

January 28, 2018

Mr. William Murray  
Reading Area Water Authority  
1801 Kutztown Road  
Reading, PA 19604

Re: Water Obstruction & Encroachment Permit  
Floodplain Management Permit  
RAWA Birdsboro Power LLC Water Main  
Multiple Applications/Registrations:  
Application No. E06-715; APS No. ID No. 931666  
Application No. E06-718; APS No. ID No. 940817  
Application No. GP-05-06-16-202; APS No. ID No. 929897  
Application No. GP-05-06-16-204; APS No. ID No. 929972  
Application No. GP-05-06-16-205; APS No. ID No. 930037  
Application No. GP-05-06-16-206; APS No. ID No. 930042  
Application No. GP-05-06-16-207; APS No. ID No. 930046  
Birdsboro Borough, City of Reading, and Robeson Township, Berks County

Dear Mr. Murray

Enclosed is your copy of your State Water Obstruction and Encroachment Permit (WOEP) and your Floodplain Management Permit. Also enclosed is your Pennsylvania State Programmatic General Permit (PASPGP-5), providing Federal authorization pursuant to Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act. We have determined that the 1 wetland crossings and 6 stream crossings constitute 6 single and complete projects, and each is authorized by its own PASPGP-5. These authorizations may be subject to modification, suspension, or revocation if any of the information contained in the application, including the plans, is later found to be in error.

Enclosed is your copy of your State Water Obstruction and Encroachment Permit (WOEP) and your Floodplain Management Permit. Also enclosed is your Pennsylvania State Programmatic General Permit (PASPGP-5), providing Federal authorization pursuant to Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act. We have determined that the one wetland crossings and six stream crossings constitute six single and complete projects, and each is authorized by its own PASPGP-5. These authorizations may be subject to modification, suspension, or revocation if any of the information contained in the application, including the plans, is later found to be in error. The enclosed list of conditions must be followed for purposes of the PASPGP-5 (Enclosure 1). A PASPGP-5 Permit Compliance, Self-Certification Form must be completed and returned to the appropriate Corps of Engineers office upon completion of construction (Enclosure 2).

Please review both permits and all enclosures so that you are aware of the extent of authorization and the conditions that apply to that authorization.

**This WOEP is not effective until a copy of the Acknowledgment of Appraisal of Permit Conditions, signed by you, is received by the Department. Any work conducted prior to the Department's receipt of the signed Acknowledgment 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.**

A copy of the Permit, Acknowledgment of Appraisal of Permit Conditions, the Erosion and Sediment Control plan, this Issuance Letter, and any other applicable State and Federal authorizations, must be maintained on site during construction and available at the work site for inspection upon request by any officer or agent of the Department or any other Federal, State, County and Municipal agency.

A Completion Report must be submitted to this office within 30 days of completion of the approved project. The Completion Report form must be signed by you and the supervising engineer indicating that the work has been completed as approved.

If you have additional questions, please contact Michael Pedrick at 717.705.4820.

Sincerely,



Scott R. Williamson  
Program Manager  
Waterways & Wetlands Program

Enclosures

cc: U.S. Army Corps of Engineers, Philadelphia  
Pa. Fish & Boat Commission  
Berks County Conservation District  
Jeffery Skinner/BCM Engineers

Commonwealth of Pennsylvania  
Department of Environmental Protection  
Southcentral Regional Office  
Waterways and Wetlands Program

**WATER OBSTRUCTION AND ENCROACHMENT PERMIT**

**CHAPTER 106. FLOODPLAIN MANAGEMENT**

The Department of Environmental Protection “DEP”, 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 Steams Law”; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers DEP 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:

Reading Area Water Authority  
1801 Kutztown Road  
Reading, PA 19604

giving its consent to construct and maintain a 16-inch water main permanently impacting 105 square feet of Hay Creek and its floodway (CWF, MF) and 70 square feet of Exceptional Value Palustrine Emergent Wetland Latitude 40.2663100; longitude -75.8061690. In addition, the project proposes five separate General Permit 5 registrations to install and maintain a 16 inch water permanently impacting 1)1,500 square feet of Angelica Creek and its floodway (CWF, MF) Latitude 40.3108590; Longitude -75.9239070, 2) 19.5 square feet of an UNT to Schuylkill River and its floodway (WWF, MF) Latitude 40.2686040; Longitude -75.8228860, 3) 32.5 square feet of an UNT to Schuylkill River and its floodway (WWF, MF) Latitude 40.2687010; Longitude -75.8280380, 4) 58.5 square feet of an UNT to Schuylkill River and its floodway (WWF, MF) Latitude 42.2714150; Longitude -75.8340640, 5) 65 square feet of an UNT to Schuylkill River and its floodway (WWF, MF) Latitude 40.2682410; Longitude -75.8203460, and construct and maintain a fire hydrant impacting 1 square foot of the FEMA floodplain of Hay Creek, all for the purpose of providing water to the Birdsboro Power facility all for the purpose of providing water to the Birdsboro Power facility.

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)].

This permit and general permits are issued in response to applications filed with DEP on the 20th day of December A.D. 2016, 18<sup>th</sup> day of January A.D. 2017 and the 9th day of May A.D. 2017, 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 on the 2nd day of March A.D. 2017, the 8th day of June A.D. 2017, 15th day of December A.D. 2017, 22nd day of January A.D. 2018, the 26th day of January A.D. 2018, and the 5th day of February A.D. 2018, subject, however, to the provisions of the

## Permit No. E06-715 & E06-718

Dam Safety and Encroachments Act, the Flood Plain Management Act, The Clean Streams Law, the Administrative Code, the rules and regulations promulgated thereunder and the following conditions and restrictions. If the work authorized by this permit is not completed on or before the 31st day of December A.D. 2023, this permit, if not previously revoked or specifically extended by DEP 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 DEP. Unless the Acknowledgement of Appraisal of Permit Conditions form is completed and filed with DEP, this permit is void;
2. DEP, 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 DEP 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 "Commonwealth"; 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 DEP, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of DEP. DEP, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary to assure compliance with the Dam Safety and Encroachments Act and other laws administered by DEP, the Pennsylvania Fish Commission and any river basin commission created by interstate compact. DEP further reserves the right to suspend or revoke this permit for failure to comply with a provision of 25 Pa. Code Chapter 105, an administrative order of DEP or a term or condition of this permit;
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 DEP and terms 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 DEP shall require the prior written approval and permit of DEP;
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 DEP;
7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction;

