

Commonwealth of Pennsylvania  
 Department of Environmental Protection  
 Northcentral Regional Office  
 Waterways and Wetlands Program - Permits Section

**WATER OBSTRUCTION AND ENCROACHMENT PERMIT**

The Department of Environmental Protection (“Department”), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510.1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§693.1 et seq.) known as the “Dam Safety and Encroachments Act”; Act of October 4, 1978, P.L. 851 (32 P.S. §§679.101 et seq.) known as the “Flood Plain Management Act”; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 et seq.), known as “The Clean Streams Law”; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

**NICHOLAS MEAT, LLC  
 508 EAST VALLEY ROAD  
 LOGANTON, PA 17747**

giving its consent to **construct and maintain a waste recycling center and all necessary appurtenances adjacent to an existing meat processing plant along and within an UNT within Fishing Creek Basin (HQ-CWF, MF), requiring water obstruction and encroachment activities at locations as follows:**

Identified Activity	Latitude	Longitude	Regulated Waters	Designated Water Quality Protection	Activity Impact (Length x Width)
Fill FILSC-01	41.0405	-77.2857	UNT within Fishing Creek Basin	HQ-CWF,MF	1040' x 20'
Fill FLACT-01	41.0405	-77.2857	UNT within Fishing Creek Basin	HQ-CWF,MF	1304' x 100'
Stabilization FLACT-02	41.03972	-77.28583	UNT within Fishing Creek Basin	HQ-CWF,MF	75' x 10'
Fill STENC-01	41.03871	-77.2858	UNT within Fishing Creek Basin	HQ-CWF,MF	121' x 20'
Stabilization/Outfall OUTFL-01	41.03848	-77.2857	UNT within Fishing Creek Basin	HQ-CWF,MF	20' x 15'
Stabilization/Outfall OUTFL-02	41.03832	-77.2857	UNT within Fishing Creek Basin	HQ-CWF,MF	159' x 21'

Stabilization/Outfall OUTFL-03	41.03814	-77.28565	UNT within Fishing Creek Basin	HQ-CWF,MF	50' x 21'
Temp. Disturbance OTHER-01	41.03909	-77.28581	UNT within Fishing Creek Basin	HQ-CWF,MF	200' x 42'
Excavation OTHER-02	41.03786	-77.28572	UNT within Fishing Creek Basin	HQ-CWF,MF	31' x 21'

**The project is located within the 100 year floodway of an UNT within Fishing Creek Basin in Greene Township, Clinton County, U.S. Army Corps of Engineers Baltimore District (Loganton Quadrangle; Latitude 41° 02' 23"N; 77° 17' 05" W).**

**Additionally, the permittee is authorized temporary wetland, temporary and permanent floodway impacts necessary for creating .5 acres of forested wetland and 12.03 forested buffer associated with the approved "Mitigation Plan - Forested Riparian Buffer and Constructed Wetlands" for the mitigation site located at 41° 05' 47"N; 77° 30' 29" W.**

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)] for Waters of the US impacts at the mitigation site.

This permit is issued in response to an application filed with the Department of Environmental Protection on the 12th Day of February 2020 and supplemented on the 16<sup>th</sup> Day of March 2020, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application subject, however, to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, The Clean Streams Law, the Administrative Code, the Rules & Regulations promulgated thereunder and the following conditions and restrictions. **If the work authorized by this permit is not completed on or before the 10th day of February 2026, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.**

1. The permittee shall sign the Acknowledgement of Appraisal of Permit Conditions thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return a signed copy of the Acknowledgement of Appraisal of Permit Conditions to the Department. Unless the Acknowledgement of Appraisal of Permit Conditions form is completed and filed with the Department, this permit is void;

2. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings;

3. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in,

to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary;

4. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be sub served thereby;

5. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of the Department and term and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department;

6. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department;

7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction;

8. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department of Environmental Protection, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice, remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration;

9. The permittee shall notify the Department, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction;

10. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the watercourse and floodplain to their former condition;

11. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of the work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the work acknowledging and accepting the general and special conditions contained in this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of the Department or another Federal, State, County, or municipal agency;

12. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles, and specifications;

13. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of the properly executed "Application of Transfer of Permit" form;

14. If and when the permittee desires to discontinue use or abandon the activity authorized herein, he must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by the Department;

15. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620, telephone 814.359.5250;

16. Permittee shall implement and monitor an Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 and approved by Clinton County Conservation District so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water;

17. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Northcentral Regional Office, 595 east Rolling Ridge Drive, Bellefonte, PA 16823, Telephone (814) 359-5250;

18. The project site shall at all times be available for inspection by authorized officers and employees of the Clinton County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Clinton County Conservation District, 45 Cooperation Ln, Mill Hall, PA 17751, Telephone (570) 726-3798;

19. **Work may not commence until a signed copy of the Acknowledgement of Appraisal of Permit Conditions is received by the Department.** Any work authorized by this permit conducted prior to the Department's receipt of a signed copy of the Acknowledgement of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts.

20. SPECIAL CONDITIONS

- A. The Erosion and Sedimentation Control Plan approved by the NPDES Permit PAD180020 shall serve as the approved Erosion and Sedimentation Control Plan for this permit, for both the Project Site and the Mitigation Site.
- B. No work shall be done within the stream channel between October 1 and December 31 without the prior written approval of the Pennsylvania Fish and Boat Commission. The Pennsylvania Fish and Boat Commission (PFBC) manages Fishing Creek as a naturally reproducing, wild trout stream in the vicinity of the proposed project and recommends an instream construction restriction from October 1 through December 31 to protect spawning and egg deposition behavior of the wild trout population.
- C. Mitigation area construction shall be started prior to initiating environmental impacts authorized by this permit. Within 30 days of completing construction of the mitigation area, the permittee shall submit "as-built" plans of the replacement wetlands to the Department.
- D. Permittee shall monitor the mitigation site for at least five years. As proposed, reports shall be submitted to the Department every six months for the first three years after construction and annually for two years thereafter. The monitoring reports shall contain information describing the success of the site at the time of inspection, an inventory of the surviving plant species and percent aerial coverage, photographs of the replacement sites with plans showing the location and orientation of each of the photographs, and a written plan to correct any deficiencies identified during the monitoring phase.
- E. If the proposed mitigation area does not achieve design objectives within the monitoring period, remedial work will be required to assure establishment of functional forested riparian buffer and forested wetlands. The mitigation area shall be considered successful when the design objectives, as stated in the approved wetland replacement plan, are met.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**



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Curtis Barrick, P.E., CFM  
Environmental Group Manager  
Waterways and Wetlands Program

February 11, 2021

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Date