



October 29, 2018

Via Email: Tom.Glisson@energytransfer.com
Certified Mail Number: 7014 1200 0001 3932 7068

Thomas Glisson
ETC Northeast Pipeline, LLC
6051 Wallace Run Extension
Third Floor
Wexford, PA 15090

RE: Compliance Order
Revolution Pipeline Project (ESG 00007160001, ESG 000716001, & ESG 00 007 17 0002)
Butler, Beaver, Allegheny, and Washington Counties

Dear Mr. Glisson:

Enclosed is an Order of the Department. If you have any questions regarding this matter, please contact me at 814.472.1820.

Sincerely,

A handwritten signature in blue ink that reads "April A. Weiland".

April A. Weiland
Water Quality Specialist Supervisor
Southwest District Oil and Gas Operations

cc: File
Daniel F. Counahan
David McDermott
OCC

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

COMPLIANCE ORDER

DEP DOCKET NO.

PERSON SUBJECT TO ORDER ETC Northeast Pipeline, LLC		PHONE NO. 412.491.7464	
ADDRESS 6051 Wallace Run Extension Third Floor Wexford, PA 15090		MUNICIPALITY Jackson Township (Butler), Findlay Township (Allegheny), New Sewickley, Center, Raccoon, Independence Townships, and Conway Boro (Beaver) Smith, Robinson Townships (Washington County)	
PROJECT NAME OR DESCRIPTION Revolution Pipeline Project Phase 1 & Phase 2 Revolution Pike Reroute		COUNTY Butler, Beaver, Allegheny, Washington Counties	
PERMIT NO. ESG 00007160001, ESG 000716001, & ESG 00 007 17 0002	DATE OF INSPECTION 10/22/18-10/25/2018	TIME OF INSPECTION FROM 0900 A.M. TO 0900 A.M. 0300 P.M. 0300 P.M.	
NAME AND TITLE OF RECIPIENT: Tom Glisson, Project Manager			DATE OF SERVICE: 10/29/18

The Department of Environmental Protection ("Department") is the agency with the authority to administer and enforce the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §691.1 *et seq.*, and Section 1917-A of the Administrative Code, the Act of April 9, 1929, P.L. 177 as amended, 71 P.S. §510-17, and the Rules and Regulations of the Environmental Quality Board adopted thereunder.

The undersigned authorized representative of the Department has conducted an inspection of the above project on the above date and has determined that violations listed in this Compliance Order ("Order") exist. This Order constitutes a separate Order for each violation listed.

Pursuant to Sections 5, 316, 402, and 610 of the Clean Streams Law (35 P.S. §§691.5, 691.316, 691.402, and 691.610) and Section 1917-A of the Administrative Code, as amended, 71 P.S. §510-17, the Department hereby ORDERS that the person shall perform the remedial actions listed in this Order.

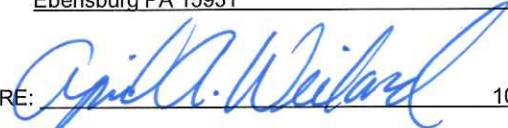
Failure to comply with this Order constitutes unlawful conduct under Section 611 of the Clean Streams Law (35 P.S. §691.611). Section 605 of the Clean Streams Law (35 P.S. §691.605) provides that the Department may assess a civil penalty of up to Ten Thousand Dollars (\$10,000) per day for each violation of this Order.

Nothing contained in this Order shall be construed to relieve or limit the obligations of the above-mentioned person to comply with the terms and conditions of any permit existing or hereafter issued by the Department to this person, or to limit any civil or criminal liability of this person. Additional requirements may be imposed in the future by subsequent Department Orders or other actions. Your prompt compliance with this Order will be considered when assessing a civil penalty for the violation(s) which is (are) the subject of this Order.

APPEAL NOTICE

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure are available at <http://ehb.courtapps.com/public/index.php> or may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717)787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION OF THE DEPARTMENT, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD; HOWEVER, BECAUSE IMPORTANT LEGAL RIGHTS ARE AT STAKE, YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE LEGAL REPRESENTATION. FOR MORE INFORMATION CONTACT THE SECRETARY TO THE BOARD AT (717) 787-3483.

