



MONTGOMERY COUNTY CONSERVATION DISTRICT

143 Level Road • Collegetown, PA 19426-3313 • 610-489-4506 • Fax: 610-489-9795
www.montgomeryconservation.org

October 9, 2023

222 Church Road LLC
Attn: Zvi Bloom
509 Cedarhill Road
Far Rockaway, NY 11691-5403

Re: PAG-02 NPDES General Permit Coverage Approval
222 Church Road
NPDES Permit No. PAC460811
Cheltenham Township, Montgomery County

Dear Zvi Bloom:

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

- The E&S Plan drawings, for 222 Church Road dated 09-30-2021, last revised 09-12-2023.
- The PCSM Plan drawings for 222 Church Road dated 09-30-2021, last revised 09-12-2023.

Your coverage under the PAG-02 General Permit, which has been assigned NPDES Permit No. PAC460811, is effective on October 9, 2023 and will expire on **December 7, 2024**. If stormwater discharges associated with construction activities are expected to continue beyond the expiration date of PAG-02 General Permit coverage, you must apply to renew your coverage at least 180 days prior to the expiration date, unless otherwise approved by the Department of Environmental Protection (DEP) or the District.

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

- In accordance with 25 Pa. Code § 102.5(h), operators who are not the permittee shall be co-permittees. An operator is a person who either has oversight responsibility of an earth disturbance activity on a project site who has the ability to make modifications to the E&S Plan, PCSM Plan or site specifications, or has day to day operational control over an earth disturbance activity on a project site. Please be advised that after an operator (contractor) has

been selected for the project, the operator must be made a co-permittee and enter into an agreement with the permittee. Please use the enclosed Co-Permittee Acknowledgement Form for Chapter 102 Permits form (3800-FM-BCW0271a) to add a co-permittee.

- A pre-construction meeting is required as specified in 25 Pa. Code § 102.5(e), unless otherwise notified in writing by this office. The purpose of this meeting 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 (i.e., precipitation in an amount of 0.25 inch or greater over a 24-hour period) 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. **You must record an instrument with the Recorder of Deeds within 45 days and provide proof of the recording at the time an application to transfer permit coverage is submitted, if applicable, and at the time a Notice of Termination (NOT) is submitted to this office.**
- 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. Please 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 NOT form (3800-PM-BCW0229b) 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. **It is**

important that you fulfill your obligations under the General Permit and submit a complete NOT to this office upon final stabilization of the site.

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

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

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

If you have questions, please contact Jeffrey McKenna by e-mail at jmckenna@montgomeryconservation.org or by telephone at (610) 489-4506 and refer to 222 Church Road, NPDES Permit number PAC460811.

Sincerely,



Jessica Buck
District Manager
Montgomery County Conservation District

cc: Robert E. Blue. Robert E. Blue Consulting Engineers
Cheltenham Township
DEP SERO Permits Section Chief
DEP Bureau of Clean Water
File

Enclosures: PAG-02 General Permit