**Permit No. E06-715 & E06-718**

8. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of DEP, 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, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as DEP may require. No claim shall be made against the Commonwealth on account of any such removal or alteration;
9. The permittee shall notify DEP, 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 the permit and the time limit specified in the permit has not been extended in writing by DEP or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that DEP may prescribe, remove all or any portion of the work as DEP requires and restore the water course and floodplain to their former condition;
11. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with DEP in writing, on a form provided by DEP, a statement signed by the permittee and an individual responsible for the supervision or conduct of the construction 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 DEP 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 DEP, such approval being considered upon receipt of the properly executed "Application for 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 DEP;
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, 595 East Rolling Ridge Drive, Bellefonte, PA 16823-9685, telephone 814.359.5140;
16. Permittee shall implement and monitor an Erosion and Sediment Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water;

**Permit No. E06-715 & E06-718**

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 Southeast Regional Office, Box 8, Elm, PA 17521; telephone 717.626.0228;
18. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Berks County Conservation District, PO Box 520, 1238 County Welfare Road, Leesport, PA 19533; telephone 610.372.4657;
19. **Work may not commence until a signed copy of the Acknowledgement of Appraisal of Permit Conditions is received by DEP.** Any work authorized by this permit conducted prior to DEP'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. All wetlands within the project area shall be accurately field-definable prior to the start of construction activities and up to the time that earth disturbance activities are completed and the site has been stabilized. An acceptable means of field-identification is the use of an orange construction safety fence.
  - b. All disturbed areas are to be restored, stabilized and shall be replanted with indigenous plant species. Excess fill from disturbed areas and construction activities shall be located outside of the floodway, floodplain and wetlands. The permittee is responsible for stabilizing any excess materials spoiled onsite or offsite, whether the permittee owns the site or others own the site.
  - c. This permit is not to be considered an approval of the structural analysis, the engineering specifications or the construction methods utilized during construction of the structures and water line.
  - d. This permit also acknowledges receipt of your notification and registers your intent to construct and maintain a 16-inch water permanently impacting 19.5 square feet of an UNT to Schuylkill River and its floodway (WWF, MF) (Latitude 40.2686040; Longitude -75.8228860), in accordance with DEP's General Permit No. GP-5, a copy of which is attached, under DEP permit number GP-05-06-16-202. The permittee is responsible for assuring that the work is done in accordance with the conditions of the General Permit. No additional notification to the Regional Office's Permits Section of the Waterways and Wetlands Program is necessary.

**Permit No. E06-715 & E06-718**

- e. This permit also acknowledges receipt of your notification and registers your intent to construct and maintain a 16-inch water permanently impacting 1,500 square feet of Angelica Creek and its floodway (CWF, MF) (Latitude 40.3108590; Longitude -75.9239070) in accordance with DEP's General Permit No. GP-5, a copy of which is attached, under DEP permit number GP-05-06-16-204. The permittee is responsible for assuring that the work is done in accordance with the conditions of the General Permit. No additional notification to the Regional Office's Permits Section of the Waterways and Wetlands Program is necessary.
- f. This permit also acknowledges receipt of your notification and registers your intent to construct and maintain a 16-inch water permanently impacting 32.5 square feet of an UNT to Schuylkill River and its floodway (WWF, MF) (Latitude 40.2687010; Longitude -75.8280380), in accordance with DEP's General Permit No. GP-5, a copy of which is attached, under DEP permit number GP-05-06-16-205. The permittee is responsible for assuring that the work is done in accordance with the conditions of the General Permit. No additional notification to the Regional Office's Permits Section of the Waterways and Wetlands Program is necessary.
- g. This permit also acknowledges receipt of your notification and registers your intent to construct and maintain a 16-inch water permanently impacting 58.5 square feet of an UNT to Schuylkill River and its floodway (WWF, MF) (Latitude 42.2714150; Longitude -75.8340640), in accordance with DEP's General Permit No. GP-5, a copy of which is attached, under DEP permit number GP-05-06-16-206. The permittee is responsible for assuring that the work is done in accordance with the conditions of the General Permit. No additional notification to the Regional Office's Permits Section of the Waterways and Wetlands Program is necessary.
- h. This permit also acknowledges receipt of your notification and registers your intent to construct and maintain a 16-inch water permanently impacting 65 square feet of an UNT to Schuylkill River and its floodway (WWF, MF) (Latitude 40.2682410; Longitude -75.8203460), in accordance with DEP's General Permit No. GP-5, a copy of which is attached, under DEP permit number GP-05-06-16-207. The permittee is responsible for assuring that the work is done in accordance with the conditions of the General Permit. No additional notification to the Regional Office's Permits Section of the Waterways and Wetlands Program is necessary.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**



\_\_\_\_\_  
Scott R. Williamson  
Program Manager



\_\_\_\_\_  
Issue Date

Commonwealth of Pennsylvania  
Department of Environmental Protection  
Southcentral Regional Office  
Waterways and Wetlands Program

**WATER OBSTRUCTION & ENCROACHMENT PERMIT  
CHAPTER 106. FLOODPLAIN MANAGEMENT  
COMPLETION REPORT**

Project Location:

County \_\_\_\_\_

Township \_\_\_\_\_

Ladies and Gentlemen:

I (We) hereby certify that the \_\_\_\_\_  
(work authorized by permit)

\_\_\_\_\_

\_\_\_\_\_

was completed on \_\_\_\_\_, in accordance with the plans approved and that all unauthorized obstruction have been removed.

Name: \_\_\_\_\_  
(typed or printed)

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Date: \_\_\_\_\_

RETURN TO:

Clerical Support  
DEP – Waterways & Wetlands Program  
Permits Section  
Southcentral Regional Office  
909 Elmerton Avenue, 2nd Floor  
Harrisburg, PA 17110

\_\_\_\_\_  
(permittee signature)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(signature of individual responsible  
for supervision of work)

\_\_\_\_\_  
(date)



Commonwealth of Pennsylvania  
Department of Environmental Protection  
Southcentral Regional Office  
Waterways and Wetlands Program

**ACKNOWLEDGMENT OF APPRISAL OF PERMIT CONDITIONS**

Project Location:

County \_\_\_\_\_

Township \_\_\_\_\_

Ladies and Gentlemen:

Acknowledgment is made that I, \_\_\_\_\_  
(permittee name)

and \_\_\_\_\_  
(name, address and telephone of individual responsible for supr. of work)

have been apprised of and are familiar with the terms and conditions of Permit No. \_\_\_\_\_

issued to \_\_\_\_\_ giving its consent to \_\_\_\_\_  
(permittee) (work authorized as stated on permit)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROXIMATE WORK START DATE \_\_\_\_\_

RETURN TO:

Clerical Support  
DEP – Waterways & Wetlands Program  
Permits Section  
Southcentral Regional Office  
909 Elmerton Avenue, 2nd Floor  
Harrisburg, PA 17110

\_\_\_\_\_  
(permittee signature)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(signature of individual responsible  
for supervision of work)

\_\_\_\_\_  
(date)

PASPGP-5 PERMIT COMPLIANCE, SELF-CERTIFICATION FORM

Project Name: RAWA Birdsboro Power LLC Water Main Applicant Name: Reading Area Water Authority

PADEP Permit No: E06-718, GP-05-06-16-202, 204, 205, 206 & 207 Date of Issuance: February 28, 2018

Corps Permit Number: Date of Issuance:

Waterway: County: Berks

In accordance with the compliance certification condition of your PASPGP-5 authorization, you are required to complete and sign this certification form and return it to the appropriate Corps of Engineers District in which the work is located.

