

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS  
GENERAL PERMIT  
BWEW-GP-3  
BANK REHABILITATION, BANK PROTECTION AND  
GRAVEL BAR REMOVAL**

TABLE OF CONTENTS

	<u>Page</u>
<b>INSTRUCTIONS FOR USING THE GENERAL PERMIT .....</b>	<b>i</b>
 <b><u>PART ONE: APPLIES SPECIFICALLY TO BWEW-GP-3</u></b>	
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 .....	1-2
E. ADDITIONAL CRITERIA FOR BANK REHABILITATION AND PROTECTION .....	1-3
F. ADDITIONAL CRITERIA FOR REMOVAL OF GRAVEL BARS .....	1-5
G. AUTHORITY AND CONTINUING AUTHORIZATION.....	1-6
 <b><u>PART TWO: APPLIES TO BWEW-GP-3 AND OTHER BWEW GENERAL PERMITS</u></b>	
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
 <b><u>ATTACHMENTS:</u></b>	
DRAWING NO. 1 - SAMPLE LOCATION MAP	
DRAWINGS NO. 2 TO 14 - 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-3  
Bank Rehabilitation, Bank Protection and  
Gravel Bar Removal**

**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, E and F 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 Permitting and Technical Services 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 Map<sup>1</sup> 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. 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

5. For any earthmoving activity<sup>2</sup> associated with your project, prepare the Erosion and Sediment Control Plan which must be reviewed and determined satisfactory by the County Conservation

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

<sup>2</sup> For the definition of earthmoving activity, see Part Two, Section C.

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.

6. Take color photographs of the project area showing the scope of the project and existing condition of the bank and/or gravel bar. Prepare two sets of these photos, mount on 8½" x 11" pages and label each photo with a brief description of what is shown and the date photos were taken.

#### **THE REGISTRATION PROCEDURE:**

7. 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.
8. 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
  - Two sets of COLOR PHOTOGRAPHS (mounted with dates and descriptions)

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).
9. 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:**

10. 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, including written authorization from the U.S. Army Corps of Engineers for gravel bar removal.
  - 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.
11. 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, E and F.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS  
GENERAL PERMIT  
BWEW-GP-3  
BANK REHABILITATION, BANK PROTECTION AND  
GRAVEL BAR REMOVAL**

**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 bank rehabilitation and protection projects and the removal of gravel bars 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. Wetlands.
  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 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 Fisheries Management (see Exhibit A).
  5. Projects involving channel relocation, channel realignment, or placement of fill to construct berms or levees.
  6. Any project having a scope of work which is greater in length than 500 linear feet measured along a single continuous reach of stream channel.
  7. Projects involving the installation of tires for bank protection.
  8. The removal of vegetated gravel bars.
  9. Projects requiring excavation of mudflats in the tidal waters of the Delaware River.
  10. 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.

11. 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 Greenworks and Conservation Partnerships, Pennsylvania Scenic Rivers Program, P.O. Box 8475, Harrisburg, PA 17105-8475, telephone (717) 787-2316.
12. Gravel bar removal in streams or water bodies designated Exceptional Value Waters as defined and listed in Chapter 93 (relating to water quality standards).

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

**BANK REHABILITATION AND BANK PROTECTION** - To restore and/or protect the bank of a stream, lake, pond or reservoir against erosion, scour or sloughing by utilizing any of the following: slope protection, dumped rock protection, cribbing, walls, channel deflectors, vegetative stabilization techniques.

**CHANNEL REALIGNMENT** - Any alteration of the stream channel alignment which involves excavation into an existing stream bank.

**CONCRETE RUBBLE** - Broken concrete in pieces not to exceed 5 feet in length where neither the width or thickness is less than 1/3 its length and all reinforcing is removed flush with the face of the concrete.

**DUMPED ROCK PROTECTION** - Sound, durable stone or concrete rubble, insoluble in water and placed by dumping for the purpose of protecting against erosion, scour or sloughing of a bank. To resist transport by flowing water, National Stone Association R-7 is the minimum size rock which shall be used for dumped rock protection.

**FILTER LAYER** - Well-graded, hard, durable, non-soluble particles (free from muck, topsoil, organic matter or rubbish) or geotextile fabric, placed under slope protection to prevent the natural soil of the bank from being washed away through the slope protection layer.

**GRAVEL BARS** - Alluvial deposits in stream channels, including accumulations of gravel, glacial till, sediment, silt and flood debris, which obstruct and redirect flow, and which are thereby associated with stream bank erosion.

**RIPRAP** - A layer, facing or protective mound of stone in random size pieces, selectively placed to prevent erosion, scour or sloughing of a bank.

