

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS
GENERAL PERMIT
BWEW-GP-2
SMALL DOCKS AND BOAT LAUNCHING RAMPS**

TABLE OF CONTENTS

PAGE

INSTRUCTIONS FOR USING THE GENERAL PERMITi

PART ONE: APPLIES SPECIFICALLY TO BWEW-GP-2

A. GENERAL DESCRIPTION AND FEES..... 1-1

B. SITES AND CONDITIONS WHERE THIS GENERAL PERMIT DOES NOT APPLY..... 1-1

C. DEFINITIONS APPLICABLE TO THIS GENERAL PERMIT 1-2

D. PROJECT DESIGN AND CONSTRUCTION CRITERIA FOR DOCKS..... 1-2

E. PROJECT DESIGN AND CONSTRUCTION CRITERIA FOR BOAT LAUNCHING RAMPS.... 1-4

F. SPECIAL PROVISIONS REGARDING PROPERTY RIGHTS..... 1-5

G. AUTHORITY AND CONTINUING AUTHORIZATION 1-5

PART TWO: APPLIES TO BWEW-GP-2 AND OTHER BWEW GENERAL PERMITS

A. REGISTRATION OF PROPOSED USE OF GENERAL PERMITS 2-1

B. DENIAL OF AUTHORIZATION..... 2-2

C. STANDARD DEFINITIONS FOR GENERAL PERMITS..... 2-2

D. PRECONSTRUCTION REQUIREMENTS FOR ALL PROJECTS..... 2-3

E. OTHER PRECONSTRUCTION REQUIREMENTS WHERE APPLICABLE..... 2-4

F. STANDARD PROVISIONS OF THE GENERAL PERMIT 2-4

ATTACHMENTS:

DRAWING NO. 1 - SAMPLE LOCATION MAP

DRAWINGS NO. 2 TO 5 - SAMPLE PROJECTS WITH CRITERIA

EXHIBIT A - OFFICES OF THE PENNSYLVANIA FISH AND BOAT COMMISSION

EXHIBIT B - REGIONAL OFFICES OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND
U.S. ARMY CORPS OF ENGINEERS DISTRICT OFFICES

EXHIBIT C - COUNTY CONSERVATION DISTRICTS

GENERAL PERMIT REGISTRATION FORM (INCLUDES SINGLE AND COMPLETE PROJECT
SCREENING QUESTIONNAIRE)

PENNSYLVANIA NATURAL DIVERSITY INVENTORY FORM

**INSTRUCTIONS FOR USING THE GENERAL PERMIT
BWEW-GP-2
Small Docks and Boat Launching Ramps**

PRIOR TO REGISTRATION TO USE:

1. Carefully review the definitions and requirements of the General Permit (Part One and Part Two) to determine if your project can qualify for authorization under this General Permit. Refer to Part One, Section B regarding area restrictions and Part One, Sections D and E regarding criteria. If your project cannot be authorized under the General Permit, you may request approval of an individual permit by submitting an application to the appropriate Soils and Waterways Section in the Regional Office as listed on Exhibit B.
2. Locate your project on a United States Geological Survey (U.S.G.S.) 7½ Minute Quadrangle Map¹ and prepare a project LOCATION MAP, utilizing a photocopy of the U.S.G.S. Quadrangle Map.
3. Complete the Pennsylvania Natural Diversity Inventory (PNDI) Form and submit it to the person conducting the online PNDI Project Planning and Environmental Review Tool search. This person performing the search could be someone from DEP, the County Conservation Districts, or a consultant. Alternatively, if you plan to conduct the PNDI online search yourself – a search form is not needed prior to the PNDI online search.

After conducting the PNDI online search, if your PNDI Project Environmental Review Receipt has "Potential Impacts," DEP and the jurisdictional agencies require that you submit additional information to the agencies noted on the Receipt for further review. Please send a copy of the PNDI Receipt, a completed PNDI Form, and a USGS 7.5 minute quadrangle map with project boundaries delineated on the map to the agencies referenced on your PNDI Receipt.