DEPARTMENT REPRESENTATIVE PHONE NUMBER: (814) 472 1820 (Print) TITLE: <u>April A. Welland</u> ADDRESS: <u>286 Industrial Park Road</u> <u>Ebensburg PA 15931</u> SIGNATURE:  10/29/2018 (Date)	ACKNOWLEDGEMENT OF SERVICE The undersigned representative hereby acknowledges receipt of this order and attachment(s) hereto. This signature does not constitute an acknowledgement that any or all of the violations listed in the attachment(s) have occurred or continue to occur. Sent via email (Tom.Glisson@energytransfer.com) 10/29/2018 Sent via USPS Certified Mail (7014 1200 0001 3932 7068) 10/29/2018 SIGNATURE: _____ DATE _____
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Person(s) Subject to Order: ETC Northeast Pipeline, LLC
Project Name: Revolution Pipeline Project
Permit No.: ESG 00007160001 ESG 000716001 ESG 00 007 17 0002

COMPLIANCE ORDER
Site Conditions: Descriptions and Violations

- A. **CAUSED OR ALLOWED EARTH DISTURBANCE ACTIVITY WITHOUT A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ("NPDES") PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES.**

Commenced earth disturbance activity on one or more acres, prior to obtaining an NPDES Permit.

1. **Description**
 Conducting earth disturbance activities without the authorization of an NPDES Permit.
2. **Violation**
 Conducting an earth disturbance activity, without obtaining an NPDES Permit, in violation of 25 PA Code §102.5 and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402, and 691.611.

- B. **CAUSED OR ALLOWED EARTH DISTURBANCE ACTIVITY WITHOUT AN EROSION AND SEDIMENT CONTROL PERMIT (E&S PERMIT) OR AN EROSION AND SEDIMENT CONTROL GENERAL PERMIT FOR EARTH DISTURBANCE ACTIVITIES ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING OR TREATMENT OPERATIONS OR TRANSMISSION FACILITIES (ESCGP).**

- Commenced timber harvesting or road maintenance earth disturbance activities involving twenty-five or more acres, prior to obtaining an E&S Permit.
- Commenced oil and gas earth disturbance activities involving five or more acres, prior to obtaining an Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities.

- 1. **Description**
 Conducting the earth disturbance activity specified above, prior to obtaining an E&S Permit or ESCGP permit.
 2. **Violation**
 Conducting an earth disturbance activity, without obtaining an E&S Permit or ESCGP permit, in violation of 25 PA Code §102.5 and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402, and 691.611.

- C. **CAUSED OR ALLOWED EARTH DISTURBANCE ACTIVITY, WITHOUT AN EROSION AND SEDIMENT CONTROL PLAN (E&S PLAN), RESULTING IN:**

- POTENTIAL FOR POLLUTION TO WATERS OF THE COMMONWEALTH.**
 1. **Description**
 Conducting an earth disturbance activity without developing an E&S Plan. Failure to develop, implement and maintain an effective E&S Plan has created the potential for sediment pollution to enter _____ water(s) of the Commonwealth.

2. **Violation**
 Conducting an earth disturbance activity, without developing an E&S Plan, in violation of 25 PA Code §102.4, and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.

- POLLUTION ENTERING WATERS OF THE COMMONWEALTH.**
 1. **Description**
 Conducting an earth disturbance activity without developing an E&S Plan. Failure to develop, implement and maintain an effective E&S Plan has resulted in sediment pollution entering _____ water(s) of the Commonwealth.

2. **Violation**
 Conducting an earth disturbance activity without an E&S Plan and causing sediment pollution to enter _____ water(s) of the Commonwealth, in violation of 25 PA Code §102.4, and Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§691.401 and 691.611.

Person(s) Subject to Order: ETC Northeast Pipeline, LLC
Project Name: Revolution Pipeline Project
Permit No.: ESG 00007160001 ESG 000716001 ESG 00 007 17 0002

COMPLIANCE ORDER
Site Conditions: Descriptions and Violations
 (continued)

D. **FAILURE TO IMPLEMENT OR MAINTAIN EFFECTIVE EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (E&S BMPs), AS REQUIRED BY 25 PA CODE CHAPTER 102, THAT MINIMIZE THE POTENTIAL FOR ACCELERATED EROSION AND SEDIMENTATION, RESULTING IN:**

POTENTIAL FOR POLLUTION TO WATERS OF THE COMMONWEALTH.

