

HECKTOWN ROAD BUSINESS PARK *AT ROUTE 33 INTERCHANGE*



HECKTOWN ROAD

BUSINESS PARK

AT ROUTE 33 INTERCHANGE

LOT 6 - 108,100 SF FLEX OFFICE/WAREHOUSE
LOT 7 - 67,700 SF MEDICAL OFFICE

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DEP Permit	26-44

PROPERTY DETAILS

The project site is located just south of the intersection of State Route 33 and Hecktown Road in the Hecktown Business Park Bethlehem and Lower Nazareth Townships, Northampton County. The project consists of the development of Lot 6 and Lot 7 within the business park. Lot 6 is proposed to be developed with a 108,100 square foot, one story office / warehouse building. Lot 7 is proposed to be developed with a 67,700 square foot, two story medical office building. Lot 6 has frontage on Commerce Park Drive and the development proposes the realignment and widening of a private access drive from Commerce Park Drive to Lot 7. The existing emergency access from Farmersville Road to Lot 7 will remain in its current condition. The proposed development also includes all of the necessary infrastructure improvements including public water, sewer and telco services, parking, stormwater management facilities, landscape and lighting.

The project lies in both Bethlehem and Lower Nazareth Townships within the (LI) Light Industrial & (OB) Office Business districts. The majority of Lot 7 is in Bethlehem Township and Lot 6 is split between both Townships.

Acreage

- Lot 6: 17.47 AC
- Lot 7: 23.91 AC
- Total: 41.38 AC

Development

- Lot 6: 108,100 SF Flex Building (Office/Warehouse)
- Lot 7: 67,700 SF Medical Office Building

STATUS SUMMARY

Approvals In-Hand:

Bethlehem Township

- Final Land Development Approval – Resolution R052-19 dated 10/9/2019

Lower Nazareth Township

- Final Land Development Approval – Resolution #LNT-26-19 dated 10/24/2019

Lehigh Valley Planning Commission

- Stormwater Consistency Letter dated 1/3/19

NPDES

- NPDES Permit PAD480103 dated 5/13/2020

Utilities

- Sewer conveyance, capacity, treatment approval circa 2002
- Updated Chapter 94 Consistency (sewer) letter 11/12/18
- DEP confirmation of sewer approval and no additional coordination/approval 11/14/18
- Water approval circa 2002
- Updated water “will serve” letter 11/16/18

PHMC – SHPO

- Clearance dated 7/24/2019

PNDI

- Clearance dated 8/12/2019

STATUS SUMMARY (CONT.)

Remaining Close-Out Items:

Bethlehem Township

- Conditions shall be satisfied w/in 12 months (10/7/2020)
- Pidcock's remaining comments – Submission 8/7/2020
- Opinion of Probable Costs (Lot 7) - Submission 8/7/2020
- Establish Letter of Credit
- LD & Intermunicipal agreements
- Payment of fees
- Legal descriptions for any easements/covenants
- Final plan signatures
- Plan recording w/in 90 days of completion of all conditions

Lower Nazareth Township

- Conditions – No timeline for compliance indicated:
- KCE's remaining comments – administrative only - Submission 8/7/2020
- Opinion of Probable Costs (Lot 6) - Submission 8/7/2020
- Establish Letter of Credit
- LD & Intermunicipal agreements & Fire coord.
- Payment of fees
- Legal descriptions for any easements/covenants
- Final plan signatures
- Plan recording w/in 90 days of completion of all conditions

NPDES - LCCD

- Existing expired NPDES permits PAS10U162 & PAI024810005 need to be terminated
- PCSM Plan extension request has been made and granted by NCCD. Extension granted to coincide with final land development plan recording.

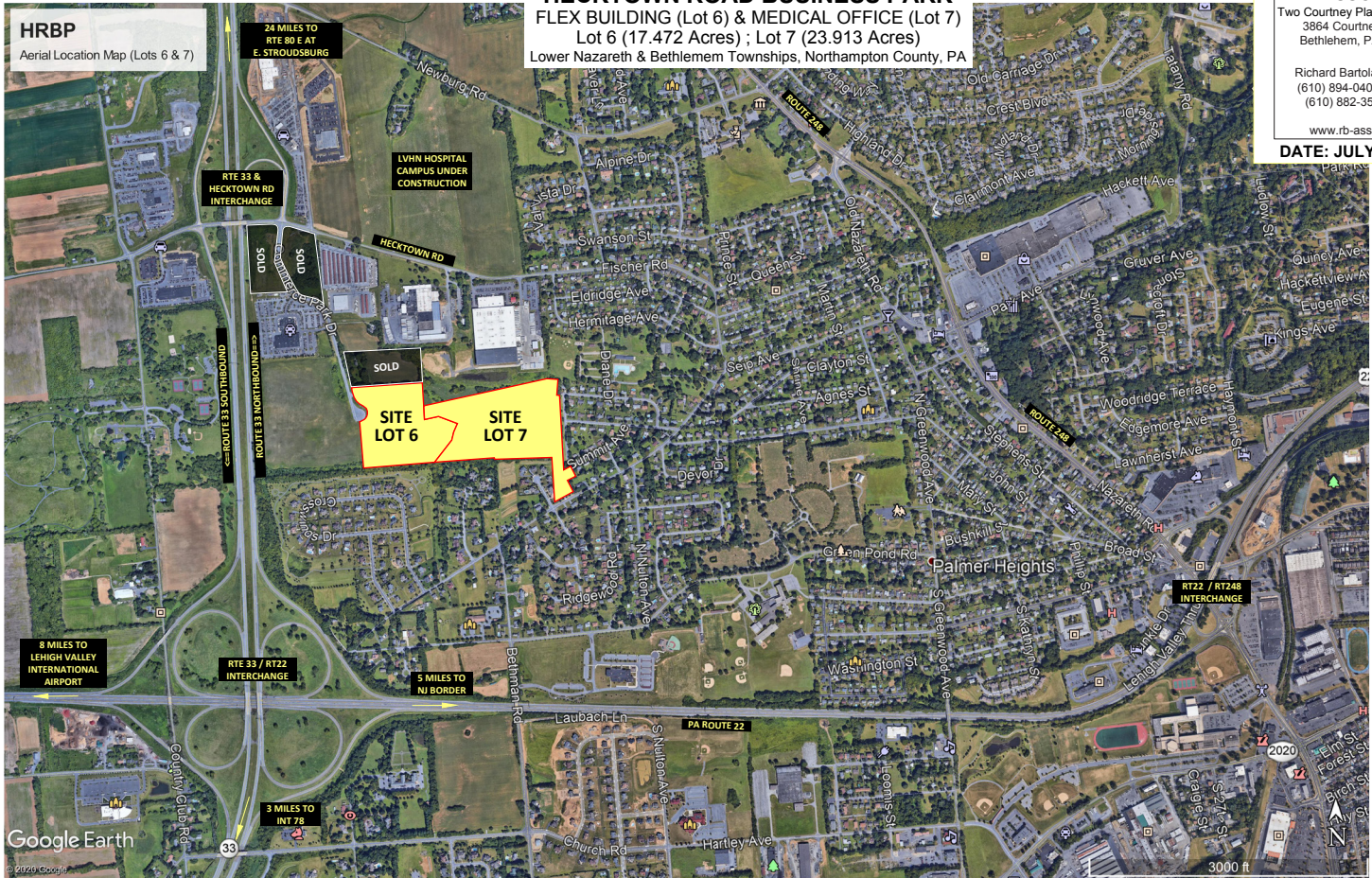
AGENCY APPROVAL STATUS

JULY 28, 2020

- Signalization at site Entrance of Hecktown Road and Route 33 Northbound ramp access installed and activated June 20, 2017.
- PADEP NPDES Permit for Lots 6 and 7, issued May 13, 2020, for post construction storm water management.
- Storm water management basin was constructed during original development of site infrastructure. Basin is currently installed as sediment basin, which will be modified to handle the construction of Lot 6 and then converted to its permanent configuration which is designed to meet current NPDES volume control requirements via storage and on lot spray irrigation.
- Easton Suburban Water Authority 12" water main extension thru Lots 6 and 7 occurred during original development of site infrastructure. Domestic and fire water service is immediately available to both buildings.
- Installation of Palmer Township Municipal Authority sanitary sewerage facilities thru Lots 6 and 7 occurred during original development of site infrastructure. Sewerage service is immediately available to both buildings.
- Sewage capacity for both properties is already owned by Fairfield Management, and is immediately available for allocation to both Lots.
- UGI 4" gas main service extension thru Lots 6 and 7 occurred during original development of site infrastructure.

HECKTOWN ROAD BUSINESS PARK

LOCATION MAP



R.B. ASSOCIATES
 Two Courtney Place, Suite 140
 3864 Courtney Street
 Bethlehem, PA 18017

Richard Bartolacci, CEO
 (610) 894-0400 (Office)
 (610) 882-3564 (fax)

