



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southwest Regional Office

6/12/15

Connor Gillespie
First Pennsylvania Resource, LLC.
380 Southpointe Blvd, Plaza II
Suite 405
Canonsburg, PA 15317

Re: Permit Approval Cover Letter
NPDES Permit No.: **PAI056314009**
South Fork of Cross Creek Mitigation Project
Cross Creek Township
Washington County

Dear Mr. Gillespie:

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. §§ 691.1 et seq., the Department of Environmental Protection (DEP) hereby approves the application for the NPDES permit for Stormwater Discharges Associated with Construction activities (NPDES Permit) for permittee responsible mitigation project located in Cross Creek Township, Washington County including approximately 5 acres of wetland creation and 1.5 miles of stream in Unnamed Tributaries to South Fork Cross Creek (HQ-WWF).

PAI056314009 is effective on 6/12/15 and will expire on 6/12/20. All dischargers are required by Sections 402 and 611 of The Clean Streams Law, 35 P.S. §§691.402 and 691.611 to comply with the terms and conditions and any special conditions of their permit.

In addition to the NPDES permit authorization, the permittee and any subsequent co-permittees have additional responsibilities related to this authorization. NPDES permit requirements and federal regulations at 40 C.F.R. 122.21(b) require "when a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit" (see permit condition Part B (1) (d) (1) and (3) for transfer of permit or co-permittee requirements.) Please be advised that once an operator/contractor has been selected for the project, the NPDES permit must either be transferred to the operator/contractor or the operator/contractor 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). The purpose of this conference is to review all aspects of the permit with the permittee, co-permittees, operators, consultants, the DEP inspectors and licensed professionals or their designees who will be responsible for the implementation of the critical stages of the approved PCSM plan.

It is a condition of NPDES permit, that as part of the maintenance program for the operation and maintenance of Best Management Practices (BMPs) the permittee or co-permittee must conduct inspections of the BMPs on a weekly basis and after each stormwater event to include the repair or replacement of BMPs to ensure effective and efficient operation (see permit condition part A, 2 (a).) The Visual Site Inspection Report Form is enclosed and must be used to document these required site inspections.

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 as a condition of this permit as specified in section # 4 of the permit regarding Notice of Termination. The NOT is a NPDES permit requirement, as well as a regulatory requirement under 25 PA Code §102.7. The NOT must identify the responsible person(s) for the long term operation and maintenance of the Post Construction Stormwater Management (PCSM) BMPs. The permittee shall enclose with the NOT record drawings with a final certification statement from a licensed professional certifying that the record drawings accurately reflect the as built conditions and that the project site was constructed in accordance with the approved PCSM plan. Please be advised that the permittee and/or co-permittee remain responsible for all operational maintenance for this project site until the NOT has been filed and acknowledged.

The County Conservation District must be notified by telephone or certified mail at least seven days prior to the start of construction as specified in 25 PA Code §102.5 (e).

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 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, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO 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 (717.787.3483) FOR MORE INFORMATION.

Please read carefully Appendix A and Parts A, B, and C of the permit which detail the terms and conditions of this authorization.

This authorization does not relieve the applicant from applying for and obtaining any additional permits or approvals from local, state or federal agencies required for this project. Please be advised that if any other permits are required for this project, they must be issued prior to undertaking the activities described in the permit application. Issuance of the enclosed permit(s) does not indicate an affirmative action on any other pending or future permit applications. If you are uncertain as to whether or not other permits are needed for this project, please use the Department's "Permit Application Consultation Tool" (PACT) which can be found at <http://www.ahs.dep.pa.gov/PACT/> . The online tool is designed to quickly and easily assist potential applicants in determining which types of environmental permits, authorizations or notifications would be needed for specific projects. Based on the user's responses to a series of simple questions, PACT automatically provides an email response with information on permits and other information an applicant should consider.

If you have any questions, please contact me at 412-442-4315 and reference the above permit number.

Sincerely,



Gregory W. Holesh, P.E.
Environmental Group Manager
Waterways & Wetlands Program

(Enclosures)

cc: Washington County Conservation District
Cross Creek Township
Duncan Nickles, GAI Consultants



**APPROVAL OF COVERAGE UNDER
 THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) INDIVIDUAL
 PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

NPDES PERMIT NO: PAI 056314009 PRIMARY FACILITY ID: 781520
 AUTHORIZATION NO: 1051218 SUBFACILITY ID: 1148827
 APS NO.: 857969

SITE/PROJECT NAME & ADDRESS		PERMITTEE NAME & ADDRESS	
Name:	South Fork of Cross Creek Mitigation Project	Name:	First Pennsylvania Resource, LLC
Location:	1000 Avella Rd	Client ID:	297785
Address:		Address:	380 Southpointe Blvd, Plaza II Suite 405
City, State, Zip:	Avella, PA 15312	City, State, Zip:	Canonsburg PA 15317
Phone:		Phone:	412-249-2455

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection hereby approves the Notice of Intent (NOI)/application submitted for coverage to discharge stormwater from an earth disturbance activity that involves equal to or greater than one acre of earth disturbance on any portion, part, or during any stage of, a larger common plan of development or sale that involves equal to or greater than one acre of earth disturbance, to the following surface water(s) of this Commonwealth:

Unnamed Tributaries to South Fork Cross Creek (HQ-WWF)

subject to the Department's effluent limitations, monitoring and reporting requirements, and other terms, conditions, criteria, and special requirements for the discharge of stormwater associated, in whole or in part, with construction activity, as defined in this individual permit, to surface waters of this Commonwealth, including through municipal separate storm sewers and nonmunicipal separate storm sewers. Authorization to discharge is subject to the implementation of the plans and additional associated information submitted as part of the application.