1. **Description**
 Conducting earth disturbance activities without implementing or maintaining E&S BMPs that minimize the potential for accelerated erosion and sedimentation. Failure to implement or maintain effective E&S BMPs has resulted in the potential for sediment pollution to enter UNT to Raccoon Creek (N 40° 36' 26.80", W 80° 19' 35.45" and N 40° 32' 42.27", W 80° 20' 34.48) UNT to Moon Run (N 40° 39' 58", W 80° 16' 26"), Service Creek (N 40 34' 24.22", W 80 19' 54.71"), Elk Horn Run (N 40° 39' 03", W 80° 16' 36" and N 40° 40' 14", W 80° 16' 12"), UNT to Brush Run, (N 40° 43' 2.48", W 80° 09' 45.97") and Raccoon Creek (N 40° 37' 15", W 80° 18' 42") (these locations are identified in the above referenced permits) water(s) of the Commonwealth.
2. **Violation**
 Failure to implement or maintain E&S BMPs that minimize the potential for accelerated erosion and resulting in the potential for sediment pollution UNT to Raccoon Creek, UNT to Moon Run, Service Creek, Elk Horn Run, UNT to Brush Run, and Raccoon Creek

water(s) of the Commonwealth, in violation of 25 Pa. Code §102.4, and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§ 691.402 and 691.611.

POLLUTION ENTERING WATERS OF THE COMMONWEALTH.

1. **Description**
 Conducting an earth disturbance activity without implementing or maintaining E&S BMPs that minimize the potential for accelerated erosion and sedimentation. The failure to implement or maintain effective E&S BMPs has resulted in sediment pollution entering UNT to Raccoon Creek, UNT to Moon Run, Service Creek, Elk Horn Run, UNT to Brush Run, and Raccoon Creek water(s) of the Commonwealth.
2. **Violation**
 Failure to implement or maintain E&S BMPs resulting in sediment pollution entering UNT to Raccoon Creek, UNT to Moon Run, Service Creek, Elk Horn Run, UNT to Brush Run, and Raccoon Creek, water(s) of the Commonwealth, in violation of 25 Pa. Code § 102.4, and Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§ 691.401 and 691.611.

E. **FAILURE TO IMPLEMENT OR MAINTAIN EFFECTIVE POST-CONSTRUCTION STORMWATER MANAGEMENT BMPs (PCSM BMPs), AS REQUIRED BY 25 PA CODE CHAPTER 102, THAT TREAT AND MANAGE STORMWATER RUNOFF, RESULTING IN:**

POTENTIAL FOR POLLUTION TO WATERS OF THE COMMONWEALTH.

1. **Description**
 Conducting 25 PA Code Chapter 102 permitted activities without implementing or maintaining the associated PCSM BMPs that treat and manage stormwater runoff. Failure to implement or maintain effective PCSM BMPs to treat and manage stormwater runoff has resulted in the potential for sediment pollution to enter _____ water(s) of the Commonwealth.
2. **Violation**
 Failure to implement or maintain PCSM BMPs that treat and manage stormwater runoff, resulting in the potential for sediment pollution to enter _____ water(s) of the Commonwealth, in violation of 25 PA Code §102.4, and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.

POLLUTION ENTERING WATERS OF THE COMMONWEALTH.

1. **Description**
 Conducting 25 PA Code Chapter 102 permitted activities without implementing or maintaining PCSM BMPs that treat and manage stormwater runoff. The failure to implement or maintain effective PCSM BMPs has resulted in sediment pollution entering _____ water(s) of the Commonwealth.

COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Person(s) Subject to Order: ETC Northeast Pipeline, LLC
Project Name: Revolution Pipeline Project
Permit No.: ESG 00007160001 ESG 000716001 ESG 00 007 17 0002

COMPLIANCE ORDER
Site Conditions: Descriptions and Violations
 (continued)

2. **Violation**

Failure to implement or maintain PCSM BMPs that treat and manage stormwater, resulting in sediment pollution entering _____ water(s) of the Commonwealth, in violation of 25 PA Code §102.8, and Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§691.401 and 691.611.

F. **FAILURE TO PROVIDE PERMANENT STABILIZATION, AS REQUIRED BY 25 PA CODE CHAPTER 102, TO PROTECT FROM ACCELERATED EROSION AND SEDIMENTATION, RESULTING IN:**

POTENTIAL FOR POLLUTION TO WATERS OF THE COMMONWEALTH.

