SCMs on the project site at least monthly, unless otherwise approved in writing by DEP/CCD, and when deficiencies in BMPs and SCMs are identified. The photographs must have a date and time stamp and be made available for DEP/CCD review upon request.

- b. The permittee must make Visual Site Inspection Reports available upon request during inspections, submit and provide copies of Visual Site Inspection Reports to DEP/CCD upon request, and submit Visual Site Inspection Reports to DEP/CCD as part of the notification requirements identified in Paragraph III.D.2, below.
- c. Effective December 8, 2025, site inspections must be performed and Visual Site Inspection Reports must be completed by qualified personnel that are trained and experienced in E&S and PCSM BMP construction, function, and maintenance and are familiar with the E&S and PCSM Plans for the project site. A person is qualified when one or more of the following conditions are satisfied:
 - (i) They have completed the Qualified Site Inspector Training Program in DEP's Clean Water Academy initially and every two years thereafter;
 - (ii) They hold active certification as a Certified Professional in Erosion and Sediment Control (CPESC) or as a Certified Erosion, Sediment, and Stormwater Inspector (CESSWI) from a recognized organization; or
 - (iii) They can demonstrate to the satisfaction of DEP/CCD that they have qualifications equivalent to or exceeding those identified in Paragraphs (i) or (ii). If this option is selected, the person must submit documentation of their training and experience to DEP/CCD and receive written approval from DEP/CCD prior to conducting site inspections, unless waived by DEP/CCD.

For site inspectors satisfying Paragraph (i) or (ii), the permittee must provide documentation (e.g., completion certificate) of the inspector's qualifications upon the request of DEP/CCD.

- d. To determine if a storm event of 0.25 inch or greater has occurred on a project site, the permittee must either maintain a rain gauge on-site or obtain storm event information from a weather station that is representative of the project site location.

2. Licensed Professional Oversight of Critical Stages (25 Pa. Code § 102.8(k))

- a. The permittee must ensure that a licensed professional or a designee is present on-site and is responsible for oversight of critical stages of implementation of approved PCSM SCMs, unless the project meets the requirements of 25 Pa. Code § 102.8(n) and does not include PCSM SCMs. The critical stages that must receive licensed professional oversight are identified in the approved PCSM Plan.
- b. The permittee must document the implementation of each structural PCSM SCM using DEP's SCM Construction Certification Form (3800-FM-BCW0271j) and submit the completed form to DEP/CCD within 30 days of the completion of SCM construction, as determined by a licensed professional. The form must be signed by the licensed professional responsible for oversight of critical stages.

D. Reporting Requirements

1. Annual Report. (25 Pa. Code § 92a.61(g))

- a. The permittee must submit a complete Annual Report to the office of DEP/CCD that approved General Permit coverage by December 7 each year using DEP's Annual Report template (3800-PM-BCW0405e). The Annual Report must address activities under this General Permit for the reporting period of October 1 – September 30.
- b. For existing permittees, the first Annual Report is due by December 7, 2025 and the reporting period is October 1, 2024 – September 30, 2025. Thereafter the reporting period is October 1 – September 30, and the Annual Report is due December 7.
- c. For new permittees, the first Annual Report is due by December 7 following the first full year of General Permit coverage and the reporting period is the effective date of General Permit coverage to September 30 following the first full year of General Permit coverage. Thereafter the reporting period is October 1 – September 30, and the Annual Report is due December 7.

- d. The permittee must submit the Annual Report to DEP/CCD in electronic format upon receipt of written notification from DEP/CCD.

2. Unanticipated Non-Compliance or Potential Pollution Reporting

- a. Immediate Reporting – The permittee must immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b) listed below:

- (i) If, because of an accident or other activity or incident, a toxic substance or another substance is discharged which would endanger downstream users of the water receiving the discharge or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee must immediately notify DEP by telephone of the location and nature of the danger. Verbal notification to DEP is required as soon as possible, but no later than four (4) hours after the permittee becomes aware of the incident causing or threatening pollution. Emergency response phone numbers for DEP are available on DEP's website (www.dep.pa.gov, select "Report an Incident").
- (ii) The permittee must immediately notify known downstream users of the waters of the Commonwealth to which the substance was discharged if notice is reasonably possible. Notice must include the location and nature of the danger.
- (iii) The permittee must immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, must remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.