4. Your project may also require a permit from the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act, sections 9 and 10 of the Rivers and Harbors Act and/or section 103 of the Marine Protection, Research and Sanctuaries Act. The registration to use this State General Permit does not relieve you of the obligation to comply with, and the State is not authorized to address, these Corps of Engineers' requirements. Therefore, in order to avoid violation of Federal statutes, please contact the appropriate U.S. Army Corps of Engineers District Office listed below to determine whether a Federal permit is required for your project.

Delaware River Basin
Philadelphia Dist. Corps of Engineers
Wanamaker Bldg., 100 Penn Square East
Philadelphia, PA 19107
(215) 656-6725

Susquehanna River Basin
Baltimore Dist. Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715
(410) 962-1846 or (814) 235-0570

Ohio River Basin and Lake Erie Basin
Pittsburgh Dist. Corps of Engineers
Regulatory Branch
1000 Liberty Avenue
Pittsburgh, PA 15222
(412) 395-7152

¹ Commonly called "topographic maps", U.S.G.S. Quadrangles may be available from local merchants dealing in books, hunting supplies and camping equipment.

5. For any earthmoving activity² associated with your project, prepare the Erosion and Sediment Control Plan which must be reviewed and determined satisfactory by the County Conservation District in the county where your project is located. The required Erosion and Sediment Control Plan must be prepared and submitted to the Conservation District for review prior to or concurrent with your registration to use the General Permit.

THE REGISTRATION PROCEDURE:

6. Fill in all information on the GENERAL PERMIT REGISTRATION form and make multiple copies. Send one copy each to the municipality and the county in which the project is located.
7. To register use of the General Permit, prepare a complete registration "package" consisting of:
 - Two Copies of the GENERAL PERMIT REGISTRATION form
 - Two copies of the LOCATION MAP
 - Two copies of the PNDI Form and an initialed search receipt

Send these items to either:

- The County Conservation District for projects located in all counties where there is a delegation agreement (see Exhibit C).
 - OR -
 - The Permitting and Technical Services Section having responsibility for the counties where there is no delegation agreement with the County Conservation District (see Exhibit B).
8. If you are also applying for an individual Water Obstruction and Encroachment Permit to authorize related work, you may register to use the General Permit in conjunction with your individual permit application (See Part Two, Section A, Item 2).

BEFORE AND DURING CONSTRUCTION:

9. Do not begin work until:
 - a. You have received an acknowledgement from the Permitting and Technical Services Section or County Conservation District that your General Permit Registration form has been received and registered.
 - b. Your Erosion and Sediment Control Plan has been reviewed and determined to be satisfactory by the County Conservation District.
 - c. You have notified the Pennsylvania Fish and Boat Commission and the County Conservation District 10 days prior to start of construction (See Part Two, Section D).
 - d. You have obtained any other Federal, State or local permits which may be required.
 - e. You have complied with any other applicable preconstruction requirements as listed in Part Two, Section E.
 - f. You have provided written notifications to the municipalities and county where the projects are located prior to the start of construction.
10. During construction of your project, you are responsible for adhering to all terms and conditions of the General Permit, including your approved Erosion and Sediment Control Plan and all applicable design and construction criteria in Part One, Sections D and E.

² For the definition of earthmoving activity, see Part Two, Section C.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS
GENERAL PERMIT
BWEW-GP-2
SMALL DOCKS AND BOAT LAUNCHING RAMPS**