1. **Description**

Failure to provide permanent stabilization to protect from accelerated erosion and sedimentation, upon final completion of earth disturbance activities, has resulted in the potential for sediment pollution to enter _____ water(s) of the Commonwealth.

2. **Violation**

Failure to provide permanent stabilization of earth disturbance activities has resulted in the potential for sediment pollution to enter _____ water(s) of the Commonwealth, in violation of 25 PA Code §102.22, and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.

POLLUTION ENTERING WATERS OF THE COMMONWEALTH.

1. **Description**

Failure to provide permanent stabilization to protect from accelerated erosion and sedimentation, upon final completion of earth disturbance activities, has resulted in sediment pollution entering _____ water(s) of the Commonwealth.

2. **Violation**

Failure to provide permanent stabilization of earth disturbance activities has resulted in sediment pollution entering _____ water(s) of the Commonwealth, in violation of 25 PA Code §102.22, and Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§691.401 and 691.611.

G. **FAILURE TO PROVIDE TEMPORARY STABILIZATION, AS REQUIRED BY 25 PA CODE CHAPTER 102, UPON TEMPORARY CESSATION OF EARTH DISTURBANCE ACTIVITIES, RESULTING IN:**

POTENTIAL FOR POLLUTION TO WATERS OF THE COMMONWEALTH.

1. **Description**

Failure to provide temporary stabilization to protect from accelerated erosion and sedimentation, upon temporary cessation of earth disturbance activities, has resulted in the potential for sediment pollution to enter UNT to Raccoon Creek, UNT to Moon Run, Service Creek, Elk Horn Run, UNT to Brush Run, and Raccoon Creek water(s) of the Commonwealth.

2. **Violation**

Failure to provide temporary stabilization, upon temporary cessation of earth disturbance activities, has resulted in the potential for sediment pollution to enter UNT to Raccoon Creek, UNT to Moon Run, Service Creek, Elk Horn Run, UNT to Brush Run, and Raccoon Creek, water(s) of the Commonwealth, in violation of 25 Pa. Code §102.22, and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.

POLLUTION ENTERING WATERS OF THE COMMONWEALTH.

1. **Description**

Failure to provide temporary stabilization to protect from accelerated erosion and sedimentation, upon temporary cessation of earth disturbance activities, has resulted in the potential for sediment pollution to enter UNT to Raccoon, UNT to Moon Run, Service Creek, Elk Horn Run, UNT to Brush Run, and Raccoon Creek water(s) of the Commonwealth.

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Person(s) Subject to Order: ETC Northeast Pipeline, LLC
Project Name: Revolution Pipeline Project
Permit No.: ESG 00007160001 ESG 000716001 ESG 00 007 17 0002

COMPLIANCE ORDER
Site Conditions: Descriptions and Violations
(continued)

2. Violation

Failure to provide temporary stabilization, upon temporary cessation of earth disturbance activities, has resulted in the potential for sediment pollution to enter UNT to Raccoon Creek, UNT to Moon Run, Service Creek, Elk Horn Run, UNT to Brush Run, and Raccoon Creek water(s) of the Commonwealth, in violation of 25 PA Code §102.22, and Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§691.401 and 691.611.

- H. **FAILURE TO SUBMIT A NOTICE OF TERMINATION (NOT) AS REQUIRED BY 25 PA CODE CHAPTER 102, UPON PERMANENT STABILIZATION OF THE EARTH DISTURBANCE ACTIVITIES, IMPLEMENTATION OF PCSM BMPS AND REMOVAL OF E&S BMPS.**

1. Description

Failing to submit an NOT upon permanent stabilization of the earth disturbance activities, per 25 PA Code §102.22(a)(2); implementation of PCSM BMPs per the approved PCSM Plan or site restoration/reclamation via the approved Reclamation/Restoration Plan; and removal of all E&S BMPs per the approved E&S Plan.

2. Violation

Failing to submit an NOT, upon permanent stabilization of the earth disturbance activities, implementation of the PCSM BMPs and removal of E&S BMPs, in violation of 25 PA Code §102.7, and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.