- b. The permittee must report any non-compliance to DEP/CCD which may endanger health or the environment in accordance with the requirements of 40 CFR § 122.41(l)(6) (incorporated by 25 Pa. Code § 92a.3(c)). These requirements include the following obligations:

- (i) 24-Hour Reporting – The permittee must verbally report any non-compliance with this permit to DEP/CCD that may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances.
- (ii) Written Report – A written submission must also be provided to DEP/CCD within five (5) days of the time the permittee becomes aware of any non-compliance that may endanger health or the environment. The written submission must contain a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance. The written submission must include a Visual Site Inspection Report that documents the incident.
- (iii) Waiver of Written Report – DEP/CCD may waive the written report on a case-by-case basis if the associated verbal report has been received within 24 hours from the time the permittee becomes aware of the circumstances that may endanger health or the environment. Unless such a waiver is expressly granted in writing by DEP/CCD, the permittee must submit a written report in accordance with this paragraph.

3. Other Non-Compliance

The permittee must identify all instances of non-compliance not reported under paragraph D.2.b of this section on the Visual Site Inspection Report. The reports must contain the information listed in paragraph D.2.b.(ii) of this section. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(l)(7))

E. Signatory Requirements.

1. NOIs, reports, and other information submitted to DEP/CCD must be signed and certified by either of the following applicable persons, in accordance with 40 CFR § 122.22 (incorporated by 25 Pa. Code § 92a.22):
 - For a corporation – by a president, secretary, treasurer, or vice president in charge of a principal business function of the corporation or a duly authorized representative.
 - For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.
 - For a municipality, state, federal, or other public agency – by a principal executive officer or ranking elected official.
2. If signed on behalf of a corporation by a duly authorized representative of the permittee, the authorization must meet the following:
 - The authorization must be made in writing by a person described in Paragraph 1, above, consistent with the corporation's delegation procedures and must be attached to the NOI or otherwise be submitted to DEP/CCD.
 - The authorization must specify either an individual or a position having responsibility for the operation of the regulated system, facility, or activity consistent with the corporation's delegation procedures, such as the position of manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the corporation.
3. Changes in Signatory Authorization – If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the project site, a new authorization satisfying the requirements of Paragraphs 1 and 2, above, must be submitted to DEP/CCD prior to or together with any reports or information to be signed by an authorized representative.

- F. Planned Changes to Physical Facilities – The permittee must give notice to DEP/CCD as soon as possible but no later than 30 days prior to planned physical alterations or additions to the permitted project site or activity. An NOI or other written submission to DEP/CCD providing equivalent information can be used to satisfy the notification requirements of this section.

Notice is required when:

1. The alteration or addition to a permitted facility or activity may meet one of the criteria for determining whether a facility or activity is a new source in 40 CFR § 122.29(b). (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(1)(i))
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(1)(ii))

This may include:

- a. The construction of additional impervious surfaces not reported in the NOI.
 - b. Increases in earth disturbance compared to the original planned limit of disturbance.
 - c. Modifications to the design standards, BMPs, or SCMs used for the project.
 - d. Proposals to eliminate structural or non-structural BMPs or SCMs planned for in the original design or reduce the dimensions and/or capacities of structural BMPs or SCMs that may affect performance of those BMPs.
 - e. Proposed site alterations that would allow new stormwater flows from off-site to flow onto the site.
3. The planned change may result in non-compliance with permit requirements. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(2))

G. Monitoring

DEP/CCD may require additional monitoring where an increased risk of potential water pollution is present, or water pollution is suspected to be occurring from a construction activity subject to this General Permit, or for any reason in accordance with 25 Pa. Code § 92a.61 (relating to monitoring). The permittee or co-permittee must commence such monitoring upon notification from DEP/CCD. (25 Pa. Code § 92a.61(b))

PART B

STANDARD CONDITIONS

I. MANAGEMENT REQUIREMENTS

A. Compliance

The permittee must comply with all conditions of this General Permit. Any General Permit non-compliance constitutes a violation of the Act and Clean Streams Law and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or denial of a permit renewal NOI. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(a))

B. Permit Modification, Termination, or Revocation and Reissuance

1. DEP may modify, terminate, or revoke and reissue this General Permit during its term. (25 Pa. Code §§ 92a.3, 92a.41(a), 92a.72 – 92a.75 and 40 CFR § 122.41(f))
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition. (25 Pa. Code §§ 92a.3, 92a.41(a) and 40 CFR § 122.41(f))
3. In the absence of DEP action to modify or revoke and reissue this General Permit, the permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(a)(1))
4. DEP may terminate coverage under this General Permit for the reasons specified at 40 CFR § 122.64(a). (25 Pa. Code §§ 92a.74(c) and 40 CFR § 122.64(a))

C. Requirement to Submit NOT (25 Pa. Code §§ 102.7, 92a.74(c), 92a.76 and 40 CFR § 122.64(c))

The permittee or a co-permittee must submit a complete NOT form to the DEP/CCD office that approved coverage, utilizing DEP's NOT for Chapter 102 Permits form (3800-PM-BCW0229b), when the project site has been permanently stabilized, all temporary E&S BMPs have been removed, and construction of all approved PCSM SCMs have been completed, in accordance with 25 Pa. Code § 102.7. An operator co-permittee may submit the NOT only when documentation is provided with the NOT that the permittee or co-permittee is unable or unwilling to sign the NOT.