PART ONE

- A. GENERAL DESCRIPTION AND FEES** - The Department of Environmental Protection hereby authorizes, by General Permit, subject to the terms and criteria set forth below, the installation, operation, modification and maintenance of small docks and boat launching ramps in and along the regulated waters of this Commonwealth. **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).**
- B. SITES AND CONDITIONS WHERE THIS GENERAL PERMIT DOES NOT APPLY** - This General Permit does not apply and is not valid in the following situations. Where the General Permit is not applicable, you may request approval of an individual permit by submitting an application to the appropriate Permitting and Technical Services Section in the Regional Office (see Exhibit B).
1. Historical, 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. This information is available from the Pennsylvania Historical and Museum Commission, 400 North Street, Second Floor, Harrisburg, PA 17120-0093, telephone (717) 783-8946.
 2. Sites identified in the latest published version of the National Registry of Natural Landmarks.
 3. Areas in or within 100 feet of a watercourse designated wild in the National or State Scenic Rivers system in accordance with the National Wild and Scenic Rivers Act of 1968 or the Pennsylvania Scenic Rivers Act. For details on scenic river classifications, contact the DCNR, Division of Greenways and Conservation Partnerships, Pennsylvania Scenic Rivers Program, P.O. Box 8475, Harrisburg, PA 17105-8475, telephone (717) 787-2316.
 4. Construction activities in stocked trout streams from March 1 through June 15, in wild trout streams from October 1 through December 31, and in Lake Erie tributaries from March 1 through June 15 and from September 1 through December 31 unless written approval is obtained from the Pennsylvania Fish and Boat Commission's Division of Environmental Services (see Exhibit A). Stocked and wild trout stream locations are compiled by the Commission's Division of Fishery Management (see Exhibit A).
 5. Projects located where there would be an impact on species of special concern listed under the Endangered Species Act of 1973, the Wild Resources Conservation Act, the Fish and Boat Code or the Game and Wildlife Code. Records regarding species of special concern are maintained in a computer database called the "Pennsylvania Natural Diversity Inventory" (PNDI). To verify that there will be no such impacts for a specific project, the Department requires submission of the attached PNDI Form and an initialed search receipt.
 6. Streams or waterbodies designated as Exceptional Value Waters as defined and listed in Chapter 93 (relating to water quality standards).
 7. Projects requiring excavation of mudflats in the tidal waters of the Delaware River.

C. DEFINITIONS APPLICABLE TO THIS GENERAL PERMIT - The following words and terms, when used in this General Permit, have the following meanings:

BOAT LAUNCHING RAMP - A sloping stabilized roadway constructed in and along a stream or lake for the purpose of launching boats from vehicular trailers, including associated walkways for boarding boats and on-grade improvements for access, turning and parking.

DREDGE - To remove sand, gravel, mud, or other materials from the beds of regulated waters of this Commonwealth.

FILL - Sand, gravel, earth or other material placed or deposited to form an embankment or raise the elevation of the land surface. The term includes material used to replace an area with aquatic life with dry land or to change the bottom elevation of any regulated water of this Commonwealth.

OTHER PRIVATE AND COMMERCIAL FACILITIES - Docks and boat launching ramps other than those defined as private recreational docks, public access facilities and public service facilities.

PRIVATE RECREATIONAL DOCK - A dock utilized for private recreational purposes by the riparian land owner.

PUBLIC ACCESS FACILITY - A dock or boat launching ramp for public recreational purposes when the facility is open to the general public and maintained on a nonprofit basis or for use without fee.

PUBLIC SERVICE FACILITY - A dock or boat launching ramp constructed, owned or operated by a political subdivision of the Commonwealth which provides services necessary for public health and welfare, or in connection with a service for which no fees or charges other than general taxes are imposed.

SHORELINE - The edge of water in a lake or other body of water at normal pool elevation; the edge of water along a waterway at the ordinary low water level.

SMALL DOCK - A single floating, cantilevered or pile structure constructed within a waterway or other body of water and located on lands or adjacent to riparian lands which are owned or leased by the dock owner. Small docks authorized under this General Permit are classified in four categories based on the proposed use and type of ownership. These categories are (1) private recreational dock, (2) public access facility, (3) public service facility and (4) other private and commercial facilities.