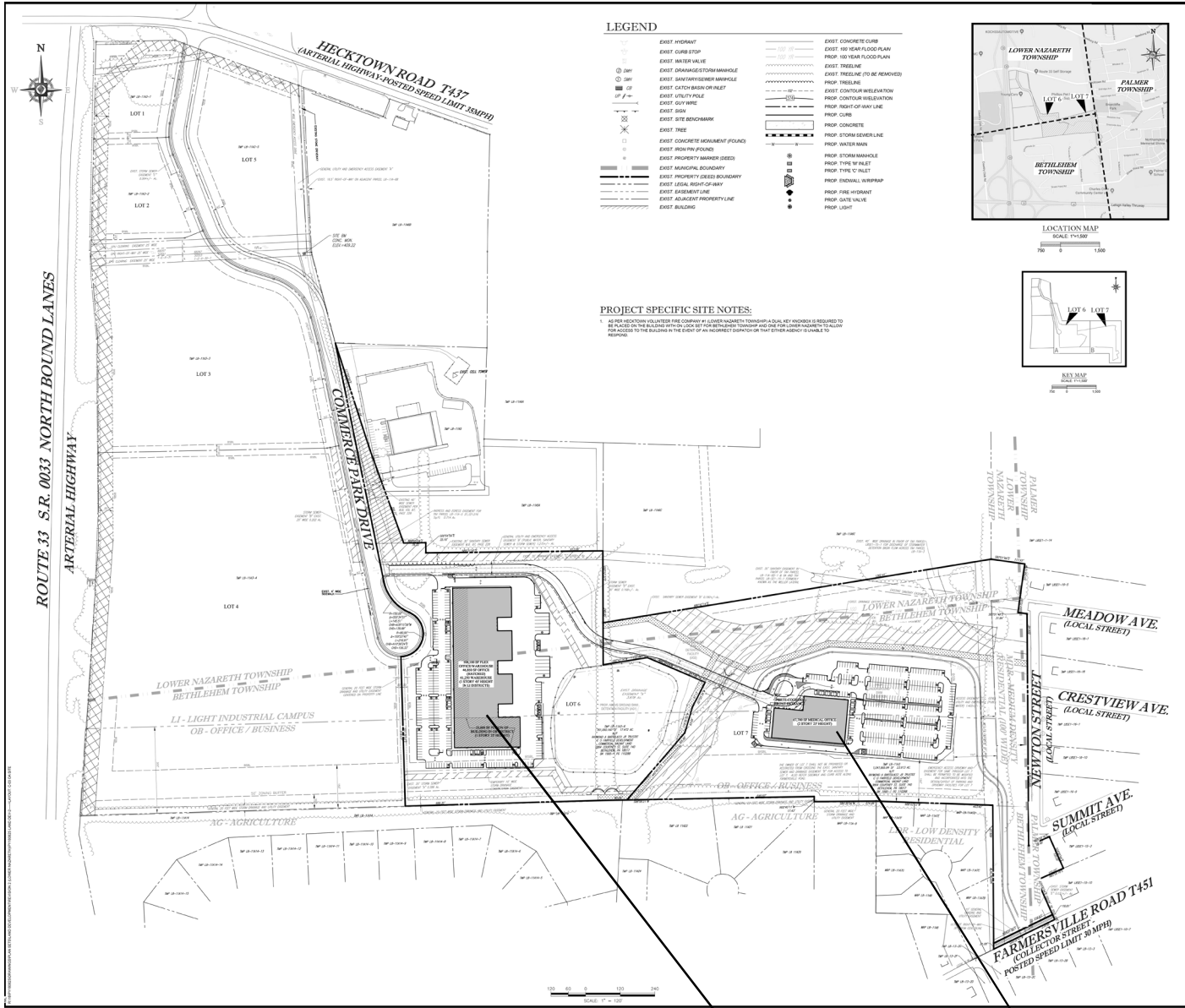
www.rb-assoc.com

DATE: JULY 28, 2020



HECKTOWN ROAD BUSINESS PARK

APPROVED SITE PLAN

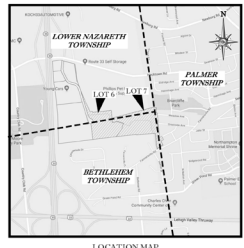


LEGEND

EXIST HYDRANT	EXIST CONCRETE CURB
EXIST CURB STOP	EXIST 10 YEAR FLOOD-PLAN
EXIST WATER VALVE	PROF. 100-YEAR FLOOD-PLAN
EXIST DRAINAGE/STORM MANHOLE	EXIST TREE LINE
EXIST SANITARIUM/SEWER MANHOLE	PROF. TREE LINE (TO BE REMOVED)
EXIST CATCH-BASIN/POCKET	PROF. TREE LINE
EXIST UTILITY POLE	EXIST COUNTERWEICTION
EXIST C/W/PIPE	PROF. COUNTERWEICTION
EXIST SIGN	PROF. RIGHT-OF-WAY LINE
EXIST SITE BENCHMARK	PROF. CURB
EXIST WIRE	PROF. CONCRETE
EXIST CONCRETE MONUMENT (FOUND)	PROF. STORM SEWER LINE
EXIST MONUMENT (FOUND)	PROF. WALKWAY
EXIST MONUMENT (SEEDS)	PROF. STORM MANHOLE
EXIST PROPERTY BOUNDARY	PROF. TYPE 'C' INLET
EXIST LEGAL RIGHT-OF-WAY	PROF. STORM MANHOLE
EXIST PROXIMITY (EASE) BOUNDARY	PROF. STORM MANHOLE
EXIST EASEMENT LINE	PROF. STORM MANHOLE
EXIST EASEMENT PROPERTY LINE	PROF. STORM MANHOLE
EXIST BUILDING	PROF. STORM MANHOLE

PROJECT SPECIFIC SITE NOTES:

FOR THE RECORD, THE LOTS 1 THROUGH 6 IN LOWER NAZARETH TOWNSHIP A QUALITY REVIEW IS REQUIRED TO BE PLACED ON THE BUILDING WITH CHUCK SET FOR BETHLEHEM TOWNSHIP AND ONE FOR LOWER NAZARETH TO ALLOW FOR ACCESS TO THE BUREAU OF THE DEPT. OF HIGHWAY TRANSPORTATION FOR THESE HIGHWAY LANE 3/3.



BETHLEHEM TOWNSHIP REQUIREMENTS

REQUIREMENT	REQUIRED	PROPOSED	COMMENTS
MINIMUM LOT AREA	2.0 AC.	1.0 AC.	NO CHANGE
MINIMUM LOT WIDTH AT BUILDING SETBACK	200 FT.	200 FT.	NO CHANGE
MINIMUM LOT DEPTH	100 FT.	100 FT.	NO CHANGE
MIN. BUILDING SETBACKS	FRONT: 20 FT., SIDE: 20 FT., REAR: 20 FT.	FRONT: 20 FT., SIDE: 20 FT., REAR: 20 FT.	NO CHANGE
MIN. FURNISH SETBACKS	FRONT: 20 FT., SIDE: 20 FT., REAR: 20 FT.	FRONT: 20 FT., SIDE: 20 FT., REAR: 20 FT.	NO CHANGE
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LOT 6 PARCEL DATA

TAX PARCEL ID: 18-11428-000-001	TAX PARCEL ID: 18-11428-000-001
ADDRESS: 18-11428-000-001	ADDRESS: 18-11428-000-001
ZONE: LI-1 (LOCAL INDUSTRIAL)	ZONE: LI-1 (LOCAL INDUSTRIAL)
GROSS AREA: 12.50 AC.	GROSS AREA: 12.50 AC.

LOWER NAZARETH TOWNSHIP REQUIREMENTS

REQUIREMENT	REQUIRED	PROPOSED	COMMENTS
MINIMUM LOT AREA	2.0 AC.	1.0 AC.	NO CHANGE
MINIMUM LOT WIDTH AT BUILDING SETBACK	200 FT.	200 FT.	NO CHANGE
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LOT 7 PARCEL DATA

TAX PARCEL ID: 18-11428-000-002	TAX PARCEL ID: 18-11428-000-002
ADDRESS: 18-11428-000-002	ADDRESS: 18-11428-000-002
ZONE: LI-1 (LOCAL INDUSTRIAL)	ZONE: LI-1 (LOCAL INDUSTRIAL)
GROSS AREA: 12.50 AC.	GROSS AREA: 12.50 AC.

108,100 SF FLEX Office/Warehouse
46,850 SF OFFICE (Hatched)
61,250 SF WAREHOUSE (1 Story, 45' Height)

67,700 SF Medical Office (2 Story, 25' Height)

RECORD OWNER

RECORD OWNER: BETHLEHEM TOWNSHIP
 ADDRESS: 18-11428-000-001
 ZONE: LI-1 (LOCAL INDUSTRIAL)

APPLICANT

APPLICANT: BETHLEHEM TOWNSHIP
 ADDRESS: 18-11428-000-001
 ZONE: LI-1 (LOCAL INDUSTRIAL)

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BACK REQUIREMENTS

REQUIREMENT	REQUIRED	PROPOSED	COMMENTS
MINIMUM LOT AREA	2.0 AC.	1.0 AC.	NO CHANGE
MINIMUM LOT WIDTH AT BUILDING SETBACK	200 FT.	200 FT.	NO CHANGE
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LANDSCAPE BUFFERING SETBACK

ALL VEHICLES EXPOSED	10 FT.	10 FT.	NO CHANGE
FROM COMMERCIAL/INDUSTRIAL BUILDINGS	10 FT.	10 FT.	NO CHANGE
MINIMUM LOT COVERAGE	60%	60%	NO CHANGE
MINIMUM BUILDING COVERAGE	60%	60%	NO CHANGE
MIN. OPEN SPACE/PERMEABLE	20%	20%	NO CHANGE

PARKING REQUIREMENTS (LOT 6)

USE: INDUSTRIAL	1 SPACES PER 1000 SF
PROPOSED: 108,100 SF	108 SPACES
AVAILABLE SPACES:	
• 108 SPACES (INCLUDING 12 ADA SPACES)	

PARKING REQUIREMENTS (LOT 7)

USE: MEDICAL OFFICE	1 SPACES PER 1000 SF
PROPOSED: 67,700 SF	68 SPACES
AVAILABLE SPACES:	
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BOHLER ENGINEERING

1818 BROAD STREET, SUITE 300
 BETHLEHEM, PENNSYLVANIA 18018
 PH: 610-755-0978
 FAX: 610-755-0979
 www.bohlerengineering.com

REVISIONS

REV	DATE	COMMENTS	BY
1	11-18-18	PER TWP REVIEW LETTERS	MRB
1A	12-18-18	PER TWP REVIEW LETTERS	MRB
2	12-18-18	PER LOWER NAZARETH TWP REVIEW LETTERS	MRB

CALL BEFORE YOU DIG!

NOT APPROVED FOR CONSTRUCTION

PRELIMINARY LAND DEVELOPMENT PLANS
 HECKTOWN ROAD BUSINESS PARK

FAIRFIELD DEVELOPMENT ASSOCIATES
 SITUATED IN
 LOWER NAZARETH TOWNSHIP
 BETHLEHEM TOWNSHIP
 NORTHAMPTON COUNTY,
 COMMONWEALTH OF PENNSYLVANIA

BOHLER ENGINEERING

1818 BROAD STREET, SUITE 300
 BETHLEHEM, PENNSYLVANIA 18018
 PH: 610-755-0978
 FAX: 610-755-0979
 www.bohlerengineering.com

M.E. JEITNER

PROFESSIONAL ENGINEER
 PENNSYLVANIA LICENSE NO. PE05970

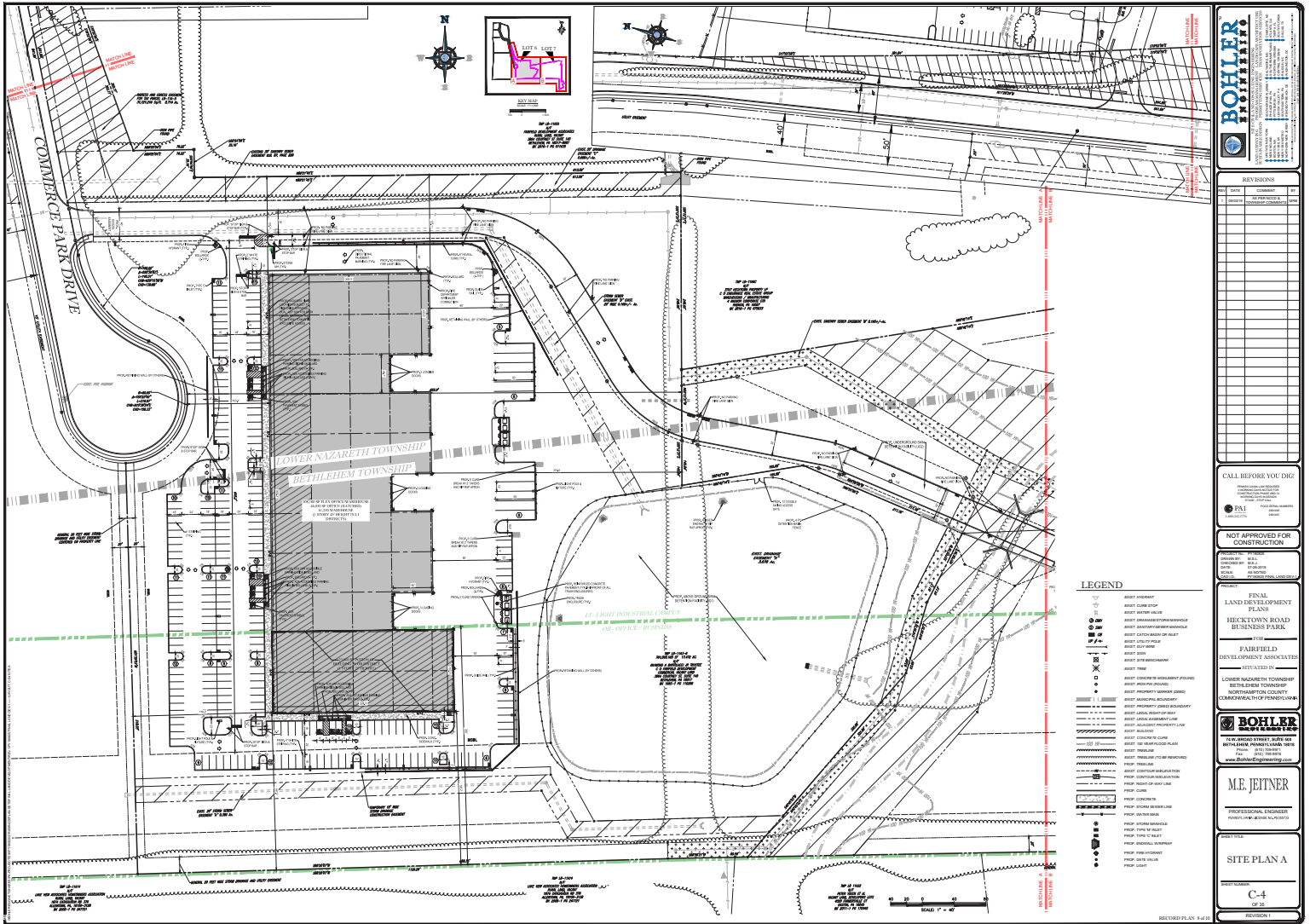
SHEET TITLE
OVERALL SITE PLAN

DESIGN NUMBER
C-3

REVISION 2

RECORD PLAN 7-410

APPROVED SITE PLAN - SITE A



108,100 SF FLEX OFFICE/WAREHOUSE
46,850 SF OFFICE (HATCHED)
61,250 SF WAREHOUSE
(1 STORY, 45' HEIGHT IN LI DISTRICTS)

HECKTOWN ROAD BUSINESS PARK



CIVIL ENGINEERS & SURVEYORS

2870 Emrick Boulevard, Bethlehem, PA 18020 • 610-865-4555 • FAX 610-758-9009

East Office: Bethlehem, West Office: Wescosville, North Office: Kresgeville

LNT-18-016

October 4, 2019

Lower Nazareth Township
Board of Supervisors
623 Municipal Drive
Nazareth, PA 18064



RE: Hecktown Road Business Park
Lots 6 and Lot 7
Final Land Development Submission

Ladies and Gentlemen:

Materials submitted to the Township by Bohler Engineering include the following:

- a. Final Land Development Plans, sheets C-1 to C-35F, dated September 21, 2018, revised September 3, 2019.
- b. Completeness review letter from the Northampton County Conservation District dated September 16, 2019.
- c. Stormwater Management Report dated September 21, 2018, revised September 3, 2019.
- d. Submission cover letter dated September 27, 2019.