1. The permittee or co-permittee must submit the NOT electronically when required by DEP in writing.
2. The permittee or co-permittee must continue complying with the terms and conditions of this General Permit until the NOT is approved by DEP/CCD.
3. Until the permittee or co-permittee has received written approval of the NOT from DEP/CCD, the permittee or co-permittee remains responsible for compliance with this General Permit terms and conditions, including the submission of annual reports and long-term operation and maintenance (O&M) of all PCSM SCMs on the project site in accordance with 25 Pa. Code § 102.8(m).
4. The permittee must retain a copy of record drawings required by 25 Pa. Code § 102.8(l) as part of the approved PCSM Plan and must provide a copy of the record drawings to the persons identified as responsible for the long-term O&M of PCSM SCMs.

D. Duty to Provide Information

1. The permittee must provide to DEP/CCD, within a reasonable time, any information which DEP/CCD may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under this General Permit, or to determine compliance with this General Permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(h))

2. The permittee must provide to DEP/CCD copies of records required to be kept by this General Permit upon request. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(h))
 3. Other Information – Where the permittee becomes aware that it failed to submit any relevant facts in an NOI or submitted incorrect information in an NOI or in any report to DEP/CCD, it must promptly submit the correct and complete facts or information. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(l)(8))
- E. Proper Operation and Maintenance (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(e))
1. The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), including BMPs, which are installed or used by the permittee to achieve compliance with the terms and conditions of this General Permit. Proper operation and maintenance includes adequate laboratory controls such as appropriate quality assurance procedures. The permittee must properly operate and maintain backup or auxiliary facilities or similar systems installed by the permittee, as necessary to achieve compliance with the terms and conditions of this General Permit.
 2. Removed Substances – Solids, sediments, and other pollutants removed in the course of treatment or control of stormwater must be disposed of in accordance with federal and state law and regulations, to prevent any pollutant in these materials from adversely affecting public health or the environment.
 3. Reduction, Loss, or Failure of BMP or SCM – Upon the reduction, loss, or failure of any E&S BMP or PCSM SCM, the permittee and co-permittee(s) must initiate the repair or replacement of the BMP or SCM as follows:
 - Immediately upon discovery if the reduction, loss, or failure of a BMP or SCM has resulted in or is likely to result in sediment or other pollutants flowing off the project site and/or discharging to surface waters. Completion of the repair or replacement of the BMP or SCM must occur within 24 hours unless otherwise required by DEP/CCD.
 - Within 24 hours of discovery for all other situations where there is a reduction, loss, or failure of a BMP or SCM. Completion of the repair or replacement of the BMP or SCM must occur within seven (7) days unless otherwise required by DEP/CCD.
- F. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(d))

II. PENALTIES AND LIABILITY

A. Violations of Permit Conditions

DEP may take an enforcement action to restrain violations, to impose criminal or civil penalties, to withhold a permit, or to seek other remedies or relief as authorized by law against a permittee that violates any condition or limitation of this General Permit, or any rule, regulation or order issued by DEP pursuant to the Clean Streams Law.

In addition, EPA may take an enforcement action to restrain violations, to impose criminal or civil penalties, or to seek other remedies or relief as authorized by the Clean Water Act against a permittee that violates any condition or limitation of this General Permit, or any rule, regulation or order issued by EPA pursuant to the Clean Water Act.

B. Falsifying Information

The permittee or any person who engages in the conduct described below may, upon conviction, be punished by a fine and/or imprisonment pursuant to 18 Pa.C.S. § 4904, or 40 CFR §§ 122.41(j)(5) or (k)(2). (25 Pa. Code §§ 92a.3(c), 92a.41(c))

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this General Permit, or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit (including monitoring reports or reports of compliance or non-compliance)

C. Liability

Nothing in this General Permit will be construed to relieve the permittee from civil or criminal penalties for non-compliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this General Permit will be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

The permittee may not maintain as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(c))

III. OTHER RESPONSIBILITIES

A. Right of Entry

The permittee must allow authorized representatives of DEP/CCD and EPA to conduct the following activities upon the presentation of credentials and other documents as may be required by law (35 P.S. §§ 691.5(b) and 305, 25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(i)(2)):

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this General Permit; (40 CFR § 122.41(i)(1))
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit; (40 CFR § 122.41(i)(2))
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this General Permit; and (40 CFR § 122.41(i)(3))
4. To sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or pollutants at any location. (40 CFR § 122.41(i)(4))