D. PROJECT DESIGN AND CONSTRUCTION CRITERIA FOR DOCKS

1. Small Docks may be constructed to any configuration but shall not exceed 750 square feet in surface area, except where other limits apply on navigable rivers of the United States and on Scenic Rivers (see items 1a and 1b which follow).
 - a. A Federal permit is required from the U.S. Army Corps of Engineers for small dock structures located on rivers and other waterways which are designated Navigable Waters of the United States and regulated under Section 10 of the Rivers and Harbors Act. The small dock surface area and configuration on these navigable waters must be in conformance with any applicable Section 10 permit criteria which may be more restrictive than this General Permit. Size and shape limitations may be subject to change and may vary between Corps District Offices.
 - b. In waterways which are part of the National or Pennsylvania Scenic Rivers System the total surface area of a small dock shall not exceed 250 square feet.
2. A small dock on a lake shall not extend more than 50 feet from the edge of normal pool elevation. In a river or other stream, a small dock shall not extend more than 20 percent of the width of the stream; however, it shall in no instance extend more than 100 feet from the ordinary low water mark of a stream.

3. Only one small dock shall be constructed on a given riparian parcel under this General Permit, except where the parcel is common property or where multiple parties have deeded access rights or easements. See Section F, Items 2 and 3 for specific terms regarding multiple use of this General Permit on a given riparian parcel.
4. No part of the small dock structure or associated boat mooring area may extend in front of adjacent riparian properties or otherwise interfere with access and use of the water by adjacent riparian land owners.
5. Each small dock shall be constructed in such a way that it does not hinder commercial or recreational navigation and does not interfere with normal fish migration.
6. Construction and other activities authorized by this General Permit shall be performed in a manner that minimizes use of equipment within the stream channel or body of water.
7. Construction of a small dock on a waterway shall take place during periods coinciding with lower stream flows.
8. Each small dock shall be constructed in such a way as not to obscure any navigation aids or lights for bridges in the area.
9. Small docks shall be maintained in a functional condition which includes the periodic removal of debris.
10. Maintenance dredging to restore original depths is permitted only in the mooring area for boats and is limited to 10 feet beyond the edge of the dock.
11. Dredging for construction purposes is not authorized by this General Permit.
12. This General Permit does not authorize the storage of fuel or the construction of fuel servicing facilities on the small dock.
13. This General Permit does not authorize the construction or modification of a small dock for use as a habitable structure with living facilities such as beds, bathrooms or kitchens.
14. The owner shall employ measures to prevent and control spills of fuels or lubricants into the waterway.
15. Flotation devices, if used, shall be securely fastened to the structure to prevent separation from the small dock.
16. Drums to be utilized as flotation devices that have been previously filled with another substance shall be thoroughly cleaned before use to preclude the possibility of pollution.
17. The small dock structure shall be adequately secured to the shoreline to insure the structure's stability to withstand the effects of wind, stream flows and wave action.
18. Anchorages shall be placed so they do not accelerate erosion or cause degradation of the streambanks.
19. The placement of fill or dredged material into a watercourse, floodway or body of water is not authorized under this General Permit.
20. To the greatest extent possible, the project shall be designed and constructed in a manner which will (a) prevent permanent or long-term changes in water quality, (b) minimize alterations in natural aquatic habitat and (c) maintain natural streamflow velocities and mixing patterns.

21. 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.