- U.S. Army Corps of Engineers Philadelphia District Regulatory Branch Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390
U.S. Army Corps of Engineers Baltimore District 1631 South Atherton Street Suite 101 State College, PA 16801-6260
U.S. Army Corps of Engineers Pittsburgh District Regulatory Branch Federal Building, 20th Floor 1000 Liberty Avenue Pittsburgh, PA 15222-4186

Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

- 1. Date authorized work commenced:
2. Date authorized work completed:
3. Was all work, including any required mitigation, completed in accordance with your PASPGP-5 authorization? YES NO
4. Explain any deviations (use additional sheets if necessary)

- 5. Was compensatory wetland/stream mitigation accomplished through an approved Mitigation Bank and/or In-Lieu fee program? YES NO
6. Was permittee compensatory wetland and/or stream mitigation required? YES NO If YES, was the required compensatory mitigation completed in accordance with the permit and mitigation plan requirements? YES NO
7. Attach labeled color photographs showing completed work including any mitigation area(s).

I hereby certify that, except as noted above, that all work, including mitigation, has been completed in accordance with the terms and conditions, including special conditions of the above referenced permit.

(Permittee Signature): (Telephone Number):
(Address): (Email):

**PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT – 5**  
**(PASPGP-5)**  
**July 1, 2016**

**Please note: the full text of the PASPGP-5 may be viewed on the Baltimore District web site at <http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx> or by calling the Corps at 814-235-0570**

**Permittee:** Reading Area Water Authority

**Date of PASPGP-5 Verification:** February 28, 2018

**State Authorization(s):** E06-718, GP-05-06-16-202, GP-05-06-16-204; GP-05-06-16-205; GP-05-06-16-206; GP-05-06-16-207

**Corps District:**

**Philadelphia**

U.S. Army Corps of Engineers,  
Philadelphia District  
Regulatory Branch  
Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390

**Baltimore**

U.S. Army Corps of Engineers,  
Baltimore District  
Regulatory Branch  
1631 South Atherton Street  
Suite 101  
State College, PA 16801-6260

**Pittsburgh**

U.S. Army Corps of Engineers,  
Pittsburgh District  
Regulatory Branch  
Federal Building, 20<sup>th</sup> floor  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

It has been determined that your proposed project, which includes the discharge of dredged and/or fill material and/or the placement of structures into waters of the United States, including wetlands, qualifies for Federal authorization under the provisions of Section 404 of the Clean Water Act and /or Section 10 of the River and Harbor Act of 1899, under the terms and conditions of the PASPGP-5.

**All activities authorized under PASPGP-5 must comply with all conditions of the authorization, including General, Procedural, and Special Conditions. Failure to comply with all the conditions of the authorization, including project special conditions, will constitute a permit violation and may be subject to criminal, civil, or administrative penalties, and /or restoration.**

The authorized activity must be performed in compliance with the following General Conditions to be authorized under PASPGP-5:

**General Conditions:**

1. **Permit Conditions:** The permittee shall comply with all terms and conditions set forth in the PADEP authorization, including all conditions of the State Water Quality Certification as required by Section 401 of the CWA, and any subsequent amendments or modifications to such authorizations. The permittee shall conduct all work and activities in strict compliance with all approved maps, plans, profiles, and specifications used by PADEP and/or the Corps in issuing their authorization/verification.
2. **Aquatic Life Movements:** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be appropriately depressed to maintain aquatic life movement and low flow conditions.
3. **Threatened and Endangered Species:** By signing the PNDI receipt, the permittee has agreed to comply with all avoidance measures identified by the PNDI receipt. As such, those avoidance measures associated with Federally-listed threatened or endangered species are a condition of the PASPGP-5 verification, unless modified by the Corps.

If an activity is verified under the PASPGP-5, and a Federally-listed threatened or endangered species, or proposed species, is subsequently found to be present, all work must cease, and the Corps and USFWS (or NMFS) must be notified. The PASPGP-5 verification is suspended and will not be re-issued until consultation pursuant to Section 7 of the ESA is concluded and adverse effects to Federally-listed threatened, endangered and proposed species are avoided.

Furthermore, persons have an independent responsibility under Section 9 of the ESA to not engage in any activity that could result in the "take" of a Federally-listed species.

4. **Spawning Areas:** The permittee shall comply with all time-of-year-restrictions associated with spawning areas as set forth by the PFBC or other designated agency. Discharges or structures in spawning or nursery areas shall not occur during spawning seasons, unless written approval is obtained from the PFBC or other designated agency. In addition, work in areas used for other time sensitive life span activities of fish and wildlife (such as hibernation or migration) may necessitate the use of seasonal restrictions for avoidance of adverse impacts to vulnerable species. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
5. **Migratory Bird Breeding Areas:** Activities in waters of the United States, including jurisdictional wetlands, that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. Recommendations pertaining to the conservation of migratory birds can be found at the following USFWS web site: <http://www.fws.gov/northeast/pafo/>
6. **Shellfish Production:** No discharge of dredged and/or fill material and/or the placement of structures may occur in areas of concentrated shellfish production, unless the discharge is directly related to an authorized shellfish harvesting activity.
7. **Adverse Effects From Impoundment:** If the activity, including the discharge of dredged and/or fill material or the placement of a structure, creates an impoundment of water, the adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, including impacts to wetlands, shall be minimized to the maximum extent practicable.
8. **Obstruction of High Flows:** To the maximum extent practicable, the activity must be designed to maintain pre-construction downstream flow conditions (i.e., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters), and the structure or discharge of dredged and/or fill material shall be designed to withstand expected high flows.
9. **Erosion and Sediment Controls:** During construction, appropriate erosion and sedimentation controls must be used and maintained in effective operating condition in accordance with State regulations. All disturbed soil and other fill material must be permanently stabilized.
10. **Suitable Material:** No activities, including discharges of dredged and/or fill material or the placement of structures, may consist of unsuitable material (i.e., asphalt, trash, debris, car bodies, etc.). No material discharged shall contain toxic pollutants in amounts that would violate the effluent limitation standards of § 307 of the CWA.
11. **Temporary Fill:** Temporary fill (i.e., access roads and cofferdams) in waters and/or wetlands verified by the PASPGP-5 shall be properly constructed and stabilized during use to prevent erosion and accretion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade, unless such requirement is specifically waived by the Corps. Whenever possible, rubber or wooden mats should be used for equipment access through wetlands to the project area. Temporary fills shall be removed, in their entirety, to an upland site, and suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their preconstruction contours, elevations, and hydrology, and revegetated with a wetland seed mix that contains non-invasive, native species, as soon as practicable.

