



3/07/19

Wilkes-Barre Area School District  
c/o Brian Costello  
730 South Main Street  
Wilkes-Barre, PA 18711-0375

Re: Chapter 102 PAG-02 NPDES General Permit Coverage Approval  
WBASD New High School  
NPDES Permit No. PAC400072  
Plains Township, Luzerne County

Dear Mr. Costello:

Under the authority of the federal Clean Water Act and Pennsylvania's Clean Streams Law, the Luzerne Conservation District has approved your request for coverage under the PAG-02 NPDES General Permit for Stormwater Discharges Associated with Construction Activities ("PAG-02 General Permit"). The latest versions of the Notice of Intent (NOI) and all supporting documents, including the Erosion and Sediment Control (E&S) Plan and Post-Construction Stormwater Management (PCSM) Plan, are incorporated into this approval.

Your coverage under the PAG-02 General Permit, which has been assigned NPDES Permit No. PAC400072, is effective on 3/07/19 and will expire on 3/06/24. If stormwater discharges associated with construction activities are expected to continue beyond the expiration date of PAG-02 General Permit coverage, you must apply to renew your coverage at least 180 days prior to the expiration date.

Please review the PAG-02 General Permit and the enclosed attachments carefully and contact this office if you have any questions. Please pay particular attention to the following requirements of the General Permit:

- In accordance with 25 Pa. Code § 102.5(h), operators who are not the permittee shall be co-permittees. An operator is a person who either has oversight responsibility of an earth disturbance activity on a project site who has the ability to make modifications to the E&S Plan, PCSM Plan or site specifications, or has day to day operational control over an earth disturbance activity on a project site. Please be advised that once an operator (contractor) has been selected for the project, the NPDES permit must either be transferred to the operator or the operator must be made a co-permittee and enter into an agreement with the permittee. Please use the enclosed Transferee/Co-Permittee Application form to transfer the permit or to add a co-permittee. This form must be received by this office at least 30 days prior to the co-permittee/transferee action taking place.
- A pre-construction conference is required as specified in 25 Pa. Code § 102.5(e), unless otherwise



notified in writing by this office. The purpose of this conference is to review all aspects of the permit with the permittee, co-permittees, operators, consultants, inspectors and licensed professionals or their designees who will be responsible for the implementation of the critical stages of the approved PCSM Plan. You must provide at least seven days notice of the pre-construction meeting to all invited attendees.

- You must conduct inspections of all best management practices (BMPs) on a weekly basis and after each measurable stormwater event (including the repair or replacement of BMPs) to ensure effective and efficient operation. The Visual Site Inspection Report Form is enclosed and must be used to document these required site inspections.
- For any property containing a PCSM BMP, the permittee or co-permittee must record an instrument with the recorder of deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP, provide for necessary access related to long-term operation and maintenance (O&M) for PCSM BMPs, and provide notice that the responsibility for long-term O&M of the PCSM BMP is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees. Unless a later date is approved by DEP in writing, the permittee shall record an instrument within 45 days from the date of this coverage approval letter. The permittee shall provide the county conservation district and DEP with the date and place of recording along with a reference to the docket, deed book or other record, within 90 days from the date of this coverage approval letter, unless a later date is approved by DEP in writing.
- If there are any changes to the PCSM BMPs or long-term operation and maintenance plan after the initial instrument recording and prior to permit termination, the permittee(s) will need to amend the initial recorded instrument at the recorder of deeds office prior to permit termination. Further note, most recorder of deeds offices require that the land owner (at the time of actual recording) signs the instrument to be recorded. If the land owner changes and an amended instrument needs to be recorded, the recorder of deeds office will likely require the new land owner's signature on the amended instrument. It is recommended that for any sale or transfer of property to a new owner before this permit is terminated that the permittee seek legal counsel on how to structure the sale or transfer to allow the recorded instrument to be amended.
- The Notice of Termination (NOT) form is also enclosed and must be completed and filed when construction activities have ceased and final stabilization has been achieved. The NOT must identify the responsible person(s) for the long-term O&M of the PCSM BMPs. Please be advised that the permittee and any co-permittees remain responsible for all operational maintenance for this project site until the NOT has been filed and acknowledged.

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 as provided below.



Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board  
Rachel Carson State Office Building, Second Floor  
400 Market Street  
P.O. Box 8457  
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

**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 PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.**

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.**

If you have any questions, please contact Heather Graham at (570) 674-7991.

Sincerely,



Josh Longmore  
Executive Director  
Luzerne Conservation District



cc: Borton Lawson  
Plains Township  
PennDOT  
File

Enclosures: PAG-02 General Permit  
Approved E&S Plan  
Approved PCSM Plan  
Visual Site Inspection Report Form and Instructions  
Transferee/Co-permittee Application Form  
Notice of Termination Form



**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: PAC400072**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection (DEP) authorizes the permittee named below to discharge stormwater associated with small construction activities from an earth disturbance activity that involves earth disturbance greater than or equal to one acre, or an earth disturbance on any portion, part, or during any stage of a larger common plan of development or sale that involves earth disturbance greater than or equal to one acre:

Permittee

**Wilkes-Barre Area School District**  
**c/o Brian Costello**  
**730 South Main Street**  
**Wilkes-Barre, PA 18711-0375**

Project Site

**WBASD New High School**  
**North Main Street, Plains Township**  
**Luzerne County**

This authorization is subject to DEP's enclosed PAG-02 General Permit which incorporates all effluent limitations, monitoring and reporting requirements, and other terms, conditions, criteria, and special requirements for the discharge of stormwater composed entirely of stormwater associated, in whole or in part, with construction activity, as defined in this General Permit, to surface waters of this Commonwealth, including through municipal separate storm sewers and non-municipal separate storm sewers. Authorization to discharge is subject to the implementation of the plans and additional associated information submitted as part of the Notice of Intent (NOI).

**APPROVAL TO DISCHARGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREIN IS AUTHORIZED BEGINNING ON March 7, 2019, AND WILL EXPIRE ON March 6, 2024 WHEN CONDUCTED PURSUANT TO THE TERMS AND CONDITIONS OF THE APPLICABLE PERMIT. COVERAGE MAY BE EXTENDED BY DEP OR AUTHORIZED CONSERVATION DISTRICT IF A TIMELY, ADMINISTRATIVELY COMPLETE AND ACCEPTABLE RENEWAL NOI IS SUBMITTED TO DEP OR AUTHORIZED CONSERVATION DISTRICT AT LEAST 180 DAYS PRIOR TO DATE OF COVERAGE EXPIRATION. THE PERMIT MAY BE TERMINATED PRIOR TO THE EXPIRATION DATE UPON RECEIPT AND ACKNOWLEDGEMENT OF A NOTICE OF TERMINATION FORM AND APPROVAL BY DEP OR AUTHORIZED CONSERVATION DISTRICT. NO CONDITION OF THIS PERMIT SHALL RELEASE THE PERMITTEE OR CO-PERMITTEE FROM ANY RESPONSIBILITY OR REQUIREMENT UNDER PENNSYLVANIA, OR FEDERAL ENVIRONMENTAL STATUTES, REGULATIONS, OR LOCAL ORDINANCES.**

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

  
\_\_\_\_\_  
**Joshua Longmore**  
**Executive Director**  
**Luzerne Conservation District**