E. PROJECT DESIGN AND CONSTRUCTION CRITERIA FOR BOAT LAUNCHING RAMPS

1. Boat launching ramps authorized by this General Permit are limited to a maximum width of 20 feet.
2. Boat launching ramps shall be located to minimize streambank excavation and wetland impacts. Boat launching ramps are limited to a maximum length of 100 feet measured from the top of the ramp to the shoreline.
3. Only one boat launching ramp shall be constructed on a given riparian parcel under this General Permit, except where the parcel is common property or where multiple parties have deeded access rights or easements. See Section F, Items 2 and 3 for specific terms regarding multiple use of this General Permit on a given riparian parcel.
4. Construction and other activities authorized by this General Permit shall be performed in a manner that minimizes use of equipment within the stream channel or body of water.
5. Construction of a boat launching ramp along a waterway shall take place during periods when the stream is at low flow.
6. To the greatest extent possible, the project shall be designed and constructed in a manner which will (a) prevent permanent or long-term changes in water quality, (b) minimize alterations in natural aquatic habitat and (c) maintain natural streamflow velocities and mixing patterns.
7. Where required to support boat trailers, the portion of a boat launching ramp located in a streambed or lakebed may be stabilized by clean rock and/or gravel, timber, pre-cast concrete planks, or pre-cast concrete slabs (formed onshore and pushed or lifted in place). This stabilization of the bed surface shall be limited to the minimum length necessary for boat launching.
8. Exposed bank areas along the approach ramp shall be stabilized and protected from the erosive action of waves and stream currents.
9. For launching ramps which require associated facilities such as parking lots and turn-around driveways in the floodway along a stream, necessary regrading shall be accomplished without the addition of fill within the regulated floodway. Parking facilities shall be built on existing grade or with minimal grade changes not exceeding 12 inches. Surfaces shall be stabilized with gravel, macadam or concrete. There shall be a volume of soil material removed from the floodway equal to or greater than the volume of construction materials to be used, and there shall be no net loss of conveyance area in the floodway cross-section. Along waterways designated Exceptional Value (EV) or High Quality Waters (HQ) under Chapter 93 Rules and Regulations (relating to water quality), a 50-foot wide vegetated buffer strip is required between parking facilities and the streambank. Access roads which cross wetlands and improved parking areas in wetlands are not authorized by this General Permit.
10. Boat ramps constructed along Lake Erie shall be located near the western edge of a property to allow space to dispose future dredge material. Material from maintenance dredging of a boat ramp along the shoreline of Lake Erie shall be placed on the shoreline to the east of the removal site.
11. 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, Harrisburg, PA 17120-0093, telephone (717) 783-8946.

F. SPECIAL PROVISIONS REGARDING PROPERTY RIGHTS

1. Submerged Lands License Agreements and Fees - As explained in Part Two, Section E, Item 1 of this General Permit, a license agreement is required for projects which are located in certain waters designated navigable or public highways and which are held in trust by the Commonwealth. In accordance with Chapter 105 Rules and Regulations, a minimum annual license fee of \$250 is assessed except for the following types of facilities and uses:
 - a. Private recreational docks constructed under a General Permit.
 - b. Public Access Facilities provided without charge or on a nonprofit basis.
 - c. Public Service Facilities provided without fees or charges.

There is no annual fee assessed for the facilities listed above. However, other types of docks or boat launching ramps will require an annual fee when located in Submerged Lands of the Commonwealth. Therefore, the user of this General Permit is required to indicate the type of structure on the **General Permit Registration** form.

2. Multiple Use of the General Permit on Common Property - An association of homeowners or similar group (association) holding title to common property with riparian rights may register to construct and maintain docks on behalf of individual members. The association shall assure that adequate spacing for mooring and access is maintained between docks. Each dock shall be registered by the association and constructed in accordance with the General Permit.
3. Use of the General Permit where Multiple Parties Hold Access Rights on Riparian Land - In areas where common use of riparian land is reserved by easement or other deed restrictions, and where there is no homeowners association or similar organization with appropriate authority, each holder (owner) of such easement or deed restriction may register and construct one dock and boat launching ramp under the authority of this General Permit. Owners are mutually responsible to assure that adequate spacing for mooring and access is maintained between structures. Registering the use of this General Permit does not grant the right to interfere with other eligible users or with the riparian rights of others. Users of this General Permit are solely responsible to mutually resolve any problems of interference or other disagreements on riparian lands where access rights are shared.

- G. AUTHORITY AND CONTINUING AUTHORIZATION** - Authorization of this General Permit is under section 7 of the Dam Safety and Encroachments Act 32 P.S. §693.7 and the rules and regulations promulgated thereunder at 25 Pa. Code §§105.441-105.449 (relating to General Permits). This General Permit shall authorize the continued operation and maintenance of private recreational docks authorized by General Permit BWEW-GP-2 (Private Recreational Docks) issued on December 29, 1990.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS
GENERAL PERMIT**

PART TWO

A. REGISTRATION OF PROPOSED USE OF GENERAL PERMITS

1. Standard Procedure

Prior to construction, the owner shall submit the following items to the DEP Permitting and Technical Services Section in the appropriate Regional Office or the delegated County Conservation District where the project is located (see Exhibits B and C):

- (a) Two copies of the GENERAL PERMIT REGISTRATION form, one copy with original signatures.
- (b) Two copies of a location map (see Drawing No. 1).
- (c) Two copies of the PNDI Form and/or initialed search receipt.
- (d) Two copies of any other items required in the Instructions and Part One (if applicable).