12. **Equipment Working in Wetlands:** Measures must be taken to minimize soil disturbance when heavy equipment is used in wetlands. These measures include, but are not limited to, avoiding the use of such equipment, use of timber mats or geotextile fabric, and use of low pressure tire vehicles.
13. **Installation and Maintenance:** Any structure or fill verified shall be properly installed and maintained to ensure public safety.
14. **PASPGP-5 Authorization:**
  - a. The PASPGP-5 expires June 30, 2021, unless suspended or revoked.
  - b. Verifications of PASPGP-5 expire June 30, 2021, unless the PASPGP-5 permit is suspended, revoked, or the PADEP authorization expires, whichever date occurs sooner. Activities authorized under the PASPGP-5 that have commenced construction or are under contract to commence construction will remain authorized provided the activity is completed within 12 month of the date of the PASPGP-5's expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.
15. **One-Time Use:** A PASPGP-5 verification is valid to construct the project, or perform the activity, one time only, except for PASPGP-5 verification specifically issued for reoccurring maintenance activities.
16. **Water Supply Intakes:** No activity, including discharges of dredged and/or fill material and/or placement of structures, may occur in the proximity of a public water supply intake and adversely impact the public water supply.
17. **Cultural Resources:** For all activities verified under a PASPGP-5, upon the unanticipated discovery of any previously unknown historic properties (historic or archeological), all work must cease and the permittee must notify the SHPO and the Corps of Engineers. The Corps will contact the Tribes they routinely consult with within 24 hours in accordance with each District's tribal Consultation process. The PASPGP-5 verification is not valid until it is determined, through the Section 106 consultation process, whether the activity will have an effect on the historic property. The PASPGP-5 may be re-verified and special conditions added if necessary, after an effects determination on historic properties and/or Tribal resource is made, in consultation with the SHPO, the Tribes and other interested parties. The PASPGP-5 verification may be modified and/or rescinded for the specific activity if an adverse effect on the historic property cannot be avoided, minimized, or mitigated.
18. **Tribal Rights:** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting grounds.
19. **Corps Civil Works Projects:** The PASPGP-5 does not authorize any work which will interfere with an existing or proposed Corps Civil Works project (i.e., flood control projects, dams, reservoirs, and navigation projects), unless specifically waived by the Corps in writing.
20. **Navigation:** No activity verified under PASPGP-5 may cause more than minimal adverse effect on navigation. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. In addition, activities that require temporary causeways that prohibit continued navigational use of a waterway (i.e., temporary causeways extending greater than  $\frac{3}{4}$  the width across the waterway) shall be removed in their entirety upon completion of their use. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulation or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. The permittee understands and agrees that, if further operations by the United States require the removal,

relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

21. **Inspections:** The permittee shall allow a District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with all the terms and conditions of the PASPGP-5. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work.
22. **PASPGP-5 Permit Compliance Self Certification Form:** A Self Certification Form, will be forwarded to each permittee with a PASPGP-5 verification. Every permittee, who receives a written PASPGP-5 verification, shall submit a signed Self Certification Form upon completion of the verified work and required mitigation, to the appropriate Corps District.
23. **Monitoring of Temporary Wetland Impacts:** For all temporary wetland impacts greater than 0.10 acre per Single and Complete Project, a monitoring report using the standard monitoring form (including preconstruction photographs as described on the monitoring form) will be submitted to the Corps, unless this requirement is specifically waived by the Corps in writing, or such monitoring is superseded by more stringent monitoring required by the Corps as a Special Condition of a PASPGP-5 verification. To obtain a waiver from the Corps the applicant must contact the appropriate Corps district with a written request to be relieved of the monitoring requirement. Such request shall include the state authorization, and the Corps permit numbers if known, and a rationale as to why the monitoring should not be required.

The permittee shall inspect the subject areas within 7 days after restoration of the temporary impact is completed, and again at the end of the first full growing season (no later than October 31) after the site has been restored. The standard monitoring form is available on the Baltimore District web site at:

<http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx> or by contacting the applicable Corps District office. When more than one temporary wetland impact is authorized as part of a Single and Complete Project, separate monitoring forms shall be filled out for each temporarily impacted wetland.

The completed report shall be submitted to the appropriate Corps District within two weeks of the final inspection of the temporarily impacted wetland. If the initial monitoring event reveals that the temporarily impacted area is not restored to preconstruction contours, the permittee shall take corrective measures to return the area back to preconstruction grades. The permittee shall document the actions taken to restore the area back to preconstruction grades on the monitoring form.

This condition is not applicable to any project authorized as a grandfathered PASPGP-4 (see Part IV A. 30. "Grandfathered Activities")

24. **Permit Modifications:** Any proposed modification of a verified Single and Complete Project that results in a change in the verified impact to, or use of waters of the United States, including jurisdictional wetlands, must be approved by PADEP. Corps approval is also required if the Single and Complete Project had been previously reviewed by the Corps, or if the proposed modification is a reporting activity under PASPGP-5. Project modifications that cause a Single and Complete Project to exceed 1.0 acre of waters of the United States, including jurisdictional wetlands, or greater than 1,000 linear feet of permanent stream loss will not be eligible for PASPGP-5 and will be forwarded to the Corps for review.
25. **Recorded Conservation Instruments:** As per Part IV.A.28 and Part IV.B.9 of this permit, proposed Draft Conservation Instruments may be submitted by the applicant as part of the permit

application package for review and approval. When such proposed Conservation Instruments are submitted by the applicant, proof of the recorded deed restriction, conservation easement, or deed restricted open space area shall be forwarded to the appropriate Corps District and appropriate PADEP offices, prior to the initiation of any permitted work, unless specifically waived by the Corps in writing. Conservation Instrument templates can be found at:  
<http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx>

26. **Property Rights:** The PASPGP-5 does not obviate the need to obtain other Federal, state, or local authorizations required by law, nor does the permit grant any property rights or exclusive privileges, or authorize any injury to the property or rights of others.