B. Transferring Permit Coverage

1. Transfer Requests by Permittees. (25 Pa. Code § 92a.71 and 40 CFR § 122.61(b))

- a. If the permittee (i.e., the person identified on the General Permit NOI form as the applicant) decides to transfer General Permit coverage to another person prior to submission of an NOI to terminate coverage, the permittee must submit an application to DEP/CCD to transfer permit coverage at least 30 days prior to the proposed date of transfer, using DEP's Application for NPDES or WQM Permit Transfer form ([3800-PM-BCW0041](#)) (Transfer Application). General Permit coverage will be transferred automatically to the proposed permittee on the date specified in the Transfer Application if all of the following conditions are satisfied:
 - (i) The Transfer Application is signed by the existing and proposed permittees and contains a specific date for transfer of permit responsibility, coverage and liability between the permittees.
 - (ii) DEP does not notify the existing permittee and the proposed permittee in writing prior to the transfer date of its intent to modify or revoke and reissue this General Permit.
 - (iii) The proposed permittee is in compliance with existing DEP/CCD issued permits, regulations, orders and schedules of compliance, or has demonstrated that any non-compliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations.
- b. If the transfer does not occur automatically as specified in Paragraph B.1.a of this section, General Permit coverage may be transferred by the existing permittee to a proposed permittee only if both parties request a modification of General Permit coverage, using the Transfer Application, and DEP/CCD approves the modification or revokes and reissues the General Permit coverage. General Permit coverage may be transferred both during the term of this General Permit and during a period of administrative extension of this General Permit.
- c. In the event DEP/CCD does not approve transfer of this General Permit, the proposed permittee must submit a new NOI.
- d. Transfer of a portion of a project site is not authorized under this General Permit unless otherwise approved by DEP.
- e. If the transfer of General Permit coverage will coincide with a transfer of property containing PCSM SCM(s), the Transfer Application must include a New Property Owner Notification Form (3800-FM-BCW0271i) signed by the existing and proposed permittees.

C. Amending Permit Coverage

The permittee must notify DEP/CCD of any planned change to earth disturbance activities, BMPs, SCMs, or any other change that may affect General Permit coverage, including planned changes identified in Part A III.F of this General Permit, at least 30 days prior to implementing the change. DEP/CCD will notify the permittee whether the submission of an NOI to amend General Permit coverage is required. The permittee may not proceed to implement the proposed change until the permittee receives written approval for the amendment from DEP/CCD, when applicable.

D. Property Rights

The approval of coverage under this General Permit does not convey any property rights, or any exclusive privilege. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR 122.41(g))

E. Duty to Reapply

To renew coverage under this General Permit, the permittee must submit a renewal NOI. Permittees seeking to renew coverage under this provision may immediately continue to discharge under this General Permit upon

the submission of a timely and complete NOI. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a. 54(c)(1) and 40 CFR § 122.41(b))

F. Other Laws

The approval of coverage under this General Permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

PART C

OTHER CONDITIONS

I. GENERAL

- A. The permittee is authorized to discharge stormwater associated with construction activities from its project site, alone or in combination with authorized non-stormwater discharges, at discharge points identified in the NOI submitted for coverage under this General Permit.
- B. Authorized Non-Stormwater Discharges – The following non-stormwater discharges associated with construction activities are authorized under this General Permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on the project site and that the permittee complies with any applicable requirements for these discharges under the General Permit:
- Discharges from emergency firefighting activities;
 - Potable water – including water line flushings, fire suppression system flushings, and fire hydrant flushings – that does not contain measurable concentrations of Total Residual Chlorine (TRC), and where appropriate control measures are implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
 - Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors (if treatment through an oil/water separator is provided) and from the outside storage of refrigerated gases or liquids;
 - Irrigation and dust control drainage;
 - Landscape water if such water does not contain pesticides, herbicides or fertilizers;
 - Pavement wash waters, other than wash waters used on newly sealed pavement (sealant applied within the prior week), where: no detergents or hazardous cleaning products are used; the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities, or any other toxic or hazardous materials; and appropriate control measures are implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
 - Routine external building washdown or power wash water that does not contain detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols) and where appropriate control measures are implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
 - Uncontaminated ground water or spring water;
 - Foundation or footing drains where flows are not contaminated with process materials; and
 - Construction dewatering water that complies with the construction dewatering discharge requirements of Part A I.B.3 of this General Permit.
- C. The permittee must handle, recycle and/or dispose of building materials and wastes, collected screenings, slurries, sludges, and other solids generated in the course of treatment or control of stormwater runoff in compliance with state and federal law, including the Solid Waste Management Act (35 P.S. §§ 6018.101, et seq.), 25 Pa. Code Chapters 271-285 (relating to municipal waste), 287-299 (relating to residual waste), Chapters 261a, 262a, 263a, and 270a (related to identification of hazardous waste, requirements for generators and transporters, hazardous waste requirements for generators and transporters, and hazardous waste permit programs), the Clean Streams Law, the federal Clean Water Act, and 40 CFR Part 257 (related to criteria for classification of solid waste disposal facilities and practices) and in a manner that prevents any pollutant from such materials from adversely affecting the environment.