**SLOPE PROTECTION** - A layer or facing of sound, durable rock or similar material (natural or manmade), insoluble in water, selectively placed by hand or machine and sized to resist transport by flowing water.

**VEGETATED** - An area having greater than 50 percent surface coverage of persistent vegetation during the growing season (undisturbed by acts of man). Persistent vegetation is defined as having a predominance of perennial plant species with the exclusion of first year class seedlings of woody vegetation (shrubs and trees). The vegetational groupings to be considered consist of grasslikes, grasses, forbs, vines, shrubs and trees.

**D. PROJECT DESIGN AND CONSTRUCTION CRITERIA**

1. The use of this General Permit is limited to activities which constitute a single, complete project in and along a continuous reach of stream channel not exceeding 500 feet in length. Multiple registration and use of this General Permit for the purpose of extending a project activity beyond the maximum length is prohibited; however, the Department will consider

authorizing more extensive projects upon receipt of an application for an individual Water Obstruction and Encroachment Permit. Because this General Permit authorizes only single, complete projects, repeated projects each require a separate registration of General Permit use.

2. Construction of the bank rehabilitation, bank protection project or removal of a gravel bar should not constrict or increase the normal channel width. The configuration of the shoreline shall remain substantially the same and the work shall align smoothly with, and not project further into the channel than adjacent upstream and downstream banks. The upstream and downstream ends of a bank rehabilitation or bank protection project shall be keyed into the stream bank to ensure stability.
3. 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.
4. Bank rehabilitation, bank protection and gravel bar removal shall take place during periods when the stream is at low flow.
5. To the greatest extent possible, the project shall be designed and constructed in a manner which will (a) prevent permanent or long-term adverse changes in water quality, (b) minimize alterations in natural aquatic habitat and (c) maintain natural streamflow velocities and mixing patterns.
6. The placement of fill higher than the elevation of the existing stream banks, the construction of levees, the realignment or relocation of the channel, dredging activities in water and excavation below existing water level are not authorized by this General Permit.
7. Bank rehabilitation, bank protection and gravel bar removal projects shall not extend across adjacent property lines without the written permission of all affected property owners.
8. 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, wetlands, 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.
9. 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.
10. As part of the registration to use this General Permit, the owner shall submit duplicate sets of labeled color photographs which show the scope of the project and the existing condition of the bank to be protected and/or the gravel bar to be removed. The two sets of photographs shall be mounted on 8½" x 11" sheets. The date of photography and a written description of what is shown shall be provided for each photograph.

#### **E. ADDITIONAL CRITERIA FOR BANK REHABILITATION AND PROTECTION**

1. Slope protection and dumped rock protection shall not exceed the placement of a maximum of 1 cubic yard per running foot below the plane of the ordinary high water mark or the high tide line (in order to be consistent with the requirements of the Corps of Engineers). Where slope protection or dumped rock protection is required to be placed in the floodway or

floodplain above the plane of the ordinary high water mark or the high tide line, an additional 1 cubic yard per running foot of stream is authorized.

2. Riprap and other types of slope protection, except for vegetative stabilization and dumped stone protection, should be constructed in two layers.
  - (A) An outer layer of massive particles to resist the forces of moving water.
    - (1) The outer layer or principal protection layer should consist of well-graded particles. It is recommended that riprap slope protection shall be sized in accordance with the following Table E(2) designated DESIGN PARAMETERS FOR RIPRAP.
    - (2) The protecting layer should be placed to a minimum thickness approximately 6 inches greater than the maximum particle size, or in accordance with the following Table E(2) for riprap design.
  - (B) An underlying filter layer of fine material or filter fabric.
    - (1) Satisfactory filter materials are mixtures of gravel and clean sand with about 80% of the material ranging between 2 inches and 1/4 inch. An alternative is a commercially available geosynthetic filter fabric that will allow drainage without loss of bank material.
    - (2) The gravel filter layer should be placed to a thickness in accordance with the following Table E(2) for riprap design.
3. Grouting of slope protection or dumped rock protection is not authorized by this General Permit.