27. **Navigable Waters of the United States (Section 10 Waters):**

- a. The PASPGP-5 may be used to authorize work in the following navigable waters of the United States:
  - i. Codorus Creek – from the confluence with the Susquehanna River 11.4 miles upstream to the Richland Avenue Bridge in York, Pennsylvania;
  - ii. Main Stem Susquehanna River – from the confluence with the Chesapeake Bay upstream to Athens, Pennsylvania (approximately 4 miles south from the New York State line);
  - iii. West Branch of the Susquehanna River – from the confluence with the main stem Susquehanna River upstream to the dam at Lock Haven, Pennsylvania;
  - iv. Chester Creek – from the confluence with the Delaware River 2 miles upstream;
  - v. Crum Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Dam at Eddystone;
  - vi. Darby Creek – from the confluence with the Delaware River 5 miles upstream to the upstream side of the 84<sup>th</sup> Street Bridge in Philadelphia, Pennsylvania;
  - vii. Delaware River – from U.S. Route 202 Bridged in New Hope, Pennsylvania, including the West Branch of the Delaware River, upstream to the Pennsylvania/New York border at the 42<sup>nd</sup> parallel;
  - viii. Lehigh River – from the confluence with the Delaware River 72 miles upstream to the downstream side of the PA Route 940 Bridge;
  - ix. Neshaminy Creek – the confluence with the Delaware River, including Neshaminy State Park Harbor Project at the mouth of Neshaminy Creek, 4 miles upstream to the downstream side of the Newportville Bridge;
  - x. Pennypack Creek – from the confluence with the Delaware River 2 miles upstream to the downstream side of the Frankford Avenue Bridge in Philadelphia, Pennsylvania;
  - xi. Ridley Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Baltimore and Ohio Railroad Bridge in Chester, Pennsylvania;
  - xii. Schuylkill River – from the Fairmont Dam, 104 miles upstream to Port Carbon, Pennsylvania;

- xiii. Schuylkill Navigation Channel (Manayunk Canal) – along the Schuylkill River for 2 miles from the Flat Rock Dam to Lock Street in the Manayunk Section of Philadelphia, Pennsylvania;
  - xiv. Delaware Canal;
  - xv. Lehigh Canal; and
  - xvi. All other waters not specifically exempted in the PASPGP-5, Part III, A, 5, that are subject to the ebb and flow of the tide. Such waters are considered navigable waters of the United States to the head of tidal influence.
- b. In addition to the other general conditions, the following conditions are applicable for navigable waters of the United States eligible for PASPGP-5.
- i. For aerial transmission lines, the following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by the existing fixed bridges, or the clearances which would be required by the United States Coast Guard (USCG) for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlines in the National Electric Safety Code:

Nominal System Voltage (kV)	Minimum Additional Clearance (ft.) Above Clearance Required for Bridges
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

- a. Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.
  - b. Corps of Engineers regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both regulation and ER 1110-2-4401 apply, the greater minimum clearance is required.
- ii. Encasement: The top of the cable, encasement, or pipeline shall be located a minimum of three feet below the existing bottom elevation of the streambed and shall be backfilled with suitable heavy material to the preconstruction bottom elevation. Where the cable, encasement, or pipeline is placed in rock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. When crossing a maintained navigation channel, the requirements are a minimum of eight feet between the top of the cable, encasement, or pipeline and the authorized depth of the navigation channel. For maintained navigational channels, where the utility line is placed in rock, a minimum depth of two feet from the authorized depth of the navigation channel shall be maintained.



- iii. **As-Built Drawings:** Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), where the permittee shall furnish the Corps and the National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910 with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the MHWL at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.
  - iv. **Aids to Navigation:** The permittee must prepare and provide for USCG approval, a Private Aids to Navigation Application (CG-2554). The form can be found at: [http://www.uscg.mil/forms/cg/CG\\_2554.pdf](http://www.uscg.mil/forms/cg/CG_2554.pdf). Within 30 days of the date of receipt of the USCG approval, the permittee must provide a copy to the applicable Corps District.
28. **PADEP Waiver:** If the Corps determines a specific activity, which is eligible for a PADEP Non-reporting Waiver, has a significant adverse impact on life, property or important aquatic resources, the Corps may require the owner to modify the activity to eliminate the adverse condition or to obtain an Individual Permit.
29. **Corps Water Releases:** For projects located downstream of a Corps dam, the permittee should contact the appropriate Corps of Engineers, Area Engineer Office, to obtain information on potential water releases and to provide contact information for notification of unscheduled water releases. It is recommended that no in-water work be performed during periods of high water flow velocities. Any work performed at the project site is at the permittee's own risk.
30. **State Authorization:** The activity must receive State authorization. For the purpose of this requirement, any one of the following would be considered as a State authorization:
- a. A PADEP Chapter 105 Water Obstruction and Encroachment Permit, including PADEP approved Environmental Assessment pursuant to 25 Pa. Code § 105.15; or
  - b. A PADEP GP issued pursuant to 25 Pa. Code § 105.441-105.449; or
  - c. A PADEP approved Environmental Assessment for activities not otherwise requiring a PADEP permit pursuant to 25 Pa. Code § 105.12; or
  - d. A State Water Quality Certification issued by PADEP consistent with Section 401 of the CWA for activities which qualify for waiver of PADEP permit requirement per 25 Pa. Code § 105.12; or
  - e. A PADEP Dam Permit, including maintenance or repairs of existing authorized dams, including maintenance dredging; or
  - f. A PADEP Emergency Permit issued pursuant to 25 Pa. Code § 105.64; or
  - g. A PADEP permit for the construction of a bridge or culvert (including bridges and culverts authorized by PADEP prior to implementations of the PASPGP-1 in March 1995), which allows for maintenance activities of bridges and culvert; or
  - h. A PADEP Chapter 105 Dam Safety and Encroachment Enforcement Action; or