Our comments are as follows:

I. SUBMISSION

The submitted material depicts the development of Lots 6 and 7 within the Hecktown Road Business Park (HRBP). The applicant is proposing the construction of a 108,100 sq. ft. flex office/warehouse building on Lot 6 and a 67,700 sq. ft. medical office facility on Lot 7. Approximately 40% of the office warehouse building will be located within Lower Nazareth Township. The remaining portion of this building plus all of the medical office will be within Bethlehem Township.

The two facilities will have access onto Commerce Park Drive via a proposed shared driveway. A second driveway, intended for emergency access only, intersects with Farmersville Road within Bethlehem Township.

The submission was presented before the Planning Commission at their August 19th meeting and recommended for Final Plan approval. Their approval was conditioned on the applicant addressing the Zoning Administrator's August 16th comments and our August 14th review comments.

II. FINAL LAND DEVELOPMENT REVIEW COMMENTS

1. The owner's certification shall be signed and notarized (424.9h).
2. The approval of the Erosion and Sedimentation Control Plans by the Northampton County Conservation District will be required (425.2).
3. The development will be subject to the traffic impact fees as established in the Township's Traffic Impact Ordinance. Per the Impact Ordinance, the fee will be assessed at \$684/PM Peak Hour Trip. The applicant's trip generation report indicates that the development will generate 324 Peak PM Hour trips. Therefore, the required Impact Fee is \$221,616.00.
4. All of the proposed stormwater management facilities for the development will be located within Bethlehem Township. Therefore, our office has deferred the review of the Stormwater Report to the Bethlehem Township engineer.
5. The applicant shall provide the Township with full-color architectural renderings of the proposed buildings.
6. A Land Development Improvements Agreement will be required (534.2).
7. A Letter of Credit will be required to guarantee the installation of the secured improvements within Lower Nazareth Township (534.3).
8. A project pre-construction meeting will be required per SALDO Section 536.
9. The applicant's September 27th submission cover letter contains responses to the Hecktown Volunteer Fire Company's August 13th review letter. A final review by the Fire Company is recommended in order to determine that the revised plans have addressed their previous comments.

Based on our review of the submitted material, Final Approval is recommended for the Hecktown Road Business Park, Lots 6 and 7 Land Development provided the above comments are adequately addressed.

Sincerely,
KEYSTONE CONSULTING ENGINEERS, INC.



Albert R. Kortze, P.E.

xc: Board of Supervisors individually
Lori Stauffer, Esquire
Gary N. Asteak, Esquire
Fairfield Management Corporation
Bohler Engineering
Joseph Piperato, Esquire

"BANK NAME"

DATE:

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER:

ISSUING BANK

"BANK NAME"

"BANK ADDRESS"

Beneficiary

Lower Nazareth Township
623 Municipal Drive
Nazareth, PA 18064

Applicant

"Applicant Name"

"Applicant Address"

Amount

USD \$ _____
"Amount spelled out"

Expiration date

We hereby establish our irrevocable standby letter of credit number _____ for the above amount in your favor for the account of "Applicant name", which is available by your drafts drawn at sight, signed by the secretary, Lower Nazareth Township and accompanied by your resolution declaring default in the form of Exhibit A, attached hereto.

We are informed by the applicant that this letter of credit is intended to serve as a performance guaranty for certain infrastructure construction and improvements agreed to by "Applicant" in relation to _____.

We hereby engage with you that all documents presented in compliance with the terms of this letter of credit will be duly honored by us upon receipt if delivered whether in person, via facsimile or certified mail or overnight courier service to "Bank Name and Address".

Demand by facsimile presentation under this letter of credit is permitted to our fax number "Fax Number".

It is a condition of this letter of credit that it shall be deemed automatically extended without written amendment for one year from the present or any future expiration date, unless at least sixty (60) days prior to such expiration date, we send the beneficiary notice by registered mail/overnight courier service at the above address that we elect not to extend this letter of credit beyond the initial expiration date or any extended date thereof.

"BANK NAME"

PAGE 2

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: _____

[However, this standby letter of credit shall not be extended beyond "Date", which will be considered the final expiration date.]

Comment [TD1]: Only if a final date is required by your bank. Keep in mind that security must remain in place through the duration of construction and the 18-month maintenance period.

Lower Nazareth Township at any time may reduce this letter of credit without amendment upon our receipt of written notification to "Bank name", referencing our letter of credit number and the amount of reduction, or cancel this letter of credit upon our receipt of written notification to "Bank name", accompanied by the original of this letter of credit and amendments, if any.

This letter of credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this letter of credit relates, and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

Unless otherwise expressly state herein, this letter of credit is subject to the uniform customs and practice for documentary credits (UCP), 2007 revision, established by the International Chamber of Commerce Publication No. 600.

If you require any assistance or have any questions regarding this transaction, please call "Bank phone number".

Authorize Signature

Applicant's Authorized Signature(s) & Date



Notice of Approval

4225 Easton Avenue
Bethlehem, Pennsylvania 18020
610.814.6441 (office)
610.814.6445 (fax)
araudenbush@bethlehemtp.com

To: Mr. Richard Bartolacci
From: Amanda L. Raudenbush, AICP, Planning Director *AR*
Date: October 9, 2019
Re: Hecktown Road Business Park Lots 6 & 7 – Final Plan

Dear Mr. Bartolacci:

At its October 7, 2019 meeting, the Bethlehem Township Board of Commissioners granted conditional approval of the Hecktown Road Business Park Lots 6 & 7 Final Plan via Resolution R052-19. The resolution has been attached for your records.

As per the conditions of the Resolution, please provide the necessary signature(s) below accepting this Resolution and all of the conditions therein. **Please note that failure to sign shall nullify the Resolution and the approval of the Board of Commissioners.**

I, Richard Bartolacci, on this day October 10, 2019 hereby accept the above noted Resolution of the Bethlehem Township Board of Commissioners and all of the findings and conditions included therein.

Signature

RESOLUTION R52-19

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE HECKTOWN ROAD BUSINESS PARK, LOTS 6 & 7 FINAL PLAN

WHEREAS, the applicant Fairfield Management Corporation submitted a Final Plan application and Plan titled "FINAL LAND DEVELOPMENT PLANS HECKTOWN ROAD BUSINESS PARK FOR FAIRFIELD DEVELOPMENT ASSOCIATES" dated 7/26/19 with a latest revision date of 9/3/19, by Bohler Engineering. The plan proposes to develop Lots 6 and 7 of the Hecktown Road Business Park. Lot 6 proposes a 108,100 square foot Flex Building (46,850 sf Office and 61,250 sf Warehouse) along with associated parking, loading areas, and storm sewer. Lot 7 proposes a 67,700 sf Medical Office and associated parking and storm sewer. Both lots share one driveway from Commerce Drive. Approximately half of Lot 6 and most of Lot 7 are in Bethlehem Township while the remainder of the project is in Lower Nazareth Township. The lots are within the "LI" Light Industrial Office Campus Zoning District; and

WHEREAS, the proposed Land Development Plan meets the definition of a Land Development Plan as defined by Township Subdivision and Land Development Ordinance (SALDO) Section 230-22; and

WHEREAS, the Township Engineer has reviewed the plan and offered comments in The Pidcock Company letter dated September 19, 2019; and

WHEREAS, the Bethlehem Township Planning Commission recommended conditional approval of the "FINAL LAND DEVELOPMENT PLANS HECKTOWN ROAD BUSINESS PARK FOR FAIRFIELD DEVELOPMENT ASSOCIATES" Plan at a meeting held on September 23, 2019; and

WHEREAS, the Bethlehem Township Board of Commissioners desires to take final action on this Plan.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED BY the Board of Commissioners of Bethlehem Township, County of Northampton, and Commonwealth of Pennsylvania:

I. The following Bethlehem Township Standard Construction Document sections in the Subdivision and Land Development Ordinance waivers be granted:

1. §230-55 – BTSCD Underground Detention Facilities – to allow a 12-inch pipe size in lieu of the 36-inch minimum required pipe for Underground Detention Facility UG2;
2. §230-55 – BTSCD Underground Detention Facilities – to allow a Type M inlet and Type 4 Box outlet control structure with manhole lid as clean outs in lieu of the requirement for two 48-inch manhole clean outs for each underground facility and allow 12-inch vertical pipe clean outs in lieu of any 48-inch manhole clean outs for every 150 feet of pipe in the Underground Detention Facility UG2;
3. §230-55 – BTSCD Underground Detention Facilities – to allow the underground detention facility(ies) to have a minimum longitudinal bottom slope of 0 percent.

II. Conditions of Approval

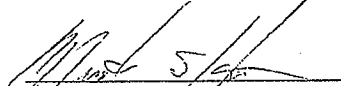
That the "FINAL LAND DEVELOPMENT PLANS HECKTOWN ROAD BUSINESS PARK FOR FAIRFIELD DEVELOPMENT ASSOCIATES" dated 7/26/19 with a latest revision date of 9/3/19, by Bohler Engineering, be hereby approved subject to the following conditions and provided the plan is revised as follows:

1. The applicant shall address all comments from the Township Engineer's review letter dated September 19, 2019, to the written satisfaction of the Township Engineer.
2. The applicant shall utilize all comments from the Township Fire Marshal review letter dated August 26, 2019, in discussions with Lower Nazareth Township Emergency Management.
3. The applicant shall obtain all approvals from Lower Nazareth Township.

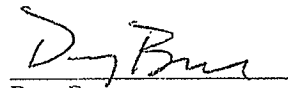
4. The applicant shall present any future development to the Planning Commission for review and to the Board of Commissioners for approval.
5. The waivers granted by the Bethlehem Township Board of Commissioners shall be noted on the plan.
6. The applicant shall obtain all required permits and approvals from other governmental agencies.
7. The applicant shall submit all land covenants for review and approval of the Township Solicitor.
8. The applicant shall pay to the Township of Bethlehem all application fees and review and report fees charged by the Township consultants.
9. The applicant shall file a final plan with the Recorder of Deeds of Northampton County within five years from the date of the approval of the preliminary plan by the Board of Commissioners, unless an extension has been granted by the Board of Commissioners, as required by Section 230.29 of the Bethlehem Township Subdivision and Land Development Ordinance.
10. The applicant shall accept these conditions in writing within five days of receipt of the Board of Commissioners resolution, otherwise the application is denied for failure to comply with the requirements of the Bethlehem Township Ordinances for failure to comply with the express conditions that are contained in this Resolution.
11. The applicant shall meet all conditions of Final Plan approval within twelve (12) months of Final Plan approval, and agrees that if such conditions are not met, the Final Plan approval will be considered void, and the application for Final Plan approval will be considered void and withdrawn.