The permittee is responsible to obtain or ensure that contracted agents have all necessary permits and approvals for the handling, storage, transport, and disposal of solid waste materials generated as a result of construction activities, stormwater management, and treatment.

II. INITIAL RECORDING

If the approved PCSM Plan includes PCSM SCMs that will be located on non-Commonwealth and non-federal property, the permittee must record a legal instrument with the Recorder of Deeds for each property that will contain SCMs that identifies the planned SCMs, provides access for long-term O&M of the SCMs, and provides notice that the responsibility for long-term O&M of the SCMs is a covenant that runs with the land.

- A. The permittee must provide a copy of the recorded instrument, all attachments or exhibits to the instrument, and proof of recording to DEP/CCD prior to the pre-construction meeting, unless the project is conducted for the benefit of a public utility, as defined in the Public Utility Code (66 Pa.C.S.A. § 102), or otherwise approved by DEP/CCD in writing. The permittee may not schedule the pre-construction meeting or commence the earth disturbance activity until DEP/CCD receives this documentation and determines it is complete. Upon written authorization from DEP/CCD, the permittee may schedule the pre-construction meeting.
- B. For public utility projects and other projects for which written approval is obtained from DEP/CCD to provide the recorded documentation following the pre-construction meeting, the permittee must provide a copy of the recorded instrument, all attachments or exhibits to the instrument, and proof of recording to DEP/CCD within 45 days of receipt of the approval of coverage under this General Permit.
- C. The permittee must record the following documentation under this section:
 1. An instrument that is consistent with DEP's Sample Instrument for the Declaration of Restrictions and Covenants, available on DEP's website (www.dep.pa.gov/constructionstormwater, select E&S Resources).
 2. Approved PCSM Plan Drawing(s) identifying the SCMs or other documentation that identifies the location of the SCMs on the relevant properties; the planned size (length, width, depth) of the SCMs; depictions of the inlet and outlet structures of the SCMs, as applicable; construction materials and media, as applicable; and the planned vegetation for the SCMs, as applicable.
 3. Long-Term O&M Plans for the SCMs, if separate from the documentation in Paragraph II.C.2, above.

III. PRE-CONSTRUCTION MEETING

Upon notification from DEP/CCD that the recorded instrument is complete, if applicable, the permittee must schedule and hold a pre-construction meeting unless the permittee has been notified otherwise in writing by DEP/CCD. The permittee must invite the agency approving coverage under this General Permit to attend the pre-construction meeting and provide at least seven (7) days' notice of the pre-construction meeting to all invited attendees. The permittee must also invite to the pre-construction meeting co-permittees, operators, municipal representative(s), licensed professionals or designees, and all others responsible for implementing or monitoring the earth disturbance activity and implementation of E&S, PCSM and PPC Plans and critical stages of implementation of the approved PCSM Plan.

IV. NOTIFICATION OF PERIMETER CONTROL BMPs

Upon the installation of all perimeter sediment control BMPs and at least three (3) days prior to proceeding with the bulk earth disturbance activities, the permittee or co-permittee shall provide notification to DEP or CCD by phone or electronic mail.

V. E&S PLANS

- A. The permittee must implement an approved E&S Plan that meets the requirements of 25 Pa. Code § 102.4(b) and contains E&S BMPs that will be designed, implemented and maintained to minimize the potential for accelerated erosion and sedimentation and achieve the effluent limitations set forth in Part A of this General Permit.
- B. The E&S Plan, including construction sequencing and O&M of BMPs, must be implemented at all times.
- C. The permittee must make the approved E&S Plan available for review and inspection by DEP/CCD and EPA during all stages of earth disturbance activities.

VI. PCSM PLANS

- A. The permittee must implement an approved PCSM Plan that meets the requirements of 25 Pa. Code § 102.8 and contains PCSM SCMs that will be designed, implemented and maintained to achieve the effluent limitations set forth in Part A of this General Permit.

- B. The PCSM Plan, including construction sequencing and O&M of SCMs, must be implemented at all times.
- C. The permittee must make the approved PCSM Plan available for review and inspection by DEP/CCD and EPA during all stages of earth disturbance activities.