- i. A programmatic/project specific State Water Quality Certification issued by PADEP consistent with Section 401 of the CWA where no other State authorization, as listed above, is required.
31. **Other Authorizations:** Additional Federal, State, and/or local authorizations or approvals may be required and where applicable must be secured by the applicant, prior to initiating any discharge of dredged and/or fill material, and/or the placement of structures into waters of the United States, including jurisdictional wetlands. These approvals include, but are not limited to:
  - a. A State Water Quality Certification issued by PADEP consistent with Section 401 of the CWA;
  - b. A Consistency Determination issued by PADEP pursuant to Section 307 of the Federal Coastal Zone Management Act for activities located within the designated Coastal Zone Management Area; and
  - c. Fills within the 100-year floodplains. This activity must comply with applicable FEMA approved State or local floodplain management requirements.
32. **Federal Liability:** In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to permitted project or users, thereof, as a result of other permitted or unpermitted activities or from natural causes;
  - b. Damages to the permitted project or uses, thereof, as a result of current or future activities undertaken by or on behalf of the United States in the public interest;
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;
  - d. Design or construction deficiencies associated with the permitted work; and
  - e. Damage claims associated with any future modification, suspension, or revocation of the PASPGP-5.
33. **False and Incomplete Information:** The Corps may modify or rescind a previously issued project specific verification, if determined that the original verification was issued based on false, incomplete and/or inaccurate information; or other information becomes available whereby such action is necessary to ensure compliance with other federal laws and regulations.
34. **Essential Fish Habitat:** No work can take place in the following waterways from March 15<sup>th</sup> to June 30<sup>th</sup> unless approved in writing by the Corps. Questions on the applicability of this condition should be directed to the Corps of Engineers, Philadelphia District.
  - a. Delaware River (within Pennsylvania, upstream from the U.S. Route 202 Bridge in New Hope, Pennsylvania,); and
  - b. Lehigh River (from the mouth to Francis E. Walter Dam, located in Carbon and Luzerne County, Pennsylvania)
35. **Conservation Measures for Atlantic and Shortnose Sturgeon:** All work proposed in the following listed waters must comply with the below Conservation Measures, unless specifically waived by the Corps in writing. Questions on the applicability of this condition should be directed to the Corps of Engineers, Philadelphia District.

Waterway	Action Area (From Point Specified to the Confluence with the Delaware River)	Latitude	Longitude
Marcus Hook Creek	US Route 13 Bridge	39.822054	-75.409873
Stoney Creek	US Route 13 Bridge	39.828408	-75.400953
Chester Creek	Kerlin Street Bridge	39.855846	-75.37641
Ridley Creek	McDade Boulevard	39.869522	-75.356692
Crum Creek	US Route 13 Bridge	39.866799	-75.340677
Darby Creek	Pine Street Bridge	39.914006	-75.259994
Frankford Creek	Frankford Avenue/US 13 Bridge	40.005314	-75.070173
Frankford Creek (Original Mouth)	End of Channel	40.004912	-75.070173
Pennypack Creek	Route 13 Bridge	40.043421	-75.020638
Poquessing Creek	Mill Road Bridge	40.043421	-75.982076
Neshaminy Creek	Rapids just below Hulmeville Road Bridge (SR 513), Bucks County	40.141393	-74.911899
Unnamed Tributary 1, located in Croydon, PA	River Road crossing	40.085774	-74.8856
Otter/Mill Creek	US 13 (Bristol Pike) Bridge	40.100424	-74.866976
Unnamed Tributary 2, located in Bristol, PA	Wood Street Bridge	40.102044	-74.845682
Martins Creek	Main Street (Tulleytown)	40.141975	-74.812026
Scott's Creek	End of creek	40.12921	-74.793879
Scott's Creek Relocated Channel, located at Money Island, Bucks County, PA	First culvert crossing	40.125578	-74.776886
<b>Non-Tidal Tributaries</b>			
Buck Creek	Delaware Canal	40.243699	-74.838279
Dyers Creek	Delaware Canal	40.267098	-74.858495
Houghs Creek	Delaware Canal	40.28148	-74.865783
Jericho Creek	Delaware Canal	40.313984	-74.902899
Pidcock Creek	Delaware Canal	40.331508	-74.935788

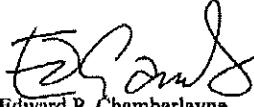
**Conservation Measures:**

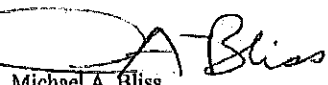
- a. No work shall occur from March 15 to November 15, of any given year.
- b. All Dredging shall be performed by a mechanical dredge and/or techniques (clamshell bucket etc.).
- c. All work, including the installation of turbidity curtains and dewatering cofferdams, shall be performed during low tide or when the tide is waterward of the proposed work in all tidal waterbodies listed, or during periods of low or no flow in the non-tidal waterbodies listed.
- d. Blasting is not authorized by the PASPGP-5 within the listed waterbodies.
- e. Pile Driving:
  - i. Piles shall not be greater than 12 inches in diameter;
  - ii. Piles shall be installed using a vibratory hammer or an impact hammer provided noise attenuation devices (cushion blocks, etc.) are used, and a "soft start" is performed each day of pile driving. A "soft start" is the building up of power slowly during pile driving activities to allow for fish and other wildlife to leave the area; and
  - iii. Pile driving activities shall be limited to no more than 12 hours per day.

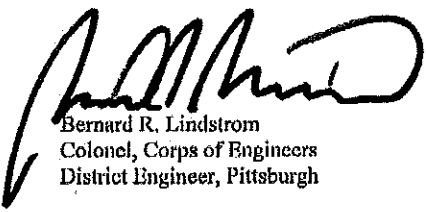
Any activity that cannot meet these conditions will be sent to the Corps as a Reporting Activity at which time the Corps will conduct project specific Section 7 Endangered Species Act consultation with NMFS.

36. **Migratory Birds and Bald and Golden Eagles:** The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulation governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity. Information on the conservation of migratory birds and Bald and Golden Eagles can be found at the following USFWS web site: <http://www.fws.gov/northeast/pafo/>

By Authority of the Secretary of the Army:

  
Edward P. Chamberlayne  
Colonel, Corps of Engineers  
District Engineer, Baltimore

  
Michael A. Bliss  
Lieutenant Colonel, Corps of Engineers  
District Engineer, Philadelphia

  
Bernard R. Lindstrom  
Colonel, Corps of Engineers  
District Engineer, Pittsburgh

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS  
GENERAL PERMIT  
BWEW-GP-5  
UTILITY LINE STREAM CROSSINGS**

1. **GENERAL DESCRIPTION AND AUTHORITY** - The Department of Environmental Protection hereby authorizes, by general permit, subject to the terms and criteria set forth, the installation, operation and maintenance of utility line stream crossings of the regulated waters of the Commonwealth. This authorization is under Section 7 of the Dam Safety and Encroachments Act, 32 P.S. §§693.7, et seq., and the rules and regulations promulgated thereunder at §§105.441-105.449 (relating to general permits).