ADOPTED AND APPROVED this 7th day of October, 2019 at a regular public meeting.

**BOARD OF COMMISSIONERS
OF BETHLEHEM TOWNSHIP**


Michael D. Hudak
President

ATTEST:


Doug Bruce
Township Manager/Secretary



LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS

623 MUNICIPAL DRIVE
NAZARETH, PA 18064
TELEPHONE: 610-759-7434
FAX: 610-746-3317

Board of Supervisors

James S. Pennington, Chairman
Martin J. Boucher, Vice Chairman
Robert J. Hoyer, Supervisor
Bert R. Smalley, Supervisor
Amy L. Templeton, Supervisor

Lori A. Stauffer, Manager

October 24, 2019

Raymond Bartolacci
Fairfield Management Corp.
3864 Courtney Street; Suite 140
Bethlehem, PA 18017

RE: Approval Letter
Resolution #LNT-26-19
Hecktown Road Business Park Lots 6 & 7 Final Land Development Plan

Dear Mr. Bartolacci:

Your project has been approved by the Board of Supervisors. There are certain requirements that need to be met prior to starting the project. This document will assist you in navigating through that process as well as provide you with guidance on procedures through project completion.

The first item to address is that you provide written acceptance of the terms and conditions of the approval resolution. A copy of Resolution LNT-26-19 has been enclosed for your review. We must receive the acceptance confirmation letter within five days of your receipt of this letter.

Subsequent to your acceptance of the terms and conditions as set forth in the resolution, and prior to plan recording there are a few items that need to be addressed.

You must submit to the Township Engineer, an estimate of costs for all public improvements associated with this project. You will need to consult with the Township Engineer to confirm what those public improvements are. The engineer and the Township Staff will review the cost estimate. Upon approval of the cost estimate, it will be forwarded to the Township Solicitor for inclusion in the Developer's Improvements Agreement. The owner is required at this point to produce tangible financial security in the amount of the improvements estimate prepared by the Township Engineer. This security can be in the form of cash or an irrevocable letter of credit. You must declare, to the township, the type of financial security you plan on utilizing prior to the preparation of the Developer's Improvements Agreement. Upon satisfaction of the aforementioned requirements the solicitor will prepare an Agreement that will require Board of

"BANK NAME"

PAGE 3

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: _____

"Beneficiary Letterhead"

Exhibit A

Resolution Declaring Default

"Bank Name"

"Bank Address"

Re: Standby Letter of Credit No. _____

Be it resolved and enacted by Lower Nazareth Township as follows:

1. Lower Nazareth Township is entitled to payment pursuant to the Lower Nazareth Subdivision Improvements Agreement ("Agreement"), due to *"Applicant's"* failure to complete agreed upon infrastructure construction and improvements.
2. Lower Nazareth Township is hereby authorized to withdraw the sum of *"Dollar Amount"* from the irrevocable letter of credit established pursuant to the agreement.

Resolved and enacted this _____ day of _____, 20__.

Lower Nazareth Township, Secretary

Approval Letter – LNT-26-19 – Hecktown Road BP Lots 6 & 7 Final Land Development

Supervisors approval. This approval will be made at a public meeting of the Board. The Agreement will spell out procedures for reducing the security as the project progresses.

When it is determined by the Township that the project is substantially complete, the project improvements will be accepted and placed in the maintenance period, as prescribed in the Agreement. During this period, it will be your responsibility to maintain all improvements. At the completion of the maintenance period and prior to ultimate acceptance and dedication to the township (where applicable) of the improvements, a final inspection will be performed by the Township. Only when all improvements are deemed fit for acceptance will the maintenance period end and all remaining security be returned to you. This final action is taken by the Board of Supervisors. During this entire period, you will be required to maintain a cash escrow at a reasonable level with the Township so that the project administration can continue.

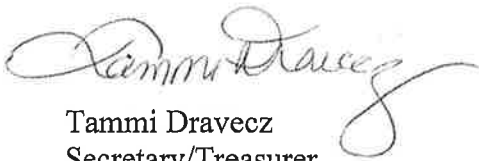
Building permits may be submitted for review upon receipt by the Township of your written acceptance of the terms and conditions of the approval resolution. Please note that in no way does receipt of and approval of the building plans absolve you of the responsibilities outlined in the approval resolution.

In addition, please understand that under no circumstance will work on the project commence prior to plan recording and without the appropriate financial security and supporting documentation being in place.

We strongly recommend that you share this document as well as the approval resolution and Developer's Improvements Agreement with any parties from your team involved with the administration of this project.

Please feel free to contact the Township Office at 610 759-7434 with any questions

Very Truly Yours,



Tammi Dravec
Secretary/Treasurer

Encl.

cc: Matthew Longenberger, P.E., Bohler Engineering
Joseph Piperato, Esq.
Albert R. Kortze, P.E.
Gary N. Asteak, Esq.
Lori B. Seese, Planning/Zoning Administrator

LOWER NAZARETH TOWNSHIP
Board of Supervisors

Resolution #LNT-26-19

RE: Lots 6 & 7, Hecktown Road Business Park

WHEREAS, the Lower Nazareth Township Board of Supervisors are in receipt of a Land Development Plan entitled "Final Land Development Plans, Hecktown Road Business Park, TMP#L8-11A-3-6 & TMP#L8-11A-3", prepared by of, consisting of (50) sheets, dated September 21, 2018 and last revised September 3, 2019; and

WHEREAS, Lots 6 and 7 are within the Hecktown Road Business Park, respectively Tax Parcel #L8-11A-3-6 and Tax Parcel #L8-11A-3; and

WHEREAS, the intent of the Plan is the construction of a 108,100 s.f. flex warehouse on Lot 6, and a 67,700 s.f. medical office building on Lot 7; and

WHEREAS, the jurisdictional boundary line with Bethlehem Township crosses both Lot #6 and #7, and approvals are required from both Lower Nazareth Township and Bethlehem Township; and

WHEREAS, approval has been granted by Bethlehem Township pursuant to their Resolution #R52-19, dated October 7, 2019; and

WHEREAS, the Lower Nazareth Board of Supervisors granted Conditional Use approval of the Hecktown Road Business Park on November 14, 2001; and

WHEREAS, the Applicant received preliminary approval from the Board of Supervisors on January 23, 2019; and

WHEREAS, the Lower Nazareth Township Planning Commission recommended final approval of the plan at its August 19, 2019 meeting; and

WHEREAS, the Township Zoning Administrator has reviewed the Final Plan against the provisions of the 2001 Lower Nazareth Township Zoning Ordinance, last amended November 14, 2018; and

WHEREAS, the Township Engineer has reviewed the Final Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated October 4, 2019; and

WHEREAS, the Lower Nazareth Township Board of Supervisors desire to take final action on this plan.

NOW THEREFORE, BE IT RESOLVED that the Lower Nazareth Township Board of Supervisors approve the Final Plan as referenced above, subject to the following conditions:

1. Provided the comments in the Township Engineer's letter dated October 4, 2019 are adequately addressed. Any reports or documentation requested by the Township Engineer must be provided to both the Township and Township Engineer prior to plan recording.

2. The Applicant recognizes that an Inter-Municipal Agreement addressing the administration of cross-boundary issues such as building code inspections, application of zoning ordinances, fire protection, police control, emergency services, and taxation is required between Lower Nazareth Township and Bethlehem Township.
3. All comments from the Hecktown Volunteer Fire Company Fire Chief and Bethlehem Township Fire Marshall shall be addressed.
4. The applicant is responsible for executing an Improvement Agreement and submitting an acceptable form of security for the public improvements on Lot 6 to Lower Nazareth Township. The security and Improvement Agreement for Lot 7 shall be approved by Bethlehem Township. The applicant acknowledges that the Final Plan will not be signed until the security has been received and deemed acceptable by both Townships. The applicant understands that no construction can commence, nor will any permit applications be accepted until such time as all conditions of approval are met and the Final Plan has been recorded.
5. For recording purposes, the applicant shall supply the following for Lower Nazareth Township:

Sheets C-1, C-3, C-4, C-5 and C-5A

- (2) sets of Mylar reproducible prints;
- (2) sets of Paper prints;

Full Sets, Sheets C-1 thru C-35F

- (4) Sets of paper prints.

The Applicant shall also determine the number of copies required for Bethlehem Township. The applicant may provide additional copies to be signed for their records. All pages presented for recording shall have original signatures. Bethlehem Township and Lower Nazareth Township will obtain all plan signatures. Bethlehem Township will be responsible for recording.

Per the Northampton County Uniform Parcel Identifier Ordinance, the applicant is responsible for placement of property addresses on the above plans. Upon satisfaction of all conditions of approval and placement of signatures on the Plans, the plan shall be recorded, within ninety (90) days of said satisfaction, at the Northampton County Recorder of Deeds Office as required by Section 513(a) of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10513(a), as amended and Section 520 of the Lower Nazareth Township Subdivision and Land Development Ordinance.

6. The Applicant understands that any changes to the proposed uses and/or the land development in general are subject to Township review and may require additional review and approval by the Board of Supervisors and/or outside agencies. Under no circumstances, shall any site work nor construction occur that is not depicted on the approved plan nor approved by Lower Nazareth Township and outside agencies.
7. The applicant is prohibited from commencing any construction activities on this project until a pre-construction conference is scheduled and conducted in compliance with Section 536 of the Lower Nazareth Township Subdivision and Land Development Ordinance and a formal Notice to Proceed is issued by the Township(s). Said pre-


construction conference shall not occur until Items 1 thru 3 above have been completed to Lower Nazareth Township's satisfaction.

8. All correspondence regarding the plan shall be directed to the Township or if directed to the Engineer, the Township shall be copied.
9. The applicant shall accept these conditions in writing, within five days of receipt of the finalized Board of Supervisors resolution, otherwise the application is denied for failure to comply with the express conditions that are contained in this Resolution.

ADOPTED AND APPROVED this 23rd day of October 2019 at a regular public meeting. Motion made by Martin Boucher and seconded by Robert Hoja. The motion carried unanimously.

ATTEST:

BOARD OF SUPERVISORS



Tammi Dravec, Secretary/Treasurer



James Pennington, Chairman

May 13, 2020



Fairfield Management Corporation
c/o Raymond Bartolacci
3864 Courtney Street
Bethlehem, PA 18017-8987

Re: Chapter 102 Individual NPDES Permit Issuance
Hecktown/Fairfield Lots 6 & 7
NPDES Permit No. PAD480103
Lower Nazareth and Bethlehem Townships
Northampton County

Dear Permittee:

Under the authority of the federal Clean Water Act and Pennsylvania's Clean Streams Law, the Department of Environmental Protection (DEP) approves your application for an Individual NPDES Permit for Stormwater Discharges Associated with Construction Activities under Chapter 102. Your permit is enclosed. The latest versions of the permit application 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, including (but not limited to) the following Plan materials:

- Erosion and Sedimentation Control Plan Drawings for "Hecktown Road Business Park Lots 6 & 7", dated 7/26/2019, last revised 3/17/2020; consisting of 8 sheets C-21, C-21A, C-21B, C-21-C, C-23, C-24, C-25 & C-26
- Erosion and Sedimentation Control Plan Narrative, dated 6/5/2019, last revised 3/17/2020.
- PCSM Plan Drawings "Hecktown Road Business Park", prepared by Bohler Engineering, dated 7/26/2019, last revised 3/17/2020; consisting of 6 sheets C-27 to C-32
- PCSM Plan Drawings "Stormwater Dispersal Hecktown Lot 6", prepared by Aquarius Supply, dated 3/13/2020, not revision date, consisting of 8 sheets OVERALL & SWD1 – SWD9
- PCSM Plan Drawings "Stormwater Dispersal Hecktown Lot 7", prepared by Aquarius Supply, dated 3/13/2020, not revision date, consisting of 8 sheets OVERALL & SWD1 – SWD7
- PCSM Narrative for "Hecktown Road Business Park Lots 6 & 7", dated 6/5/2019, last revised 3/17/2020
- Dead Storage Analysis for "Hecktown Road Business Park Lots 6 & 7", dated 3/17/2020, no revisions

Your Individual NPDES Permit, which has been assigned NPDES Permit No. PAD480103, is effective on May 13, 2020 and will expire on May 12, 2025. If stormwater discharges associated with construction activities are expected to continue beyond the expiration date of the Individual NPDES Permit, you must apply to renew your permit at least 180 days prior to the expiration date.