The owner is required to send additional copies of the General Permit Registration form to the municipality and the County Board of Commissioners where the project is located. Also, as part of the registration, the owner shall certify that an Erosion and Sediment Control Plan has been submitted for review to the County Conservation District in which the work will be performed. **The owner is not authorized to use the General Permit until he has notified the DEP Permitting and Technical Services Section of the appropriate Regional Office or the appropriate delegated County Conservation District and received an acknowledgement of that registration. The Department's acknowledgement serves as registration to use this General Permit. The owner may not begin work until all preconstruction requirements of this General Permit have been completed.**

Registration for the use of this General Permit must be sent to the County Conservation District in counties where the District has a delegation agreement with the Department of Environmental Protection. To determine whether this alternate registration procedure currently applies for your location, refer to Exhibit C and/or contact the appropriate DEP Permitting and Technical Services Section or County Conservation District.

2. In Conjunction with a Water Obstruction and Encroachment Permit Application:

When an activity or structure authorized by the General Permit is an integral part of a larger project which requires an individual Water Obstruction and Encroachment permit, intent to use the General Permit may be registered by attaching copies of the GENERAL PERMIT REGISTRATION form to the individual permit application, and clearly identifying, in the permit application narrative and/or on site plans, any structure or activity which will be constructed in accordance with the terms and conditions of the General Permit. The Department's acknowledgement of the General Permit registration will be included in the individual permit, and upon issuance of the permit the owner may begin work on the structure or activity authorized by the General Permit. Where applicable, this registration procedure is preferred and recommended by the Department, because written authorization for a project can be combined into one action and the associated documentation can be maintained under a single file number.

3. In Conjunction with an Enforcement Action:

The General Permit may also be used, at the discretion of the Department, in conjunction with an enforcement action or settlement of violations, to register regulated activities conducted without prior permit or authorization.

- B. DENIAL OF AUTHORIZATION** - The Department shall have the discretion, on a case-by-case basis, to deny, revoke or suspend the authorization to use a General Permit for any project which the Department determines to have a substantial risk to life, health, property or the environment, or otherwise could not be adequately regulated by the provisions of this General Permit.
- C. STANDARD DEFINITIONS FOR GENERAL PERMITS** - The 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.

DEPARTMENT - The Department of Environmental Protection.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth. This includes any excavation or fill within a stream channel.

EROSION AND SEDIMENT CONTROL PLAN - A plan which is designed to minimize accelerated erosion and sedimentation consistent with the requirements of 25 Pa. Code Chapter 102.

FLOODWAY - The channel of the watercourse and portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by the Federal Emergency Management Agency (FEMA). In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

INSTALL - To construct, deposit, 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 - A 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.

POLITICAL SUBDIVISION - A county, city, borough, incorporated town, township, school district, authority or other governmental unit or a combination thereof acting jointly.

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

SCENIC RIVERS - Areas in or within 100 feet of a watercourse or body of water designated a component of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act (P.L. 1277, Act No. 283 as amended by Act 110, May 7, 1982), or which are 1-A candidate rivers listed in the Pennsylvania Scenic Rivers Inventory.

STOCKED TROUT STREAM - A stream classified as approved trout waters by the Pennsylvania Fish and Boat Commission. For current designations of stocked trout streams, contact the Division of Fisheries Management (see Exhibit A).

SUBMERGED LANDS OF THIS COMMONWEALTH - Waters and permanently or periodically inundated lands owned by the Commonwealth, including 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.

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

WETLANDS - Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WILD TROUT STREAM - A stream classified as supporting naturally reproducing trout populations by the Pennsylvania Fish and Boat Commission. For current designations of wild trout streams, contact the Division of Fisheries Management (see Exhibit A).