2. **DENIAL OF AUTHORIZATION** - The Department shall have the discretion, on a case-by-case basis, to deny, revoke or suspend the authorization to use this general permit for any project which the Department determines to have a substantial risk to life, property or the environment or otherwise could not be adequately regulated by the provisions of this general permit.

3. **DEFINITIONS** - The following terms as used in this general permit shall have the following meanings:

**BODY OF WATER** - Any natural or artificial lake, pond, reservoir, swamp, marsh or wetland.

**FLOODWAY** - The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood.

**INSTALL** - To construct, deposit, place, lay or set in place.

**OWNER** - Any person who owns, controls, operates, maintains, or manages a dam or reservoir, water obstruction, or encroachment.

**PERSON** - Any natural person, partnership, association, corporation, public utility, municipality, municipal authority, political subdivision of the Commonwealth, receiver or trustee and any department, board, commission, or authority of the Commonwealth.

**REGULATED WATERS OF THE COMMONWEALTH** - All watercourses, streams or bodies of water and their floodways wholly or partly within or forming part of the boundary of this Commonwealth.

**RESERVOIR** - Any basin, either natural or artificial, which contains or will contain the water or other fluid or semifluid impounded by a dam.

**STOCKED TROUT STREAM** - Streams classified as approved trout waters by the Fish and Boat Commission. Classification may be verified by contacting the Fish and Boat Commission's Regional Office or the Division of Environmental Services. See "Exhibit A".

**SUBMERGED LANDS OF THIS COMMONWEALTH** - All waters and permanently or periodically inundated lands owned by the Commonwealth, including all lands in the beds of navigable lakes and rivers and beds of streams declared public highways which are owned and held in trust by the Commonwealth.

**UTILITY LINE** - Any pipe or pipeline for the transportation of a gaseous, liquid, liquifiable or slurry substance or, any cable, conduit, line or wire for the transmission of electrical energy, telephone, telegraph, radio, or television signals, including cathodic corrosion protection.

**WATERCOURSE** - Any channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WETLANDS** - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the United States Fish and Wildlife Service Wetlands Inventory Maps, as utilized by the Pennsylvania Coastal Zone Management Program and any wetland area designated by a river basin commission.

**WILD TROUT STREAMS** - Streams classified as supporting reproducing trout populations by the Fish and Boat Commission. Classification may be verified by contacting the Fish and Boat Commission's Regional Office or the Division of Environmental Services. See "Exhibit A".

4. **SUBMERGED LANDS OF THIS COMMONWEALTH** - This General Permit shall not be effective to authorize any project over, across or occupying submerged lands of this Commonwealth until the owner has obtained a license from the Department authorizing the occupation of such submerged lands issued under Section 15 of the Dam Safety and Encroachments Act, (32 P.S. §693.15), Section 514 of The Administrative Code of 1929 (71 P.S. §194), or other applicable laws. Upon receipt of notification from the owner, the Department will review the project to determine if its location is over, across or occupies submerged lands of the Commonwealth.
5. **SPECIFIC AREAS WHERE GENERAL PERMIT DOES NOT APPLY** - This general permit is not authorized in the following areas:
  - a. Historic, cultural or archaeological sites as identified in the latest published version of the Pennsylvania Inventory of Historical Places or the National Register of Historical Places.
  - b. Local historical sites officially approved or recognized by a municipality.
  - c. Sites identified in the latest published version of the National Registry of Natural Landmarks.
  - d. Areas in or within 100 feet of a watercourse or body of water designated as or nominated for a National or State Wild or Scenic River in accordance with the National Wild and Scenic Rivers Act of 1968 or the Pennsylvania Scenic Rivers Act (32 P.S. §§820.21-820.29).
  - e. Important wetlands regulated under §105.17 (relating to special criteria for projects affecting important wetlands).
  - f. Wetlands, greater than ten (10) acres in size.
  - g. Stocked trout streams from March 1 through June 15, wild trout streams from October 1 through December 31 and Lake Erie tributaries from September 1 through December 1 unless approval is obtained from the Fish and Boat Commission's Division of Environmental Services.
  - h. Reservoirs.
  - i. Streams or water bodies designated as Exceptional Value Waters as defined and listed in Chapter 93 (relating to water quality standards).
6. **OTHER PERMITS** - Nothing in this General Permit relieves the owners of the obligation of complying with all Federal, Interstate Compact and State laws, regulations and standards for the construction, operation or maintenance of the utility lines.
7. **NOTIFICATION OF PROPOSED USE OF GENERAL PERMIT** - Prior to construction the owners shall submit the General Permit Registration form along with the required attachments to the delegated County Conservation District or to the appropriate DEP Regional Office's Permitting

and Technical Services Section (see attached listings). A copy of the General Permit Registration form shall also be sent to the municipality and county in which the work will be performed. **The owner may not begin work until he has notified the appropriate office and received an acknowledgement of that notification.**

8. **FEES** - The fee required for a project authorized under this General Permit shall be consistent with 25 PA Code §105.13 (relating to regulated activities – information and fees).
9. **EFFECTIVE TIME PERIOD** - This general permit will remain in effect indefinitely unless specifically modified, suspended or revised by the Department.
10. **SUSPENSION, MODIFICATION OR REVOCATION** - The Department may suspend, modify, or revoke this General Permit at any time upon notice in the Pennsylvania Bulletin.
11. **PROJECT INTERFERENCE** - This general permit does not authorize any interference with any existing or proposed Local, State, Federal or Federally Licensed Project, and permittee shall not be entitled to compensation for damage or injury to the work authorized herein which may be caused by or a result of existing or future operations undertaken by the United States, the Commonwealth of Pennsylvania or its Political Subdivisions in the public interest.
12. **CONDITIONS**
  - a. The maximum size utility line allowed is 36 inches in diameter.
  - b. All utility lines under streambeds shall be located such that there will be a minimum of three (3) feet of cover between the top of the utility line or encasement and the lowest point in the natural contour of the streambed, unless the utility line is in rock, where a minimum cover of one (1) foot shall be provided.
  - c. Trenches excavated for the installation of utility lines shall be the minimum width necessary. As soon as the utility line is installed and tested to ascertain no leakage, appropriate new or previously excavated backfill material shall be placed in the trench and the area restored to its original condition and elevation and stabilized. Backfill material stored in connection with the installation must be properly retained out of the floodway so as to prevent its discharge, washings or runoff from entering the waterway prior to its placement as backfill.
  - d. Adequate measures shall be used to prevent sedimentation from the trench from entering the stream.
  - e. The backfilling of the trench in which the pipe will be laid shall be done so as to eliminate the formation of a permanent ridge in the streambed.
  - f. During construction activities, all public and private property including existing vegetation, landscape features and monuments within, along and adjacent to the work area, shall be protected and preserved to the maximum degree possible. This shall include, but not be limited to, precautions taken to minimize damage, erosion, injury, or destruction; prevent pollution; provide protection of all trees and other woody plants; special care being taken to protect the natural vegetation and surroundings to include all natural drainageways, ponds, lakes, swamps, woods and fields; and storage of materials in such manner to prevent leaching which would be injurious to soils and to plants. Precautions should be taken to prevent damage to pipes, conduits and other underground structures.
  - g. Archaeological artifacts discovered during the performance of work authorized under this general permit must be adequately protected and their discovery promptly reported to the Bureau for Historic Preservation, Historical and Museum Commission, 400 North Street, Second Floor, Harrisburg, PA 17120-0093, telephone (717) 783-8946.

