

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS
GENERAL PERMIT
BWEW-GP-8
TEMPORARY ROAD CROSSINGS**

1. **GENERAL DESCRIPTION AND AUTHORITY** - The Department of Environmental Protection hereby authorizes, by General Permit, subject to the terms and criteria set forth below, the construction, operation and maintenance of temporary road crossings across regulated waters of this Commonwealth, including wetlands, where no practicable alternatives exist. This authorization is pursuant to Section 7(b) of the Dam Safety and Encroachments Act, 32 P.S. §693.7(b), and the rules and regulations promulgated thereunder at 25 Pennsylvania Code §105.441-105.449 (relating to general permits). This General Permit is subject to the terms and conditions set forth below.

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 significant effect on the safety and protection of life, health, property or the environment or otherwise would 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 - A natural or artificial lake, pond, reservoir, swamp, marsh or wetland.

BRIDGE - A single span structure erected from top of bank to top of bank carrying a temporary roadway over a stream.

CAUSEWAY - An embankment constructed partially across or along a stream.

CULVERT - A structure with appurtenant works which carries a stream under or through an embankment or fill.

EXCEPTIONAL VALUE WETLANDS - Wetlands as defined at 25 PA Code §105.17(1).

FORD - A road crossing of a stream utilizing the existing stream bed.

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

OWNER - A 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 - Watercourses, streams or bodies of water and their floodways wholly or partly within or forming part of the boundary of this Commonwealth.

STOCKED TROUT STREAMS - Streams classified as approved trout waters by the Fish and Boat Commission. Classification shall be verified by contacting the Pennsylvania Fish and Boat Commission's Regional Office, Division of Property Services or Division of Environmental Services.

STREAM - A watercourse.

TEMPORARY ROAD CROSSING - A road installed for a period of time not to exceed one year across a wetland or across or along a stream utilizing a pipe culvert or a series of culverts, a bridge, a causeway or a ford.

WATERCOURSE - A 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 adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WILD TROUT STREAMS - Streams classified as supporting naturally reproducing trout populations by the Fish and Boat Commission. For a list of wild trout streams, the Fish and Boat Commission can be contacted at: Fish and Boat Commission, Bureau of Fisheries, Division of Fisheries Management, 450 Robinson Lane, Bellefonte, PA 16823-9620.

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 does not apply and is not valid 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. Sites identified in the latest published version of the National Registry of Natural Landmarks.
 - c. 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 written approval is obtained from the Fish and Boat Commission's Division of Environmental Services (See "Exhibit A").
 - d. Sites which serve as habitat for fauna or flora listed as "threatened" or "endangered" under the Endangered Species Act of 1973, the Wild Resource Conservation Act, the Fish and Boat Code or the Game and Wildlife Code. Sites may be checked through the Pennsylvania Natural Diversity Inventory by completing an online search at www.naturalheritage.state.pa.us.
6. **OTHER PERMITS** - Nothing in this General Permit relieves the owner(s) of the obligation of complying with all Federal, Interstate Compact and State laws, regulations and standards for the construction, operation or maintenance of the temporary road crossing(s).
7. **REGISTRATION OF PROPOSED USE OF GENERAL PERMIT** - Prior to construction the owner(s) 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 registration.**

8. **CHANGE OF OWNERSHIP** - If there is a change in ownership of a temporary road crossing installed in accordance with this General Permit, the new owner is required to register the crossing with the Department in accordance with Item 7.
9. **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).
10. **EFFECTIVE TIME PERIOD** - This General Permit will remain in effect indefinitely unless specifically modified, suspended or revised by the Department.
11. **SUSPENSION, MODIFICATION OR REVOCATION** - The Department may suspend, modify, or revoke this General Permit at any time upon notice in the Pennsylvania Bulletin.
12. **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 and its political subdivisions in the public interest.
13. **CONDITIONS**
 - a. Crossings may remain installed for a period of time not to exceed one (1) year from the date of the Department's acknowledgement (Item 7) unless extended in writing by the Department.
 - b. The site of a temporary crossing, except fords, shall be restored to original topography and stabilized within five (5) days after termination of its intended use or at the end of the one (1) year period, whichever occurs first.
 - c. Fords used as temporary crossings shall have the approaches adequately blocked and stabilized to prevent future use within five (5) days after termination of its intended use or at the end of the one (1) year period, whichever occurs first.
 - d. Roads must cross all watercourses at a right angle to the stream, unless it is physically impossible to cross at a right angle to the stream.
 - e. Fords are prohibited on all streams within high quality (HQ) and exceptional value (EV) watersheds as specified in 25 Pa. Code, Chapter 93, and in watersheds tributary to drinking water intakes or reservoirs for public water supply users, where the ford is within 2,000 feet upstream of such intake or reservoir.
 - f. Skidding across fords is prohibited.
 - g. Whenever the streambed at the site of a ford does not have a rock bottom, a layer of clean rock must be provided. This layer of clean rock must not obstruct the stream flow. In addition, the approaches must: (1) be maintained in a firm and stable condition and (2) enter the stream on less than a 10% grade within 50 feet of the stream with the flow and (3) exit the stream against the flow on the same grade and distance limitation as specified for the entrance.
 - h. Culverts must provide a waterway area sufficient to adequately discharge the normal flow of the watercourse or stream, and shall be of sufficient length to extend beyond the toe of the clean rock fill.
 - i. Culverts must be installed in such manner that overtopping of the roadway will occur within the stream channel. This can be accomplished by providing a depressed roadway embankment as shown on attached Drawings No. 3 and No. 4.