Please review the Individual NPDES Permit, including special conditions, and the enclosed attachments carefully and contact this office if you have any questions. Please pay particular attention to the following requirements of the Individual 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 to ensure effective and efficient operation. The Visual Site Inspection Report Form (3800-FM-BCW0271d) is enclosed along with instructions. This form (or an equivalent electronic form providing the same information) must be used to document the 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.

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

Fairfield Management Corporation

-4-

May 13, 2020

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 additional questions, please contact Daniel Ahn at 610-829-6277.

Sincerely,

Pamela R. Kania /s/

Pamela R. Kania, P.E.
Environmental Program Manager
Waterways and Wetlands Program

cc: Fairfield Management Corporation c/o Raymond Bartolacci (via email – rbartolacci@rcn.com)
Northampton County Conservation District (via email)
Bohler Engineering PA, LLC c/o Michael Jeitner, P.E. (via email – mjeitner@bohlereng.com)
Lower Nazareth Township (via email)
Bethlehem Township (via email)
Lehigh Valley Planning Commission (via email)

Enclosures: Individual NPDES Permit
Visual Site Inspection Report Form and Instructions
Transferee/Co-permittee Application Form
Notice of Termination Form
Riparian Forest Buffer Reporting Form
Co-permittee Liability Release Form
Post Construction Stormwater Management Instrument Filing Notice

HECKTOWN ROAD BUSINESS PARK

3150-PM-BWEW0470 Rev. 10/2014



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

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

NPDES PERMIT NO: PAD480103 PRIMARY FACILITY ID: 837617
 AUTHORIZATION NO: 1289147 SUBFACILITY ID: 1295085 & 1295086
 APS NO.: 1002148

SITE/PROJECT NAME & ADDRESS		PERMITTEE NAME & ADDRESS	
Name:	Hecktown/Fairfield Lots 6 & 7	Name:	Fairfield Management Corporation
Location:		Client ID:	160699
Address:	142 & 150 Commerce Park Drive	Address:	3864 Courtney Street
City, State, Zip:	Easton, PA 18045	City, State, Zip:	Bethlehem, PA 18017-8987
Phone:		Phone:	484-821-5708

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:

Bushkill Creek (HQ-CWF, MF)

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: May 13, 2020 COVERAGE EXPIRATION DATE: May 12, 2025

AUTHORIZED BY: Pamela R. Kania /s/
Pamela R. Kania, P.E.

TITLE: Environmental Program Manager
Waterways & Wetlands Program

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INDIVIDUAL NPDES
PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

This permit applies to earth disturbance activities that disturb equal to or greater than one (1) acre, or an 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 (1) acre of earth disturbance.

This permit does not apply to agricultural plowing and tilling, animal heavy use areas, timber harvesting activities, and road maintenance activities.

Earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities may be required to obtain permit coverage under the Erosion and Sediment Control General Permit (ESCGP).

1. DEFINITIONS

Note: Terms used in this permit not otherwise defined herein shall have the meaning attributed to them in 40 CFR Part 122 and 25 Pa. Code Chapters 92a, 93, 96, 102 or 105.

Administrator – The Environmental Protection Agency (EPA) regional administrator.

Antidegradation Best Available Combination of Technologies (ABACT) – 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.

Accelerated Erosion – 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.

Authorized Conservation District – A conservation district, as defined in Section 3(c) of The Conservation District Law (3 P.S. § 851(c), as amended) that has the authority under a delegation agreement executed with the Department to administer and enforce all or a portion of the erosion, sediment, and stormwater management program in the Commonwealth of Pennsylvania.

Best Management Practices (BMPs) – 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.

Clean Fill – Uncontaminated, nonwater soluble, nondecomposable, inert, solid material to include soil, rock, stone, dredged material, used asphalt, and brick, block, or concrete from construction and demolition activities that is separate from other waste and is recognizable as such. The term does not include materials placed in or on the waters of this Commonwealth unless otherwise authorized. The term "used asphalt" does not include milled asphalt or asphalt that has been processed for re-use.

Co-Permittee – Person(s) identified in this 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 conditions of this permit and applicable laws.

Critical Stages – The installation of underground treatment BMPs, structurally engineered BMPs, or other BMPs as deemed appropriate by the Department or the authorized conservation district.

CSO – Abbreviation for Combined Sewer Overflows

Department – The Department of Environmental Protection of this Commonwealth.

Director – The Director of the Bureau of Waterways Engineering and Wetlands, or any authorized employee thereof.

Earth Disturbance Activity – 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.

Effluent Limitation or Standard – A restriction established by the Department or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into surface waters including BMPs and schedules of compliance.

EPA – Abbreviation for the Environmental Protection Agency

Erosion – The natural process by which the surface of the land is worn away by water, wind, or chemical action.

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.

Licensed Professional – Professional engineers, landscape architects, geologists, and land surveyors licensed to practice in the Commonwealth.

Long-term Operation and Maintenance – The routine inspection, maintenance, repair, or replacement of a BMP to ensure proper function for the duration of time that the BMP is needed.

MCM – Abbreviation standing for Minimum Control Measure.

MS4 – Abbreviation standing for Municipal Separate Storm Sewer System. A separate storm sewer (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) which is all of the following:

- (i) Owned or operated by a State, city, town, borough, county, district, association or other public body (created by or under state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater or other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Federal Act (33 U.S.C.A. § 1288) that discharges to surface waters of this Commonwealth.
- (ii) Designed or used for collecting or conveying stormwater.
- (iii) Not a combined sewer.
- (iv) Not part of a POTW.

Municipality – 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.

Notice of Termination (NOT) – A request, on a form provided by the Department, to terminate coverage under an Individual NPDES Permit for Stormwater Discharges Associated with Construction Activities.

Nondischarge 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.

Operator – 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.

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

Permanent Stabilization – Long-term protection of soil and water resources from accelerated erosion.

Permit Application – A request, on a form provided by the Department, for coverage under an Individual NPDES Permit for Stormwater Discharges Associated with Construction Activities.

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" shall not exclude the members of an association and the directors, officers, or agents of a corporation.

Point Source – Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel, or other floating craft, from which pollutants are or may be discharged.

Post Construction Stormwater – 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) – 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.

Preparedness, Prevention, and Contingency Plan (PPC Plan) – 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.

Project site – 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.
- (iii) Other areas which are not subject to earth disturbance activity.

Riparian Buffer – A BMP that is an area of permanent vegetation along surface waters.

Riparian Forest Buffer – A type of riparian buffer that consists of permanent vegetation that is predominantly native trees, shrubs, and forbs along surface waters that is maintained in a natural state or sustainably managed to protect and enhance water quality, stabilize stream channels and banks, and separate land use activities from surface waters.

Runoff Coefficient – The fraction of total rainfall that will appear at the conveyance as runoff.

Stabilization – The proper placing, grading, constructing, reinforcing, lining, and covering of soil, rock, or earth to ensure their resistance to erosion, sliding, or other movement.

Stormwater – Runoff from precipitation, snow melt runoff, surface runoff, and drainage.

Surface Waters – 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.

Total Maximum Daily Load (TMDL) – The sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, a margin of safety and natural background. TMDLs can be expressed in mass per time, toxicity, or other appropriate measures.

Transferee – Person(s) identified through the co-permittee/transferee form as having new responsibility for the discharges of stormwater during construction activities and responsibility for compliance with all conditions of this permit and all applicable laws for discharges of stormwater during the construction activity.

Waters of this Commonwealth – 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.

Wetlands – 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.

2. AUTHORITY AND RESPONSIBILITIES OF THE DEPARTMENT OR AUTHORIZED CONSERVATION DISTRICTS

- a. The Department or authorized conservation district may notify the permittee at any time that the permit terms and conditions are not being met. Upon plan review or site inspection, the Department or authorized conservation district, may require E&S Plan revisions or other appropriate action to ensure compliance with the conditions of this permit.
- b. The Department or authorized conservation district has the right to enter onto the site to conduct inspections, conduct monitoring, or require monitoring where necessary in appropriate circumstances such as where a danger of water pollution or degradation is present, or water pollution or degradation is suspected to be occurring from a construction activity subject to this permit. The permittee and co-permittee shall commence such monitoring upon notification from the Department or authorized conservation district. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.
- c. The Department or authorized conservation district may request copies of records required by this permit, which could include the records required under Part A, Section 3 of this permit.

3. PERMIT APPLICATION SUBMITTAL

a. General Information and Requirements

- (1) Persons proposing to discharge stormwater associated with construction activities and eligible persons proposing to expand the scope of a previously authorized construction activity which discharges stormwater, who wish to be covered by this individual permit, must submit a complete and acceptable permit application to the Department or authorized conservation district and receive authorization from the Department prior to commencing the construction activity. The application shall be filed in accordance with the detailed instructions specified in the application instruction package.
 - (2) Operators of all construction activities shall develop, implement, and maintain erosion and sediment (E&S) and post construction stormwater management (PCSM) BMPs and other pollution prevention measures required by this permit to minimize accelerated erosion and sedimentation before, during, and after construction activities.
 - (3) E&S control BMPs shall be designed and implemented to meet the standards and specifications identified in the Department's regulations, including 25 Pa. Code § 102.4 (relating to Erosion and Sediment Control requirements) and 102.11(a)(1) (relating to general requirements), and listed in the Department's *Erosion and Sediment Pollution Control Program Manual*, No. 363-2134-008, as amended and updated, or an approved alternative that is at least as effective or better, when legally authorized.
 - (4) PCSM BMPs shall be designed and implemented to meet the standards and specifications identified in the Department's regulations, including 25 Pa. Code § 102.8 (relating to PCSM requirements) and 102.11(a)(2), and listed in the Department's *Pennsylvania Stormwater Best Management Practices Manual*, No. 363-0300-002, as amended and updated, or approved alternative that is as at least as effective or better, when legally authorized.
 - (5) The E&S Plan, PCSM Plan, and PPC Plan shall identify appropriate BMPs that will be implemented to ensure that existing and designated uses of surface waters are protected and maintained.
 - (6) The permittee or co-permittee shall have the E&S Plan, PCSM Plan, PPC Plan, and other documents required by this permit maintained at the site and available for review by the Department, authorized conservation district, or other authorized local, state, or federal agent or representative.
- b. Persons requesting a renewal of coverage under this Permit must submit to the Department or authorized conservation district, a complete and acceptable application, at least 180 days prior to the expiration date of the coverage, unless permission has been granted by the Department or authorized conservation district for submission at a later date. In the event that a timely, complete, and acceptable application for renewal of coverage has been submitted and the Department or authorized conversation district is unable, through no fault of the permittee, to reissue the approval of coverage before the expiration date of the approved coverage, the terms and conditions of the approved coverage will be automatically continued and will remain fully effective and enforceable pending the issuance or denial of the renewal of coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the permit. The permittee shall be responsible for complying with the final renewed, reissued, or amended Permit.
- c. Applications for which a payment (check, electronic transfer, etc.) for either a base permit fee or a disturbed acreage fee have been processed as part of an complete application that are returned for insufficient funds will be suspended until sufficient funds are provided. Any earth disturbance activity that has been authorized by the permit but the Department or conversation district is notified at a later date that the permit application fee(s) were not paid will be immediately suspended and the site must be immediately stabilized until the fees or sufficient funds are received. If the fees/funds are not received and paid in full within 30 days, the permit authorization will be revoked.
- d. No condition of this permit shall release the permittee or co-permittee from any responsibility or requirement under other federal or Pennsylvania environmental statutes or regulations or local ordinances.
- e. The approval of coverage is granted based, in part, on information provided by the applicant in the application. The information provided by the applicant, including all appendices, attachments, plans, and supporting documentation, are incorporated by reference as a part of the approval and are enforceable as a condition of the approval. If there is any conflict between the permit and the application, including any appendices, attachments, plans, and other supporting documentation, the more environmentally protective provision applies.