D. PRECONSTRUCTION REQUIREMENTS FOR ALL PROJECTS

1. OTHER PERMITS - Nothing in this General Permit relieves the owner of the obligation of complying with all Federal, Interstate Compact, State and local laws, regulations and standards for the construction, operation or maintenance of the project or activity. The project owner is advised that written authorization from the U.S. Army Corps of Engineers may be required for compliance with Section 404 of the Clean Water Act.
2. 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 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.
3. PENNSYLVANIA 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 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.
4. NOTIFICATION TO OPERATORS OF PUBLIC WATER FACILITIES - Owners will investigate for drinking water intakes or reservoirs for public water supplies and permitted public bathing beaches within 5 miles downstream of the site of the project. Written notice shall be given at least 10 days prior to construction to the Department and to operators of any such intakes, beaches or reservoirs. This notification shall include expected starting and completion dates for the construction activities. Owners must notify the Department and operators immediately and no longer than 1 hour after the occurrence at the site which results in the release of suspended solids and turbidity to the stream. Public drinking water sources are listed by the DEP Bureau of Water Standards and Facility Regulation, and this information is available from each DEP Regional Office.

E. OTHER PRECONSTRUCTION REQUIREMENTS WHERE APPLICABLE

1. 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 the General Permit Registration form from the owner, the Department will review the project to determine if its location is over, across or occupies submerged lands of the Commonwealth. If applicable, the Department will prepare a Submerged Lands License Agreement and forward same to the owner for execution prior to acknowledgement of registration to use the General Permit. No annual charge is required for facilities constructed, owned or operated by a Political Subdivision of the Commonwealth.

2. UTILIZATION OF GENERAL PERMIT BDWM-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 during construction of a project are authorized by, and must be constructed in accordance with BDWM-GP-8. The owners shall indicate utilization of BDWM-GP-8 on the General Permit Registration form in the box provided. Owners constructing temporary road crossings in those areas excluded from the application of BDWM-GP-8 must apply for an individual Water Obstruction and Encroachment Permit for those road crossings.
3. USE OF EXPLOSIVES - Prior to the use of explosives in a watercourse or body of water, the permittee shall secure a written permit from the Pennsylvania Fish and Boat Commission, under the 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 (see Exhibit A).

F. STANDARD PROVISIONS OF THE GENERAL PERMIT

1. EFFECTIVE TIME PERIOD - This General Permit will remain in effect indefinitely unless specifically modified, suspended or revised by the Department.
2. SUSPENSION, MODIFICATION OR REVOCATION - The Department may suspend, modify or revoke this General Permit at any time upon notice in the Pennsylvania Bulletin.
3. 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 or the Commonwealth of Pennsylvania or its Political Subdivisions in the public interest.
4. 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.

5. 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 criteria of this General Permit or of the Chapter 105 Rules and Regulations, the Department may take such actions, legal or administrative, that it may deem to be appropriate.
6. STRUCTURE REMOVAL - The owner shall remove all or any portion of this 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 Rules and Regulations.
7. PROPERTY RIGHTS - This General Permit does not authorize trespassing on private property nor convey any property rights, either in real estate or material, or in 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.
8. WATER QUALITY CERTIFICATION - The issuance of this General Permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Clean Water Act (33 U.S.C.A. §1341).
9. OTHER APPROVALS - The owner shall secure all other approvals that may be necessary under other Federal, State or local laws or regulations.
10. CHANGE OF OWNERSHIP - If there is a change in ownership of a structure installed in accordance with this General Permit, the new owner is required to register the structure with the Department in accordance with Part Two, Section A, of this General Permit. The new owner shall submit one copy of the General Permit Registration form indicating "transfer of ownership" and one copy of a location map. Additional items required under Part Two, Section A, are not applicable if there are no proposed construction activities.
11. SIGNATURE - The General Permit Registration form for use with this General Permit shall be signed by the property owner; the president, vice president or other responsible official of a Corporation; or the chief official for a Government Agency/Political Subdivision. An engineering consultant, contractor or similar agent is not authorized to sign the General Permit Registration form on behalf of the owner.