VII. LONG-TERM OPERATION AND MAINTENANCE OF PCSM SCMs

- A. The permittee or co-permittee is responsible for long-term O&M of PCSM SCMs unless a different person is identified in the NOT and that person has agreed to long-term O&M of PCSM SCMs. A permittee or co-permittee that fails to transfer long-term O&M of the PCSM SCMs or otherwise fails to comply with this requirement remains jointly and severally responsible with the landowner for long-term O&M of the PCSM SCMs located on the property. (25 Pa. Code §§ 102.8(m)(1), 102.8(m)(5))
- B. The permittee or co-permittee must record a final instrument with the Recorder of Deeds for each non-Commonwealth and non-federal property containing PCSM SCMs when changes are made following the initial recording. The instrument must identify the implemented SCMs, provide access for long-term O&M of the PCSM SCMs, and provide notice that the responsibility for long-term O&M for the SCMs is a covenant that runs with the land. The final recording must amend the original recording as referenced in Part C II of this General Permit, as applicable. The permittee or co-permittee must provide a copy of the final instrument, all attachments or exhibits to the instrument, and proof of recording to DEP/CCD with the NOT. The permittee or co-permittee must record the following documentation under this section at a minimum, when applicable:
 - 1. An instrument that is consistent with DEP's Sample Instrument for the Declaration of Restrictions and Covenants, available on DEP's website (www.dep.pa.gov/constructionstormwater, select E&S Resources).
 - 2. Documentation that identifies the location of the SCMs on the relevant properties; the planned size (length, width, depth) of the SCMs; depictions of the inlet and outlet structures of the SCMs, as applicable; construction materials and media, as applicable; and the vegetation for the SCMs, as applicable; or otherwise record drawings as identified at 25 Pa. Code § 102.8(l).
 - 3. Long-Term O&M Plans for the SCMs, if separate from the documentation in Paragraph VII.B.2, above.
- C. If a parcel, lot, road, or other real property containing or planned to contain a PCSM SCM is sold during the term of General Permit coverage, the permittee must provide the new property owner with 1) record drawings or other plans identifying the SCM; 2) a long-term O&M Plan for the SCM; and 3) a completed New Property Owner Notification form (3800-FM-BCW00271i). The permittee must submit copies of completed New Property Owner Notification forms to DEP/CCD and to the municipality where the SCM is located within 30 days of the date of transfer of the property.
 - 1. If a permittee submits to DEP/CCD a New Property Owner Notification form containing the signature of the first owner of a lot containing PCSM SCMs that is acquired from the permittee, the permittee is not obligated to obtain the signatures of any future lot owner unless the permittee failed to record a legal instrument disclosing the PCSM SCMs on the lot.
 - 2. If the new property owner or subsequent property owners enter into an agreement for a separate party to be responsible for long-term O&M and do not disclose this to the permittee, it is not the permittee's responsibility to disclose this to DEP/CCD.
 - 3. If there are increases in impervious area on a lot following its sale, in which a New Property Owner Notification form was submitted, the permittee is not responsible for identifying the increase in impervious area if SCMs were designed to manage the maximum allowable impervious under an ordinance or the planned impervious with a factor of safety of at least 10%.
- D. For Commonwealth-owned or federally-owned property, a covenant that runs with the land is not required until the transfer of the land containing a PCSM SCM to a non-Commonwealth or non-federal entity occurs. Upon transfer of the Commonwealth-owned or federally-owned property containing the PCSM SCM, the deed must comply with 25 Pa. Code § 102.8(m). (25 Pa. Code § 102.8(m)(3))

- E. The person responsible for performing long-term O&M may enter into a written agreement with another person, including a CCD, nonprofit organization, municipality, authority, private corporation, or other person, to transfer the responsibility for PCSM SCMs or to perform long-term O&M and provide notice thereof to DEP/CCD. (25 Pa. Code § 102.8(m)(4))
- F. The recorded instrument must provide for access to the PCSM SCMs in addition to information on inspection, repair, replacement, and routine maintenance to ensure proper function and operation of the PCSM SCMs.
- G. For PCSM SCMs that discharge to an MS4, the permittee must specify in the long-term O&M plan that copies of all inspection reports must be submitted by the person responsible for long-term O&M to the municipality or other entity that owns or operates the MS4.

VIII. PREPAREDNESS, PREVENTION, AND CONTINGENCY PLANS

If toxic, hazardous, or other polluting materials will be on site, the permittee or co-permittee(s) must develop a PPC Plan for use while those materials are on-site in accordance with 25 Pa. Code §§ 91.34 (relating to activities utilizing pollutants) and 102.5(l). The PPC Plan must identify areas which may include waste management areas, raw material storage areas, fuel storage areas, temporary and permanent spoils storage areas, maintenance areas, and any other areas that may have the potential to cause non-compliance with the terms and conditions of this General Permit due to the storage, handling, or disposal of any toxic or hazardous substances such as oil, gasoline, pesticides, herbicides, solvents, or concrete wash waters. BMPs must be developed and implemented for each identified area. Names and contact information within the PPC Plan must be kept up to date. The PPC Plan must be made available for review at the request of DEP/CCD.