4. NOTICE OF TERMINATION

a. Termination of Coverage

- (1) Upon permanent stabilization of earth disturbance activity under 25 Pa. Code § 102.22(a)(2) (relating to permanent stabilization) and installation of BMPs in accordance with the approved plan prepared and implemented in accordance with 25 Pa. Code § 102.4 and 102.8, the permittee and/or co-permittee shall submit a NOT to the Department or authorized conservation district. The NOT must include:
 - i. The facility name, address, and location;
 - ii. The operator name and address;
 - iii. The permit number;
 - iv. The reason for the permit termination; and
 - v. Identification of the persons who have agreed to and will be responsible for the long-term operation and maintenance of PCSM BMPs.
- (2) Until the permittee or co-permittee has received written approval of the NOT, the permittee or co-permittee will remain responsible for compliance with the permit terms and conditions, including long-term operation and maintenance of all PCSM BMPs on the project site in accordance with 25 Pa. Code § 102.8(m) The Department or authorized conservation district will conduct a follow up inspection and approve or deny the NOT within 30 days of receipt in accordance with 25 Pa. Code § 102.7(c) (relating to permit termination).

b. Final Certification

- (1) The permittee shall enclose with the NOT "Record Drawings" a final certification statement from a licensed professional, which reads as follows:

"I (name) do hereby certify pursuant to the penalties of 18 Pa. C.S.A. § 4904 to the best of my knowledge, information, and belief, that the accompanying record drawings accurately reflect the as built conditions, are true and correct, and are in conformance with Chapter 102 of the rules and regulations of the Department of Environmental Protection and that the project site was constructed in accordance with the approved PCSM Plan, all approved plan changes, and accepted construction practices."
- (2) The permittee shall retain a copy of the record drawings as part of the approved PCSM Plan. The permittee shall also provide a copy of the record drawings as part of the approved PCSM Plan to the persons identified as responsible for the long term operation and maintenance of PCSM BMPs. Permittees shall also provide copies of both the record drawings and the long-term operation and maintenance plan to the Department, authorized conservation district, and municipality.

PART A

EFFLUENT LIMITATIONS, MONITORING, AND REPORTING REQUIREMENTS

1. EFFLUENT LIMITATIONS

a. BMPs

Except as required by 25 Pa. Code §102.11(c), this permit establishes narrative performance based effluent limitations in the form of BMPs identified in E&S Plans, PCSM Plans, and PPC Plans, which control the volume, rate, and quality of stormwater runoff and associated pollutants from being discharged into surface waters, and which replicate preconstruction infiltration and runoff conditions to the maximum extent practicable. Section 102.11(c) incorporates by reference federal Effluent Limitation Guidelines in 40 CFR Part 450 (relating to the construction and development point source category).

b. Applicable Effluent Limitations

Activities covered under this permit must comply with applicable effluent limitations established in 25 Pa. Code Chapters 91, 92a, 93, 96, 102, and 105 and any applicable federal law or regulation, including the effluent guidelines for construction at 40 CFR Part 450.

c. Water Quality Based Effluent Limitations

Water quality based effluent limitations are applicable to activities conducted under this permit when required under applicable state and federal law or regulation to ensure that the water quality standards of the receiving water are attained. Activities conducted under this permit shall not result in a violation of such water quality standards.

2. MONITORING, INSPECTION, AND REPORTING REQUIREMENTS

a. Visual Inspections

The permittee and co-permittee(s) must ensure that visual site inspections are conducted weekly, and within 24 hours after each measurable stormwater event throughout the duration of construction and until the receipt and acknowledgement of the NOT by the Department or authorized conservation district. The visual site inspections and reports shall be completed on a form developed by the Department, and conducted by qualified personnel, trained and experienced in erosion and sediment control, to ascertain that E&S, PCSM and PPC BMPs are properly constructed and maintained to effectively minimize pollution to the waters of this Commonwealth. A written report of each inspection shall be kept and include at a minimum:

- (1) A summary of the site conditions, E&S and PCSM BMPs, implementation and maintenance and compliance actions; and
- (2) The date, time, name and signature of the person conducting the inspection.

b. Licensed Professional Oversight of Critical Stages

A licensed professional or a designee shall be present onsite and responsible during critical stages of implementation of the approved PCSM Plan. The critical stages may include the installation of underground treatment or storage BMPs, structurally engineered BMPs, or other BMPs as deemed appropriate by the Department or authorized conservation district.

c. Noncompliance Reporting

Where E&S, PCSM or PPC BMPs are found to be inoperative or ineffective during an inspection or any other time the permittee becomes aware of any incident causing or threatening pollution as described in 25 Pa. Code § 91.33 (relating to incidents causing or threatening pollution), as required by 25 Pa. Code § 92a.41(b) (relating to conditions applicable to all permits), the permittee and co-permittee(s) shall, within 24 hours, contact the Department or authorized conservation district, by phone or personal contact, followed by the submission of a written report within five (5) days of the initial contact. Noncompliance reports 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 noncompliance; and
- (4) The date or schedule of dates, and identifying remedies for correcting noncompliance conditions.

d. Supplemental Monitoring

The Department or authorized conservation district 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 Individual Permit, or for any reason in accordance with 25 Pa. Code § 92a.61 (relating to monitoring). The permittee or co-permittee shall commence such monitoring upon notification from the Department or authorized conservation district.

e. Availability of Reports

Except for data determined to be confidential under Section 607 of the Clean Streams Law, all reports and other information prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate Department Regional Office or authorized conservation district.

f. Public Notice

Public notice of every complete application for an NPDES permit will be published in the *Pennsylvania Bulletin*. The contents of public notice of applications for NPDES permits will include at least the following:

- (1) The name and address, including county and municipality, of each applicant.
- (2) The permit number and type of permit applied for.
- (3) The stream name of the waterway to which each discharge is proposed.
- (4) The address of the State or interstate agency premises at which interested persons may obtain further information, request a copy of the NPDES forms and related documents.

g. Public Notice at Facility or Location Where Discharge Exists

A public notice of every new draft individual permit, or major amendment to an individual permit, will be published in the *Pennsylvania Bulletin*. This public notice will also be posted by the applicant near the entrance to the premises of the applicant, and at the facility or location where the discharge exists, if the facility or location is remote from the premises of the applicant. The contents of public notice for draft NPDES permits will include at least the following in addition to those specified in subsection 1-4 above.

- (1) A brief description of each applicant's activities or operations that result in the discharge described in the application.
- (2) The name and existing use protection classification of the receiving surface water under § 93.3 (relating to protected water uses) to which each discharge is made and a short description of the location of each discharge on the waterway indicating whether the discharge is a new or an existing discharge.
- (3) A statement of the tentative determination to issue or deny an NPDES permit for the discharge described in the application. If there is a tentative determination to issue a permit, the determination will include proposed effluent limitations for those effluents proposed to be limited, a proposed schedule of compliance including interim dates and requirements for meeting the proposed effluent limitations and a brief description of any proposed special conditions that will have a significant impact upon the discharge described in the application.
- (4) A brief description of the procedures for making final determinations, including the 30-day comment period required by subsection (d) and any other means by which interested persons may influence or comment upon those determinations.

3. PROHIBITIONS

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under §307(a) of the Federal Clean Water Act (CWA) for a toxic pollutant which is present in the permittee's or co-permittee's discharge, and such standard or prohibition is more stringent than any limitation upon such pollutant in the NPDES permit, the Department shall revise or modify the permit in accordance with the toxic effluent standard or prohibition and so notify the permittee or co-permittee. In the absence of a departmental

action to modify or to revoke and reissue this permit, the toxic effluent standard or prohibition established under §307(a) of the CWA is considered to be effective and enforceable against the permittee or co-permittee.

4. RECORD KEEPING

a. Retention of Records

The permittee and co-permittee(s) shall retain records of all monitoring information including copies of all monitoring and inspection reports required by this permit, all monitoring information (including site log book, calibration and maintenance records) and records of data used to complete the NOI/application for this permit, for a period of three years from the date of the termination of coverage under this permit as required by 25 Pa. Code § 92a.61(f)(2). This period of retention must be extended during the course of any unresolved compliance, enforcement, or litigation or when requested by the Department or authorized conservation district.

b. Reporting of Monitoring Results

Visual inspection monitoring results shall be submitted to the Department or authorized conservation district upon request.

5. DISCHARGES CONSISTENT WITH TERMS AND CONDITIONS OF THE PERMIT

All discharges authorized by this NPDES permit shall be consistent with the terms and conditions of this permit.

PART B
STANDARD CONDITIONS

1. MANAGEMENT REQUIREMENTS

a. Permit Modification, Termination, or Revocation and Reissuance

- (1) The Individual Permit will expire five (5) years from the date of its issuance.
- (2) This permit may be modified, suspended, revoked, reissued, or terminated during its term for any of the causes specified in 25 Pa. Code Chapters 92a and 102 (relating to erosion and sediment control), or to require compliance with updated effluent limitation guidelines, water quality standards, impaired water listings, or new TMDLs.
- (3) The filing of a request by the permittee or co-permittee for a permit or coverage modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition.
- (4) Permit modification or revocation will be conducted according to 25 Pa. Code Chapters 92a and 102.

b. Duty to Provide Information

- (1) The permittee or co-permittee(s) shall furnish to the Department or authorized conservation district within thirty (30) days of the date of request, any information that the Department or authorized conservation district may request to determine whether cause exists for modifying, revoking, reissuing, or terminating this permit or coverage approved under this permit or to determine compliance with this permit.
- (2) The permittee or co-permittee shall furnish, upon request, to the Department or authorized conservation district, copies of records required to be kept by this permit.
- (3) When the permittee or co-permittee becomes aware that they failed to submit any relevant facts or submitted incorrect information in the NOI, E&S Plan, PCSM Plan, or PPC Plan or in any other report to the Department or authorized conservation district, the permittee or co-permittee shall within 24 hours of becoming aware of the deficiency submit or correct such facts or information.
- (4) The permittee or co-permittee shall give seven (7) calendar days advance notice to the Department or authorized conservation district of any planned physical alterations or additions to the permitted facility which could, in any way, substantially affect the quality and/or quantity of stormwater discharged from the activity.

c. Signatory Requirements

Documents required, submitted, or maintained under this permit shall be signed in accordance with the following:

- (1) Notices of Intent, Transferee/Co-permittee Form, and Notices of Termination.
 - (a) Corporations: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - (b) Partnerships or sole proprietorships: a general partner or the proprietor, respectively; or
 - (c) Municipalities, state, federal, or other public agencies: either a principal executive officer or ranking elected official such as: (1) the chief executive officer or secretary of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- (2) All reports, plans, documents, and other information required by the permit or requested by the Department or authorized conservation district shall be signed by a duly authorized representative of the permittee.
- (3) If there is a change in the duly authorized representative of the permittee or co-permittee, respectively, the permittee or co-permittee shall notify the Department or authorized conservation district within thirty (30) days of the change.

d. Transfer of Ownership or Control

- (1) This permit is not transferable to any person except after notice and acknowledgment by the Department or authorized conservation district.