APPROVAL TO DISCHARGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREIN MAY COMMENCE ON THE DATE OF THE APPROVAL OF COVERAGE, AND IS VALID FOR A PERIOD OF FIVE YEARS WHEN CONDUCTED PURSUANT TO SUCH TERMS AND CONDITIONS. COVERAGE MAY BE EXTENDED BY THE DEPARTMENT OR AUTHORIZED CONSERVATION DISTRICT IF A TIMELY, COMPLETE AND ACCEPTABLE APPLICATION FOR RENEWAL IS SUBMITTED TO THE DEPARTMENT OR AUTHORIZED CONSERVATION DISTRICT AT LEAST 180 DAYS PRIOR TO DATE OF COVERAGE TERMINATION. THE PERMIT MAY BE TERMINATED PRIOR TO THE EXPIRATION DATE UPON RECEIPT AND ACKNOWLEDGEMENT OF A NOTICE OF TERMINATION FORM AND APPROVAL BY THE DEPARTMENT 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 APPROVAL DATE: 6/12/15 COVERAGE EXPIRATION DATE: 6/12/20
 AUTHORIZED BY: [Signature] TITLE: Program Manager Waterways and Wetlands

APPENDIX A

The following numeric effluent limits or other special conditions are incorporated as terms and conditions with this permit authorization.

1. This permit incorporates, by reference, the application and any other attachments, reports, plans, plan drawings, supplements, and other materials submitted by the applicant in support of its application.
2. This permit is not to be considered an approval of the structural or geotechnical analysis/design, the construction specifications, or the construction means and methods utilized during construction.
3. If the BMPs do not control volume of stormwater as designed or if excessive erosion or other indications of inadequate stormwater controls are observed, a permit modification request shall be submitted to the Department for approval of modifications to stormwater controls to meet the stormwater requirements and the approved modifications shall be implemented.
4. An evaluation of the potential post construction stormwater impacts was provided based on the site configurations expected at the time of the design. Should conditions or the design change or be modified thereby increasing potential for runoff (i.e. from additional impervious surfaces) a reevaluation must be conducted by the permittee. Any increase in stormwater rate or volume must be managed by site BMPs and the Department must be notified of the change. A permit modification may be required.
5. Any work which is not shown on the application site plans is not authorized by this permit. An amendment to the NPDES Stormwater Permit must be submitted by the permittee and approved by the Department before any future work different from the submitted application information begins on the site.
6. Post construction BMPs should be implemented as detailed in the approved PCSM plan. Any changes or modifications to the PCSM plan, the introduction of alternate post-construction stormwater BMPs or the elimination of any approved post construction stormwater BMPs, must be approved by the DEP prior to any application of these changes on the permitted site.
7. The PCSM Plan, inspection reports and monitoring records shall be available for review and inspection by the Department or the Conservation District.
8. Qualified personnel shall conduct site compliance evaluations. Such evaluations shall include:
 - a. Visual inspection and evaluation of areas contributing to a stormwater discharge for evidence of, or the potential for, pollutants entering a drainage system or waters of the Commonwealth.
 - b. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of this authorization or whether additional control measures are needed. If needed, they shall be immediately implemented.
 - c. Structural stormwater management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly, and
 - d. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

9. The permit application certified in Section D, Question 6 that there were no Potential Pollution Causing Materials present at the site. Should conditions in the field change, consideration must be given to ceasing activities at the site and a Plan submitted to the Department on how to manage the materials. The permittee is responsible for any and all pollution from the site.
10. Prior to initiation of earth disturbance activities at the site, an application shall be submitted to the Department adding Shell Chemical Appalachia LLC as a co-permittee. Once the co-permittee application is approved by the Department earth disturbance may commence in accordance with other permit conditions.
11. The permittee and his agents will be watchful for archaeological artifacts and will assure that ground disturbance activities will cease immediately upon discovery of archaeological artifacts, and immediately notify the DEP Regional Office and the Pennsylvania Historical and Museum Commission at P.O. Box 1026, Harrisburg, PA 17120-1026, telephone (717) 783-8947.
12. Prior to the beginning of work, all public water supplies or other water-related activities located downstream that may be affected by turbidity increases or other water quality changes caused by said work shall be sufficiently notified in advance to allow for preparation of any water quality changes.