- I. **FAILURE TO FILE AN INSTRUMENT WITH THE RECORDER OF DEEDS AND PROVIDE LANDOWNER NOTICE AS NECESSARY.**

1. Description

Failing to submit an instrument with the recorder of deeds within 45 days of permit authorization or issuance, per condition 14f. of the general permit for discharges of stormwater associated with construction and condition 15f. of the individual permit for discharges of stormwater associated with construction; failing to submit an instrument with the recorder of deeds at permit termination, per condition 25 PA Code 102.8(m)(2); and failure to provide landowner notice, per 25 PA Code 102.8(m)(2).

2. Violation

Failing to submit an instrument with the recorder of deeds and provide landowner notice, in violation of 25 PA Code § 102.8(m)(2), and Sections 402 and 611 of the Clean Stream Law, 35 P.S. §§691.402 and 691.611.

- J. **FAILURE TO OBTAIN THE FINAL CERTIFICATION OF A LICENSED PROFESSIONAL FOR POST CONSTRUCTION STORMWATER BMPs.**

1. Description

Failing to obtain the certification of a licensed professional to assure correct installation of post construction stormwater BMPs, per 25 PA Code 102.8(1).

2. Violation

Failing to obtain the certification of a licensed professional to assure correct installation of post construction stormwater BMPs, in violation of 25 PA Code §102.8(1) and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.

COMMONWEALTH OF PENNSYLVANIA
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Person(s) Subject to Order: ETC Northeast Pipeline, LLC
Project Name: Revolution Pipeline Project
Permit No.: ESG 00007160001 ESG 000716001 ESG 00 007 17 0002

COMPLIANCE ORDER Remedial Actions

- Except as required by this Order, immediately cease all earth disturbance activities at the site until the Department provides you with written authorization to resume earth disturbance activities.
- Begin implementing and/or maintaining the following best management practice(s) at the site in order to minimize the potential for accelerated erosion and sedimentation and control post construction stormwater:

Immediately cease all sediment laden discharges to water(s) of the Commonwealth.

In accordance with 25 Pa. Code §102.11(a)(1) E&S BMPs shall be designed, implemented, and maintained to minimize the potential for accelerated erosion and sedimentation to protect, maintain, reclaim, and restore water quality and existing and designated uses. The Permittee failed to properly implement and maintain BMPs to minimize the potential for accelerated erosion and sedimentation that resulted in pollution and potential pollution of sediment to waters of the Commonwealth. In accordance with 25 Pa. Code, §102.4(b)(9), the Department may require other information necessary to adequately review a plan, or may require alternative BMPs on a case-by-case basis, when necessary to ensure the maintenance and protection of water quality and existing designated uses. **Therefore, Permittee shall immediately cease all earth disturbance activities, other than those necessary to repair and maintain existing BMPs and temporarily stabilize disturbed areas.**

For any disturbed area upon temporary cessation of an earth disturbance activity or any state or phase of an activity where cessation of earth disturbance activities will exceed four (4) days, the site shall be immediately seeded mulched, or otherwise protected from accelerated erosion and sedimentation pending future earth disturbance activities. For an earth disturbance activity or any state or phase of an activity to be considered temporarily stabilized, the disturbed areas shall be covered with either a minimum uniform coverage of mulch and seed with a density capable of resisting accelerated erosion and sedimentation or an acceptable BMP which temporarily minimizes accelerated erosion and sedimentation. **All Erosion and Sedimentation Best Management Practices "E&S BMPs" shall be implemented and maintained until permanent stabilization is completed.**

In accordance 25 Pa. Code § 78a.68(a) and (b), the construction, installation, use, maintenance, repair, and removal of oil and gas gathering pipelines under this section shall be *conducted in accordance with Chapters 102 and 105*. Highly visible flagging, markers or signs shall be used to identify the shared boundaries of the limit of disturbance, wetlands, and locations of threatened or endangered species habitats. The flagging, markers or signs shall be maintained throughout the earth disturbance activities and restoration or PCSM activities. **Permittee shall install flagging, markers, or signs at the site as described herein.**

On or before November 9, 2018, Permittee shall submit to the Department, for review and approval, an updated Erosion and Sediment Control Plan that contains fully complies with the requirements of 25 Pa. Code §102.4 (b)(5)(i-xv), that will minimize the potential for accelerated erosion and sedimentation and potential pollution to waters of the Commonwealth based upon existing project conditions. The plan shall also include a description of how the operator shall maintain topsoil and subsoil during earth disturbance to prevent sediment from entering watercourses and bodies of water, identification of soils that are potentially slip prone, and what additional BMPs will be utilized to prevent potential erosion and sedimentation in slip prone areas. Upon approval of the updated Erosion and Sediment Control Plan by the Department, Permittee shall fully implement the updated Erosion and Sediment Control Plan as approved by the Department.