- (a) In the event of any pending change in control or ownership of facilities from which the authorized discharges emanate, the permittee or co-permittee shall notify the Department or authorized conservation district using the form entitled "Transferee/Co-permittee Application" of such pending change at least thirty (30) days prior to the change in ownership or control.
 - (b) The Transferee/Co-permittee Application form shall be accompanied by a written agreement between the existing permittee and the new owner or operator stating that the existing permittee shall be liable for violations of the permit up to and until the date of coverage transfer and that the new owner or operator shall be jointly and individually liable for permit violations under the permit from that date on.
 - (c) After receipt of an administratively complete and acceptable transferee/co-permittee application form, the Department or authorized conservation district shall notify the existing permittee and the new owner or operator of its decision concerning approval of the transfer of ownership or control. Such requests shall be deemed approved unless the Department or authorized conservation district notifies the applicant otherwise within thirty (30) days.
- (2) For purposes of this permit, operators shall include general contractors. If prior to construction activities, the owner is the permittee and an operator/general contractor is later identified to become a co-permittee, the owner shall:
 - (a) Notify the Department or authorized conservation district by submitting an administratively complete and acceptable Transferee/Co-permittee Application form; and
 - (b) Ensure that monitoring reports and any other information requested under this permit shall reflect all changes to the permittee and the co-permittee name.
 - (3) After receipt of the documentation described in (1) above, the permit will be considered modified by the Department or authorized conservation district. For the purposes of this permit, this modification is considered to be a minor permit modification.
 - (4) Upon authorization of a change in ownership or control, the existing permittee shall provide a copy of the permit and approved plans to the new owner and/or co-permittee.

e. Removed Substances

Solids, sediments, and other pollutants removed in the course of treatment or control of stormwater shall be disposed in accordance with federal and state law and regulations, in order to prevent any pollutant in such materials from adversely affecting the environment.

f. BMP Construction, Operation and Maintenance

The permittee and co-permittee(s) are responsible for the design, installation, operation, and maintenance of the BMPs identified in the E&S Plan, PCSM Plan, and PPC Plan.

g. Adverse Impact

The permittee and co-permittee(s) shall take all reasonable steps to prevent, minimize, or cease any discharge in violation of this permit.

h. Reduction, Loss, or Failure of BMP

Upon reduction, loss, or failure of any BMP, the permittee and co-permittee shall take immediate action to restore, repair, or replace the BMP or provide an alternative method of treatment. Such restored BMP or alternative treatment shall be at least as effective as the original BMP when properly installed. These actions should be undertaken to ensure that there are no pollutional discharges to the waters of the Commonwealth. This requirement is applicable in situations where the BMP is rendered ineffective, whether the cause or source of the reduction, loss or failure is within or beyond the control of the permittee or co-permittee.

2. COMPLIANCE RESPONSIBILITIES

a. Duty to Comply

The permittee and co-permittee must comply with all terms and conditions of this Individual Permit. Any permit noncompliance constitutes a violation of the Pennsylvania Clean Streams Law and the federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation, reissuance, or modification; or for denial of a permit or permit renewal.

b. Penalties for Violations of Permit Conditions

Any person who violates a permit condition, fails to take corrective action to abate violations or falsifies report or other documents may be subject to criminal and/or civil penalties or other appropriate action for violations of the terms and conditions of this Individual Permit under Sections 602 and 605 of the Clean Streams Law (35 P.S. §

691.602 and 691.605), and under the Clean Water Act as specified in 40 CFR § 122.41(a) (2) and (3), which are incorporated by reference.

c. Need to Halt or Reduce Activity Not a Defense

The permittee and/or co-permittee may not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit.

d. Penalties and Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee or co-permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act (33 U.S.C. §1321) or Section 106 of Comprehensive Environmental Response, Compensation, and Liability Act (Act 42 U.S.C. § 9601).

e. Property Rights

This permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

f. Severability

The provisions of this permit are severable; and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

g. Other Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee or co-permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

h. Right of Entry

Pursuant to Sections 5(b) and 305 of the Pennsylvania Clean Streams Law (35 P.S. §§691.5(b) and 691.305), 25 Pa. Code Chapter 92a, and §1917-A of the Administrative Code of 1929, the permittee and co-permittee shall allow the Director of the Department, the EPA Regional Administrator, and/or an authorized representative of EPA, or the Department, conservation district or, in the case of a facility which discharges to a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents, as may be required by law, to:

- (1) Enter upon the permittee's or co-permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit;
- (3) Inspect any facilities or equipment (including monitoring and control equipment); and
- (4) Observe or sample any discharge of stormwater.

i. Availability of Reports

Except for data determined to be confidential under Section 607 of the Clean Streams Law (35 P.S. §691.607), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department or authorized conservation district. As required by the Clean Water Act, the Clean Streams Laws, and the Department's regulations at 25 Pa. Code § 92a.8 (relating to confidentiality of information), permit applications, permits, and other documents related to this permit shall not be considered confidential.

Streams Laws, and the Department's regulations at 25 Pa. Code § 92a.8 (relating to confidentiality of information), permit applications, permits, and other documents related to this permit shall not be considered confidential.

j. Penalties for Falsification of Reports

Section 309(c)(4) of the Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or by both. In addition, criminal sanctions are set forth for false swearing and unsworn falsification at 18 Pa.C.S. §§ 4903-4904.

PART C

OTHER CONDITIONS

1. PROHIBITION OF NONSTORMWATER DISCHARGES

All discharges covered by this permit shall be composed entirely of stormwater. Discharges of material other than stormwater must be in compliance, when required, with an NPDES permit (other than this permit) issued for the discharge. Discharge of sewage or industrial waste (other than sediment under this permit) to an E&S BMP is not permitted.

The permittee/co-permittee may not discharge floating materials, oil, grease, scum, foam, sheen, and substances which produce odor, taste, or turbidity or settle to form deposits in concentrations or amounts sufficient to be, or create a danger of being, inimical to the water uses to be protected or human, animal, plant, or aquatic life.

2. ANTIDegradation IMPLEMENTATION REQUIREMENTS

To satisfy the antidegradation implementation requirements in § 93.4(b), 102.4(b)(6), and 102.8(h) (relating to implementation of antidegradation requirements), for an earth disturbance activity that requires a permit under this chapter and for which any receiving surface water of the Commonwealth that is classified as High Quality or Exceptional Value under Chapter 93, the person proposing the activity shall, in the permit application, do the following:

- (i) Evaluate and include nondischarge alternatives in the E&S Plan and PCSM Plan, unless a person demonstrates that nondischarge alternatives do not exist for the project.
- (ii) If the person makes the demonstration that nondischarge alternatives do not exist for the project, the E&S Plan and PCSM Plan must include ABACT, except as provided in § 93.4c(b)(iii).
- (iii) For the purposes of Chapter 102, nondischarge alternatives and ABACT and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual and the Pennsylvania Stormwater Best Management Practices Manual, both as amended and updated.

3. EROSION AND SEDIMENT CONTROL PLANS

a. Unless otherwise authorized by the Department or conservation district after consultation with the Department, earth disturbance activities shall be planned and implemented to the extent practicable in accordance with the following:

- (1) Minimize the extent and duration of earth disturbance.
- (2) Maximize protection of existing drainage features and vegetation.
- (3) Minimize soil compaction.
- (4) Utilize other measures or controls that prevent or minimize the generation of increased stormwater runoff.

b. An E&S Plan shall be prepared in accordance with the requirements of 25 Pa. Code Chapter 102 and by a person trained and experienced in erosion and sediment control methods and techniques applicable to the size and scope of the project being designed. Each E&S Plan must be submitted to and approved by the Department or authorized conservation district. The BMPs shall be designed to minimize the potential for accelerated erosion and sedimentation in order to protect, maintain, reclaim, and restore water quality and existing and designated uses. Various BMPs and their design standards are listed in the *Erosion and Sediment Pollution Control Program Manual*, No. 363-2134-008, as amended and updated. The manual is available from the Department or authorized conservation district or can be downloaded from the Department's website at www.dep.state.pa.us. E&S Plans and BMPs, and revisions thereto, which meet the requirements of 25 Pa. Code Chapters 93, 96 (relating to water quality standards implementation), and 102, are conditions of this permit and are incorporated by reference.

c. E&S Control Plans required under this permit are considered reports that shall be available to the public under Section 607 of the Clean Streams Law and 25 Pa. Code Chapter 92a of the Department's regulations. The owner or operator of a facility with stormwater discharges covered by this permit shall make E&S Plans available to the public upon request. E&S Plans must be made available at the site of the construction activity at all times.

d. The staging of earth disturbance activities and maintenance requirements contained in the approved E&S Plan must be followed.

e. Upon the installation or stabilization 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 the Department or authorized conservation district.

- f. The E&S Plan must be consistent with the assumptions and requirements of any assigned Wasteload Allocations (WLAs) for the discharges as set forth in any applicable Total Maximum Daily Loads (TMDLs) established for the receiving waters.

4. RECYCLING AND DISPOSAL OF BUILDING MATERIALS AND WASTES

All building materials and wastes must be removed from the site and recycled or disposed in accordance with the Department's Solid Waste Management Regulations at 25 Pa. Code Ch. 260a (relating to hazardous waste management system: general), Ch. 271 (related to municipal waste management system – general provisions), and Ch.287 (relating to residual waste management system – general provisions). No building material or wastes or unused building materials shall be burned, buried, dumped, or discharged at the site.

5. PREPAREDNESS, PREVENTION, AND CONTINGENCY (PPC) 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). The PPC Plan shall identify areas which may include, but are not limited to, 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 noncompliance with the terms and conditions of this permit due to the storage, handling, or disposal of any toxic or hazardous substances such as oil, gasoline, pesticides, herbicides, solvents, concrete washwaters, etc. BMPs shall be developed and implemented for each identified area. The PPC Plan shall be maintained on site at all times and shall be made available for review at the Department's or authorized conservation district's request.

6. POST CONSTRUCTION STORMWATER MANAGEMENT PLANS

- a. The management of post construction stormwater shall be planned and conducted to the extent practicable in accordance with the following:
 - (1) Preserve the integrity of stream channels and maintain and protect the physical, biological, and chemical qualities of the receiving stream.
 - (2) Prevent an increase in the rate of stormwater runoff.
 - (3) Minimize any increase in stormwater runoff volume.
 - (4) Minimize impervious areas.
 - (5) Maximize the protection of existing drainage features and existing vegetation.
 - (6) Minimize land clearing and grading.
 - (7) Minimize soil compaction.
 - (8) Utilize other structural or nonstructural BMPs that prevent or minimize changes in stormwater runoff.
- b. A PCSM Plan shall be prepared in accordance with the requirements of 25 Pa. Code Chapter 102 and by a person trained and experienced in PCSM design methods and techniques applicable to the size and scope of the project being designed. The management of post construction stormwater shall be planned and conducted in accordance with 25 Pa. Code §102.8. Various BMPs and their design standards are listed in the *Pennsylvania Stormwater Best Management Practices Manual*, No. 363-0300-002, as amended and updated. The manual is available from the Department or authorized conservation district or can be downloaded from the Department's website at www.dep.state.pa.us. Each PCSM Plan must be submitted to the Department or authorized conservation district. The PCSM plan must employ stormwater management BMPs to control the volume, rate, and water quality of the post construction stormwater runoff so as to protect and maintain the chemical, physical, biological properties, and existing and designated uses of the waters of this Commonwealth.
- c. PCSM Plans required under this permit are considered reports that shall be available to the public under Section 607 of the Clean Streams Law and 25 Pa. Code Chapter 92a of the Department's regulations. The owner or operator of a facility with stormwater discharges covered by this permit shall make PCSM Plans available to the public upon request. The PCSM Plans must be made available at the site of the construction activity at all times.
- d. A licensed professional or their designee shall be present onsite and be responsible for oversight of critical stages of implementation of the approved PCSM Plan. The licensed professional will be responsible to provide a final certification, pursuant to 25 Pa. Code § 102.8(l) along with the required NOT and record drawings, indicating that the project site was constructed in accordance with the approved or modified PCSM Plan.
- e. The PCSM Plan must be consistent with the assumptions and requirements of any available WLAs for the discharges as set forth in any applicable TMDLs established for the receiving waters.

f. The portion of a site reclamation or restoration plan that identifies PCSM BMPs to manage stormwater from pipelines or other similar utility infrastructure may be used to satisfy the PCSM requirements if the PCSM reclamation, or restoration plan meets the requirements of 25 Pa. Code § 102.8(b), (c), (e), (f), (h), (i) and (l), and when applicable, (m).