- h. Owners shall investigate for drinking water intakes or reservoirs for public and private water supplies within five (5) miles downstream of the crossing and written notice shall be given at least ten (10) days prior to construction to operators of any such intakes or reservoirs. Owners must notify public and private water supply operators immediately and no longer than one (1) hour after an occurrence at the crossing site which results in the release of suspended solids and turbidity to the stream.
- i. Mats, pads, or other similar devices shall be used where crossings of wetland areas by construction equipment cannot be avoided. Original grades through wetlands must be restored after trenching and backfilling. Any excess fill material must be removed from the wetland and not spread on-site. Mounding of fill material to allow for settlement in the trench will be permitted in accordance with best construction methods.
- j. Deposition of dredged or excavated materials and all earthwork operations will be carried out in such a way as to minimize erosion of the material and preclude its entering into any wetland adjacent to the utility line crossing.
- k. Utility line crossings of streams should be accomplished so that the line is at a right angle to the stream where possible, unless the crossing is installed on an existing bridge.
- l. Whenever possible, in accordance with best construction methods utility line crossings are to be made "in the dry" by installing sandbag and plastic dams and piping stream flow through the affected area.
- m. Prior to the use of explosives in a watercourse or body of water the permittee shall secure a written permit from the Fish and Boat Commission, under the Pennsylvania Fish and Boat Code 30 Pa. C.S. §2906 (relating to permits for use of explosives). Requests should be directed to the Fish and Boat Commission, Division of Environmental Services (see "Exhibit A").

13. **POLLUTION INCIDENT PREVENTION AND MITIGATION** - For projects constructed under the authorization of this General Permit which transmit hazardous or toxic material, the owner shall take the following actions to prevent or alleviate the harm from pollution, under the requirement of Chapter 101 (relating to special water pollution regulations):

- a. Develop and implement a Preparedness, Prevention and Contingency (PPC) Plan in accordance with Departmental guidelines. The Department reserves the right to require the PPC Plan to be revised or amended for any deficiencies subsequently identified by the Department.
- b. In the event a pollution incident occurs which causes or threatens to cause surface or groundwater pollution, the owner shall:
  - (1) promptly notify the Department by telephone of the location and nature of the danger,
  - (2) notify all known downstream users of the water,
  - (3) immediately take all necessary steps to prevent injury to property and downstream users, and protect waters from pollution or danger of pollution,
  - (4) remove any contamination from affected ground or surface water to the extent required by the Department.

14. **DEPARTMENT INSPECTION** - As a condition of use of this general permit, and of the owner's authority to conduct the activities authorized by this general permit, the owner hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed,



operated or maintained. The authorization and consent shall include consent to conduct tests or sampling, to take photographs, to perform measurements, surveys and other tests, to inspect the methods of construction, operation or maintenance, to examine and copy books, papers and records pertinent to any matter under investigation, and to take any other action necessary to assure that the project is constructed, operated or maintained in accordance with the terms and criteria of the general permit. This general permit condition is referenced in accordance with Section 16 of the Dam Safety and Encroachments Act, 32 P.S. §693.16, and in no way limits any other powers granted under the Dam Safety and Encroachments Act.

15. **ACTIVITIES NOT IN ACCORDANCE WITH THE TERMS OR CONDITIONS** - If the Department determines, upon inspection, that the construction, operation or maintenance of a project has violated the terms or conditions of this general permit or of Chapter 105, the Department may take such actions, legal or administrative, that it may deem to be appropriate.
16. **STRUCTURE REMOVAL** - The owner shall remove all or any portion of the utility line project upon written notification to the owner by the Department in the event the project is causing an adverse impact on public health, safety or the environment or in any other manner violates the conditions of this general permit or Chapter 105.
17. **PROPERTY RIGHTS** - This general permit does not convey any property rights, either in real estate or material, or any exclusive privileges; nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations.
18. **OTHER APPROVALS** - The owner shall secure all other approvals that may be necessary under other Federal, State or local laws or regulations, including the specific permission of owners of bridges or other structures to which the utility line may be attached.
19. **FISH AND BOAT COMMISSION NOTIFICATION** - The owner shall notify the Pennsylvania Fish and Boat Commission's Regional Field Office Manager, see "Exhibit A", responsible for the County where the activities are proposed ten (10) days prior to start of construction. Notification by postcard is suggested. The project site shall at all times be available for inspection by authorized officers and employees of the Fish and Boat Commission.
20. **BEST MANAGEMENT PRACTICES** - Work must be done in compliance with Chapter 102 (relating to Erosion Control). Prior to construction an Erosion and Sediment Control Plan must be reviewed and determined adequate by the County Conservation District in which the activities are proposed and implemented prior to, during and after construction. The County Conservation District shall be notified ten (10) days prior to the start of construction. The project site shall at all times be available for inspection by authorized employees of the County Conservation District. The Erosion and Sediment Control Plan shall be available at the site.
21. **UTILIZATION OF GENERAL PERMIT BWEW-GP-8, TEMPORARY ROAD CROSSINGS** - Temporary road crossings of streams and causeways that are necessary for equipment to move back and forth across a stream and located adjacent to the utility line crossing are authorized by and must be constructed in accordance with BWEW-GP-8. The owner shall indicate utilization of BWEW-GP-8 on the General Permit Registration form. An owner constructing temporary road crossings in those areas excluded from the application of BWEW-GP-8 must apply for an individual water obstruction permit for those road crossings.