In accordance with the requirements of ESG 00007160001 and ESG 000716001, when an E&S, PCSM, or PPC BMP is found to be inoperative or ineffective during an inspection, the Permittee shall contact the Department or Conservation District by phone or in person within 24 hours of the results of the inspection, followed by the submission to the Department for approval of a written noncompliance report within five (5) days of initial contact. Each noncompliance report shall include the following information:

- (1) Any condition on the project site which may endanger public health, safety, or the environment, or involve incidents which cause or threaten pollution;
- (2) The period of noncompliance, including exact dates and times and/or anticipated time when the activity will return to compliance;
- (3) Steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance;
- (4) Purposed measures to correct the noncompliant conditions; and
- (5) The date or schedule of dates to implement those purposed measures.

Additionally, when a BMP is found to be inoperative or ineffective, a licensed professional shall be consulted to ensure the adequacy of BMP, as designed.

Permittee has failed to notify the Department of its inspection results and has failed to submit noncompliance reports. Effective immediately, Permittee shall report all inoperative or ineffective controls to the Department within 24 hours of discovery, and provide a written noncompliance report within five (5) days. On or before November 16, 2018, the Permittee shall provide written noncompliance reports for each E&S, PCSM, or PPC BMP found to be inoperative or ineffective by the Permittee or its agents since September 10, 2018.

On or before November 9, 2018, Permittee shall submit to the Department for review and approval, a Temporary Stabilization Plan describing all temporary stabilization activities and sequences and to include the proper placing, grading, constructing, reinforcing, lining, and covering of soil, rock or earth to ensure their resistance to erosion, sliding or other movement. Upon approval of the Temporary Stabilization Plan by the Department, Permittee shall fully implement the Temporary Stabilization Plan as approved by the Department. Permittee shall take all measures necessary to ensure that the entire site is temporarily stabilized in accordance with the requirements of 25 Pa. Code § 102.22(b) and the Temporary Stabilization Plan approved by the Department. This includes, if necessary, implementing additional temporary stabilization measures in areas temporarily stabilized by Permittee prior to the Department's approval of the Temporary Stabilization Plan.

On or before December 3, 2018, Permittee shall submit to the Department for review and approval an updated Post Construction Stormwater Management ("PCSM") Plan that contains drawings and narrative, supported by appropriate site characterization and assessment of soil and geology including appropriate infiltration and geotechnical studies, consistent with the requirements of 25 Pa. Code § 102.8(f(1-15) and 102.8(g). The updated PCSM Plan shall be designed to minimize the threat to human health, safety, and the environment to the greatest extent practicable. The PCSM Plan shall also include a Permanent Stabilization Plan that describes all permanent stabilization activities and sequences. Upon approval of the PCSM Plan by the Department, Permittee shall fully implement the PCSM Plan as approved by the Department

Complete implementation of the above-referenced best management practice(s) by November 9, 2018 _____.

Develop an E & S Plan, that minimizes accelerated erosion and sedimentation, per 25 Pa. Code §102.4, by _____, and subsequently submit that Plan to the following office(s): _____

Develop a Post-Construction Stormwater Management Plan, per 25 Pa. Code §102.8, by _____, and subsequently file the Plan with the following office(s): _____

Immediately begin implementing and maintaining erosion and sediment control post-construction stormwater management best management practices, as detailed in the Erosion and Sediment Control Plan Post-Construction Stormwater Management Plan; including, but not limited to: _____

Complete implementation and maintenance of the above-referenced best management practice(s) by _____.

Submit a full and complete Erosion and Sediment Control Notice of Intent for NPDES Stormwater Discharges Associated with Construction Activities permit application, as specified, by _____, to the following office(s): _____

Submit a full and complete Notice of Termination (NOT), per 25 PA Code §102.7, by _____, and subsequently submit the NOT to the following office(s): _____

Submit a receipt from the recorder of deeds, per 25 PA Code §102.8, by _____, and subsequently submit the receipt to the following office(s): _____

Submit landowner notices, per 25 PA Code §102.8, by _____, and subsequently submit the receipt to the following office(s): _____