IX. IMPORTED FILL AND SITE CONTAMINATION

A. Imported Fill.

- 1. With the exception of sites enrolled in DEP's Land Recycling and Remediation Standards Act (Act 2) Program and sites with DEP Waste Management General Permit (WMGR096) approval to use regulated fill, all fill material imported to the site must meet the definition of clean fill, as defined in DEP's Management of Fill Policy. Regulated fill used on Act 2 sites must comply with the standards established by the Act 2 Program. Regulated fill used outside of Act 2 sites must comply with DEP Waste Management General Permit WMGR096.
- 2. For areas not enrolled in the Act 2 Program, the permittee must comply with DEP's Management of Fill Policy (Document No. 258-2182-773) if fill is imported to the site, and comply with the following when using fill at the site to level an area or bring it to grade:
 - a. The permittee must conduct environmental due diligence to determine whether the fill has been affected by a release of a regulated substance. If due diligence was conducted prior to submitting the permit application and circumstances have not changed between the due diligence and the use of the fill, due diligence does not need to be repeated.
 - b. If due diligence results in evidence of a release, as defined in DEP's Management of Fill Policy, the permittee must test the material to determine whether it qualifies as clean fill, and if so, DEP's electronic Form FP-001 (Certification of Clean Fill) must be completed, retained by the permittee and be made available to DEP/CCD upon request. If the fill does not qualify as clean fill, but meets the regulated fill standards, it may be used in accordance with an approval for coverage under DEP Waste Management General Permit WMGR096.

B. On-Site Soil Contamination.

- 1. For sites enrolled in the Act 2 Program, if the results of soil sampling in the area of earth disturbance activities demonstrate newly discovered soil contamination with concentrations of regulated substances exceeding the residential or non-residential medium-specific concentrations (MSCs), whichever is applicable, the permittee or operator co-permittee must notify DEP/CCD by phone within 24 hours of receiving the sampling results. Earth disturbance activities in areas of newly discovered contamination need not cease after notification to DEP/CCD unless so directed by DEP/CCD.

2. For areas not enrolled in the Act 2 Program, if the permittee or operator co-permittee discovers during earth disturbance activities wastes or other materials or substances that have or have likely caused soil contamination with concentrations of regulated substances exceeding the residential or non-residential MSCs, whichever is applicable, the permittee must notify DEP/CCD by phone within 24 hours. Earth disturbance activities in areas of newly discovered contamination need not cease after notification to DEP/CCD unless so directed by DEP/CCD.

C. On-Site Groundwater Contamination.

If the results of sampling performed on groundwater encountered during earth disturbance activities demonstrate that the groundwater is contaminated by one or more pollutants at concentrations exceeding water quality criteria contained in 25 Pa. Code Chapter 93, that were not previously disclosed to DEP/CCD, the permittee or operator co-permittee must notify DEP/CCD by phone within 24 hours of receiving the sampling results. Contaminated groundwater may not be pumped or otherwise diverted to surface waters unless specifically authorized by the DEP Clean Water Program.

X. INFILTRATION SCMs

- A. The permittee must protect the infiltration surface for any area on a project site that will be used for infiltration-based SCMs. The surface must be protected from compaction, fines, and sediment unless it is used as an E&S BMP.
- B. Effective December 8, 2025, the permittee must complete confirmation testing for infiltration capacity to verify that infiltration SCMs will perform as designed anytime 1) the area of an infiltration SCM has not been protected, as determined by a licensed professional or DEP/CCD, and 2) an E&S BMP will be converted to a PCSM SCM and used for infiltration. Confirmation testing is a critical stage of SCM construction that must be overseen by a licensed professional or designee.
- C. Confirmation testing for infiltration capacity may be performed by 1) a simulated runoff test using a ponding depth of no less than six (6) inches within the SCM; 2) inspection during and after a storm event that produces a ponding depth of no less than six (6) inches within the SCM; or 3) infiltration testing using acceptable methods from the Pennsylvania Stormwater BMP Manual (363-0300-002), as amended and updated. The testing or inspection must be performed after major earthwork is complete, after permanent stabilization of the SCM's drainage area, and, where an E&S BMP is being converted to a PCSM SCM, prior to placing soil media or stone in an SCM.
- D. The permittee may not proceed to complete construction of the SCM until a licensed professional evaluates the confirmation testing and notifies the permittee that the infiltration SCM meets the purpose and intent of the approved PCSM Plan, without overflowing at the storm event the SCM is designed to manage, and will protect waters of the Commonwealth.
- E. If the licensed professional determines that the SCM will not function as designed, the permittee shall implement corrective measures under the direction of the licensed professional and retest. If the licensed professional recommends changes to the dimensions, location, or type of SCM, the permittee must notify DEP/CCD prior to implementing the changes to determine the possible need for an amendment to the approved PCSM Plan and General Permit coverage. If an amendment is required, the permittee may not proceed with implementing the changes until written approval is obtained.
- F. Where confirmation testing for infiltration capacity is completed, the permittee must report the results of the testing on the SCM Construction Certification form that is required by Part A III.C.2.b of this General Permit.