7. PRECONSTRUCTION CONFERENCES

For earth disturbance activities authorized by this permit, a preconstruction meeting is required, unless the permittee has been notified otherwise in writing by the Department or authorized conservation district. The permittee shall invite the Department or authorized conservation district to attend the preconstruction meeting and provide at least seven (7) days' notice of the preconstruction meeting to all invited attendees. Permittees, co-permittees operators, and licensed professionals, or designees responsible for earth disturbance activity, including implementation of E&S, PCSM and PPC Plans and critical stages of implementation of the approved PCSM Plan, shall attend the preconstruction meeting. Permittees, Co-permittees, Operators and Licensed Professionals are responsible for ensuring that all activities on the site comply with the requirements of the permit.

8. SPOIL OR BORROW AREA

An E&S Plan or other authorization meeting the regulatory requirements detailed in 25 Pa. Code § 102.4(b) shall be received and approved by the Department or authorized conservation district and implemented for all spoil and borrow areas, regardless of their location.

Clean Fill Requirements

Any person placing clean fill that has been affected by a spill or release of a regulated substance must use Department Form FP-001 (Certification of Clean Fill) to certify the origin of the fill material and the results of the analytical testing to qualify the materials as clean fill. The form must be retained by the owner of the property receiving the fill. Fill material not qualifying as clean fill is regulated fill and must be managed in accordance with the Department's municipal or residual waste regulations based on 25 Pa. Code Chapters 271 or 287, whichever is applicable.

9. PHASED PROJECTS

Prior to the commencement of earth disturbance activities for subsequent phases of the project, the permittee or co-permittee shall submit an E&S Plan and PCSM Plan and supporting information for each additional phase or portion of the project to the Department or authorized conservation district for approval. Coverage under this permit is only granted for those phases or portions of a project for which an E&S Plan and PCSM Plan has been submitted and approved by the Department or authorized conservation district.

10. CLARIFICATION ASSISTANCE

The permittee or co-permittee shall contact the Department or authorized conservation district for clarification of any requirements contained in the E&S Plan, PCSM Plan, PPC Plan, or other documents related to this permit.

11. WETLAND PROTECTION

If hydric soils or other wetland features are present, a wetland determination must be conducted in accordance with Department procedures. A copy of the wetland determination should be provided to the Department or authorized conservation district as part of the NOI/application. All wetlands identified must be included on the E&S Plan and PCSM Plan. Special precautions must be taken to protect wetlands and other water resources identified in the NOI, plans, and other supporting documents.

12. INFILTRATION BMPs

Where infiltration BMPs are being utilized, the permittee and co-permittee must ensure that soil compaction is avoided or minimized in those areas. If the areas planned for infiltration BMPs are compromised through compaction or other means, additional soil testing must be performed to verify that the BMP will perform as planned.

13. STABILIZATION

Upon final completion of an earth disturbance activity or any stage or phase of an activity; or temporary cessation of the earth disturbance activity, or any stage or phase of an activity where the cessation of earth disturbance will exceed four (4) days, the project site shall be immediately stabilized in accordance with the requirements of 25 Pa. Code §102.22(a) or (b) (relating to site stabilization), as applicable. E&S BMPs shall be implemented and maintained until permanent stabilization is completed. Once permanent stabilization has been established the temporary E&S BMPs shall be removed. Any areas disturbed in the act of removing temporary E&S BMPs shall be permanently stabilized upon completion of the temporary E&S BMP removal activity.

14. SEWAGE FACILITIES

Earth disturbance may not commence until all related Act 537 Sewage Facilities Planning approvals have been obtained.

15. LONG-TERM OPERATION AND MAINTENANCE

- a. The permittee or co-permittee shall be responsible for long-term operation and maintenance of PCSM BMPs unless a different person is identified in the NOT and that person has agreed to long-term operation and maintenance of PCSM BMPs.
- b. For any property containing a PCSM BMP, the permittee or co-permittee shall 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 for PCSM BMPs, and provide notice that the responsibility for long-term operation and maintenance of the PCSM BMPs is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees, and provide proof of filing with the NOT under 25 Pa. Code § 102.8(m)(2).
- c. For Commonwealth owned property, a covenant that runs with the land is not required until the transfer of the land containing a PCSM BMP occurs. Upon transfer of the Commonwealth-owned property containing the PCSM BMP, the deed must comply with 25 Pa. Code § 102.8(m)(3). An agency of the federal government shall not be required to make or record a declaration of covenants on its property until transfer of the property to a non-federal or non-commonwealth entity or individual. Upon transfer of the Commonwealth owned or federally owned property containing the PCSM BMP, the deed must comply with 25 Pa. Code § 102.8(m)(3).
- d. The person responsible for performing long-term operation and maintenance may enter into an agreement with another person, including a conservation district, nonprofit organization, municipality, authority, private corporation, or other person, to transfer the responsibility for PCSM BMPs or to perform long-term operation and maintenance and provide notice thereof to the Department.
- e. A permittee or co-permittee that fails to transfer long-term operation and maintenance of the PCSM BMPs or otherwise fails to comply with this requirement, shall remain jointly and severally responsible with the landowner for long-term operation and maintenance of the PCSM BMPs located on the property.
- f. Unless a later date is approved by the Department in writing, the permittee shall record an instrument as required under 25 Pa. Code Subsection 102.8(m)(2) and condition 15b of this permit within 45 days from the date of issuance of this permit or authorization. Unless the Department authorizes a different procedure, the long-term operation and maintenance plan shall be recorded along with the instrument. Unless a later date is approved by the Department in writing, the permittee shall provide the conservation district and the Department 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 issuance of this permit or authorization.
- g. Unless an alternative process is approved by the Department in writing, upon the sale or other transfer of any parcel, lot, road or other real property included within the permit boundary, the permittee shall notify the purchaser, grantee, or transferee of the long-term PCSM BMP operation and maintenance requirements. The permittee shall expressly identify the PCSM BMPs on each property, the schedule for inspection and reporting, the person or entity responsible for long-term operation and maintenance of the PCSM BMPs and how access to the BMPs will be achieved and shall obtain approval from the purchaser, grantee or transferee. Unless a later date is approved by the Department in writing, the permittee shall provide the conservation district and the Department with notice of compliance with this section within 45 days from the date of transfer of the property and at the time the permittee files a Notice of Termination.

16. RIPARIAN BUFFER REQUIREMENTS

- a. Persons proposing or conducting earth disturbance activities under this permit may not conduct earth disturbance activities within 150 feet of a perennial or intermittent river, stream, or creek, or lake, pond, or reservoir when the project site is located in an exceptional value or high quality watershed attaining its designated use as listed by the Department at the time of application and shall protect any existing riparian buffer in accordance with Section 102.14(a)(1).
- b. Persons proposing or conducting earth disturbance activities under this permit, where the project is located in an exceptional value or high quality watershed where there are waters failing to attain one or more designated uses as listed in Category 4 or 5 on Pennsylvania's Integrated Water Quality Monitoring and Assessment report, as amended and updated, at the time of application, and the project site contains, is along or within 150 feet of a perennial or intermittent river, stream, or creek, lake, pond, or reservoir shall do one of the following: (1) protect

- an existing riparian forest buffer, (2) convert an existing riparian buffer to a riparian forest buffer, or (3) establish a new riparian forest buffer.
- c. To qualify as a riparian forest buffer, an existing, converted, or newly established riparian forest buffer, whether mandatory or voluntary, must meet the requirements related to composition, width and management contained in 25 Pa. Code § 102.14(b).
 - d. All riparian buffers must meet the following management requirements:
 - (1) ensure that stormwater enters the riparian buffer as sheet flow or shallow concentrated flow during storm events up to and including the 2 year/24 hour storm.
 - (2) Wetlands located in the riparian buffer shall be protected and maintained consistent with Chapter 105 (relating to dam safety and waterway management.)
 - (3) Riparian buffers must be measured horizontally and perpendicularly to the bank with no more than 10% variation below the minimum width from the normal pool elevation for lake, pond or reservoir and from top of streambank.
 - e. Activities exempt from riparian buffer requirements are listed in 25 Pa. Code § 102.14(d)(1).
 - f. Earth disturbance activities listed under 25 Pa. Code § 102.14(d)(2), may request a waiver of the riparian buffer requirements, upon a demonstration by the applicant that there are reasonable alternatives for compliance, so long as any existing riparian buffer is undisturbed to the extent practicable and the activity will meet all other requirements. Applicants requesting a waiver shall submit a written request for a waiver to the Department or Conservation district. Projects qualifying for a waiver must comply with all other requirements of Chapter 102.
 - g. Riparian forest buffers meeting all regulatory requirements will prevent thermal impacts and are a nondischarge alternative. Credits may be available for trading or offsets in accordance with any procedures established by the Department or any regulations related to trading or offsetting developed under the Title 25 of the Pennsylvania Code regulations.
 - h. The following practices and activities are prohibited within the riparian buffer:
 - (1) Soil disturbance by grading, stripping of topsoil, plowing, cultivating or other practices except as allowed in paragraph 102.14(j)(1).
 - (2) Draining by ditching, underdrains or other drainage systems.
 - (3) Housing, grazing or otherwise maintaining animals for agricultural or commercial purposes.
 - (4) Storing or stockpiling materials.
 - (5) Off- road vehicular travel.
 - i. The following practices and activities are allowable in the riparian buffer when authorized by the Department:
 - (1) Construction or placement of roads, bridges, trails, storm drainage, utilities or other structures.
 - (2) Water obstructions or encroachments.
 - (3) Restoration projects.
 - j. The following practices and activities are allowed within the riparian buffer:
 - (1) Activities or practices used to maintain the riparian buffer including the disturbance of existing vegetation, and tree and shrub removal, as needed to allow for natural succession of native vegetation and protection of public health and safety.
 - (2) Timber harvesting activities in accordance with the riparian forest buffer management plan as part of the PCSM Plan.
 - (3) Passive or low impact recreational activities so long as the functioning of the riparian buffer is maintained.
 - (4) Emergency response and other similar activities.
 - (5) Research and data collection activities, which may include water quality monitoring and stream gauging.
 - k. Permittees and co-permittees who protect an existing riparian buffer or convert or establish a riparian buffer shall provide permanent protection for the riparian buffer which must be protected in perpetuity through deed restriction, conservation easement, local ordinance, permit conditions or any other mechanisms that ensure the long term functioning and integrity of the riparian buffer as a PCSM BMP. The boundary limit of the riparian buffer must be identified and clearly marked.

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- I. Permittees and co-permittees who protect an existing riparian buffer or convert or establish a riparian buffer shall complete data forms provided by the Department and submit the forms to the Department or Conservation district within one year of establishment or protection.

17. MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) MCM FULFILLMENT

MS4s subject to PAG-13 permit coverage requirements may choose to rely on Pennsylvania's Chapter 102 permitting program and this permit to satisfy their MS4 NPDES permit obligations related to their MCM 4 (Construction) and MCM 5 (Post Construction), BMPs 1 through 3 obligations as part of a qualified local program.

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APPENDIX A

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

1. **PAD480020 Vinart Hyundai, an Individual NPDES permit issued on 9/19/2017 and expires on 9/18/2022, proposed runoff capture/reuse (spray irrigation fields) on Lots 6 & 7 (this project site). As of 5/13/2020, PAD480020 has not held a preconstruction meeting and has not begun construction. Fairfield Management Corporation has attempted to resolve this property access/rights issue with Vinart Hyundai since the November 2018 pre-application meeting for PAD480103 to no avail. Since both permit applications are technically adequate and property rights are outside the scope of the NPDES permit review, these two permittees should continue to coordinate and amend their permit applications as necessary.**