- j. A culvert having as large a diameter as possible must be provided to minimize placement of excessive fill and excavation of the stream banks. If the bank height prohibits a large diameter pipe culvert, the crossing could consist of a bridge or a series of culverts. The minimum size diameter culvert to be used is 12 inches.
- k. Road crossings involving a series of pipe culverts shall be installed with a minimum spacing as specified on attached Drawing No. 4.
- l. Road and causeway embankments shall consist of only clean rock material to prevent stream channel sedimentation during placement, removal and periods of overtopping.
- m. Bridges must be single span from top of bank to top of bank and structurally stable.
- n. Approach roads to temporary road crossings shall utilize original grades. However, clean rock material or gravel to a depth of six inches above original grade shall be utilized for approaches as necessary.
- o. Causeways shall not extend streamward a distance greater than one-half the width of the stream channel.
- p. Temporary road crossings shall be kept open and functioning at all times by maintaining the crossings free of debris and other obstructions.
- q. The owner shall be responsible for any damages resulting from increased backwater caused by the temporary road crossing. The permittee shall remove the temporary road crossing in the event of high waters to prevent the increased backwater.
- r. Wetlands shall be identified and delineated in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands dated 1989.
- s. Crossings of wetlands shall be avoided if an alternate location is possible. If the crossing of wetlands cannot be avoided, the crossing is permissible if it is located at the narrowest practicable point of the wetland and the length of the crossing within the wetland is less than 200 feet.
- t. The site of a wetlands crossing shall be stabilized by any appropriate means, including but not limited to using removable, temporary mats, pads or other similar devices to insure minimization of impact on the wetlands ecology.
- u. Embankments for temporary roads across wetlands shall be installed to maintain the hydrology of the wetland.
- v. Any 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, Pennsylvania Historical and Museum Commission, 400 North Street, Second Floor, Harrisburg, PA 17120-0093, telephone (717) 783-8946.
- w. Pollution of the waterway with harmful chemicals, fuels, oils, greases, bituminous material, acid, and/or other harmful or polluting materials, is prohibited.
- x. Owners shall investigate for drinking water intakes or reservoirs for public water supplies within five (5) miles downstream of the site of the temporary road crossing. Written notice shall be given to operators of any such intakes or reservoirs at least ten (10) days prior to construction of the temporary road crossing. Owners must notify public 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.

- y. Access roads should not approach the stream channel directly downslope, but should traverse the slope obliquely to prevent high velocity road drainage flows from directly entering the stream channel. Road drainage shall include proper erosion and sediment control Best Management Practices; as referred to in item 20.
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 conditions of the General Permit. This General Permit condition is included pursuant to 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 the Chapter 105 Rules and Regulations, the Department may take such actions, legal or administrative that it may deem to be appropriate, including revocation of the General Permit with regard to the violation.
16. **STRUCTURE REMOVAL** - The owner(s) shall remove all or any portion of the temporary road crossing upon written notification to the owner(s) 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(s) shall secure all other approvals that may be necessary under Federal, State or local laws or regulations.
19. **FISH AND BOAT COMMISSION NOTIFICATION** - The owner(s) 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. Written notification is suggested. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission.
20. **BEST MANAGEMENT PRACTICES** - Work must be done in compliance with Chapter 102 of the Department's Rules and Regulations (relating to Erosion Control). Prior to construction an Erosion and Sediment Control Plan must be reviewed and determined to be adequate by the County Conservation District in which the activities are proposed and implemented prior to, during and after 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 at all times.