XI. IMPLEMENTATION OF GENERAL PERMIT REQUIREMENTS

- A. Prior to commencement of construction activities or commencement of work on the project site, the permittee and co-permittee(s) must ensure that the following personnel understand the requirements of, and their specific responsibilities under, this General Permit:
 - Personnel responsible for the installation, maintenance, and/or repair of E&S BMPs and PCSM SCMs and implementation of the PPC Plan.

- Personnel responsible for the application and storage of treatment chemicals (if applicable).
 - Personnel responsible for conducting inspections.
 - Personnel responsible for taking corrective actions.
- B. The permittee and co-permittees are responsible for ensuring that all activities on the project site comply with the requirements of this General Permit.
- C. All personnel must have access at all times during earth disturbance activities to an electronic or paper copy of this General Permit, the approved copies of the E&S, PCSM and PPC Plans, and other relevant documents or information that must be kept with these plans.

XII. OTHER REQUIREMENTS

A. Cessation of Earth Disturbance Activities.

The permittee must cease earth disturbance activities resulting in stormwater discharges during construction upon written notification from DEP/CCD in the form of an order or inspection report, and may not resume such activities until authorized to do so by DEP/CCD. DEP/CCD may require cessation of earth disturbance activities where required plans are not in place, where plans are significantly deficient and could result in environmental harm, where potential or actual harm is identified during on-site inspections, or for other reasons pursuant to applicable law.

B. Compliance and Enforcement.

1. A person aggrieved by an action of a CCD must request an informal hearing with DEP within 30 days following the notice of the action. DEP will schedule the informal hearing and make a final determination within 30 days of the request. Any final determination by DEP under the informal hearing may be appealed to the Environmental Hearing Board (EHB) in accordance with established administrative and judicial procedures. (25 Pa. Code § 102.32(c))
2. For enforcement action taken under this General Permit, DEP/CCD may collect or recover, from the responsible party, costs and expenses involved in taking enforcement action and initiating cost recovery actions. DEP/CCD may collect the amount in the same manner as civil penalties are collected under Section 605 of The Clean Streams Law (35 P.S. § 691.605). (25 Pa. Code § 102.32(d))

C. Non-Stormwater Discharges.

Except as set forth in Part C I.B of this General Permit, non-stormwater discharges are not authorized under this General Permit. The permittee must cease any non-stormwater discharge upon receipt of written notification from DEP/CCD that the discharge is not authorized under this General Permit.

D. Off-Site Support Activities.

The permittee may utilize only those off-site support activities meeting the following criteria:

1. The off-site support activities have been identified in the NOI for General Permit coverage and are eligible for coverage under this General Permit.
2. If the off-site support activities have not been identified in the NOI for General Permit coverage, the permittee has notified DEP/CCD of the identification of the off-site support activities, prior to their use, and DEP/CCD has approved an amendment of the permittee's coverage under this General Permit.
3. A written E&S Plan that includes all off-site support activities has been developed, submitted for review, and approved by DEP/CCD.

E. Off-Site Discharges.

The permittee must ensure that E&S BMPs and PCSM SCMs are installed and maintained for all off-site discharges to areas other than surface waters, as applicable, including but not limited to swales, ditches, and the ground surface.

F. Archaeological Specimens.

The permittee and its agents must visually inspect for archaeological specimens, as the term is defined in the Pennsylvania State History Code (37 Pa. C.S.A., §§ 101 *et seq.*), during earth disturbance activities, and must immediately cease earth disturbance activities upon discovery of archaeological specimens. Upon discovery the permittee must immediately notify DEP/CCD and the Pennsylvania Historical and Museum Commission (PHMC) (Phone: (717) 783-8947).

G. Threatened and Endangered Species Protection.

1. If applicable, the permittee and co-permittee(s) must comply with the provisions of any Habitat Conservation Plan approved by the jurisdictional resource agencies to protect state or federal threatened and endangered species.
2. If any potential impact to federal or state threatened or endangered species is identified on the Pennsylvania Natural Diversity Inventory (PNDI) receipt, the permittee must implement any avoidance/mitigation measures indicated on the PNDI receipt and/or other measures determined necessary by the resource agencies in a clearance letter, determination or other correspondence to resolve potential species impacts and ensure compliance with applicable federal and State laws pertaining to the protection of state or federal threatened and endangered species.
3. When conducting earth disturbance activities, the permittee and co-permittees have a continuing obligation to ensure compliance with applicable state and federal laws pertaining to the protection of state or federal threatened and endangered species.