**TABLE E(2). DESIGN PARAMETERS FOR RIPRAP**

NATIONAL STONE ASSOCIATION NUMBER	AVERAGE SIZE OF STONE IN INCHES	RANGE OF STONE SIZE IN INCHES	RECOMMENDED PLACEMENT THICKNESS IN INCHES	RECOMMENDED FILTER THICKNESS IN INCHES	MAXIMUM ALLOWABLE STREAMFLOW VELOCITIES IN FEET PER SECOND	
					1.5 HORIZONTAL TO 1 VERTICAL SLOPE	2 HORIZONTAL TO 1 VERTICAL SLOPE
R-4	6	3 TO 12	15	4	8	10
R-5	9	5 TO 18	24	6	11	12
R-6	12	7 TO 24	30	8	13	14
R-7	15	12 TO 30	36	10	14	16

4. Only clean, nonpolluting materials shall be used for bank rehabilitation and protection projects in order to minimize excessive turbidity by leaching of fines as well as to preclude entrance of undesirable chemical constituents to the watercourse by natural runoff or leaching.
5. Slag is not authorized for use under this General Permit unless it qualifies as a co-product which is suitable for the specific use.
6. Along streams which are classified priority 1-A or designated Scenic Rivers, it is recommended that bank protection and rehabilitation projects shall maintain the natural character of the bank by incorporating vegetation (see Drawing Nos. 11, 12 and 13). However, woody vegetation shall not be incorporated in riprap protection. The use of concrete rubble for dumped rock protection is prohibited along Scenic Rivers.
7. Dumped rock protection shall have a maximum exterior slope of 1.5 horizontal to 1.0 vertical and a minimum top width of 18 inches at the top of the zone to be protected, as shown on Drawing No. 3B. No filter layer is required for dumped rock protection using well-graded rock. National Stone Association R-7 rock is the minimum rock size to be used for dumped rock protection.
8. Slope protection should not be placed with an exterior slope steeper than 1.5 horizontal to 1.0 vertical.
9. For rock riprap installations, a trench must be excavated at the toe of the slope to provide a supporting base. This trench should be extended to an elevation of at least 2 feet below the streambed level and be filled with the same material as the outer protection layer.
10. Immediately following completion of the project all disturbed slopes shall be stabilized to prevent accelerated erosion in accordance with the approved Erosion and Sediment Control Plan.
11. Bank rehabilitation and bank protection projects shall be maintained in a functional condition at all times. Periodic removal of debris deposited on the bank project may be necessary.
12. Each bank rehabilitation and bank protection project shall not hinder commercial or recreational navigation nor interfere with the normal migration of fish.
13. Channel deflectors may not extend from the bank into the channel a distance greater than 25% of the total channel width, and may not extend above the normal water flow a distance greater than 6 inches at the streamward tip.
14. The maximum height of a vertical wall authorized under this General Permit is 6 feet measured from the top of wall to the streambed or lakebed adjacent to the wall.

**F. ADDITIONAL CRITERIA FOR REMOVAL OF GRAVEL BARS**

1. The gravel bar removal shall be completed as a single operation in as short a time period as possible. Such projects shall follow the procedures for channel restoration projects contained in the Department's Erosion and Sediment Pollution Control Program Manual, which is available from the County Conservation District Offices.
2. Removal of a gravel bar shall be limited to periods of low flow; **a gravel bar shall be removed only to a depth 6 inches above the water level at time of the project.** For streams where there are periods of no flow, depth of gravel bar removal is limited to 6 inches above the elevation of the streambed so as not to disturb the existing low flow channel.



3. The equipment operator or contractor shall be informed of the conditions of this General Permit regarding gravel bar removal and shall be provided with working drawings that clearly show the limits of excavation in accordance with the criteria of this General Permit.
4. Bulldozing of the gravel bar material in or across the stream channel is prohibited. Excavation into a streambed or into a streambank adjacent to a gravel bar is prohibited.
5. Material removed from the stream channel shall be deposited outside regulated waters of the Commonwealth including the floodway and any wetlands adjacent to the project, except when the material is suitable and used for bank reconstruction. When the excavated material is to be used to rebuild opposite streambanks, the material shall be hauled (and not pushed) to the placement location.
6. Clean gravel bar material may be used only as an underlying fill or filter material to reconstruct and stabilize an adjacent streambank where the work can be performed in accordance with Part One, Section E, Item 2 of this General Permit. Gravel bar material used in this manner shall be faced with an outer layer of adequately sized slope protection. Gravel bar material which is removed shall not be used for dumped rock protection as defined in this General Permit.
7. In accordance with §105.233 of Chapter 105 rules and regulations, the removal of sand, gravel or other minerals from submerged lands of this Commonwealth, in quantities which are commercially usable or marketable, shall require a written agreement from and royalty payments to the Commonwealth.
8. Gravel bar removal on lands owned or administered by the Commonwealth as State Parks, State Game Lands or State Forests shall require prior written approval from the administering agency.
9. Gravel bar removal may have limited long-term benefits where there is a streambank erosion problem. Therefore, the use of bank rehabilitation and bank protection measures in conjunction with gravel bar removal is recommended.
10. The owner is advised that a permit from the U.S. Army Corps of Engineers may be required for gravel bar removal projects (see Instructions, Item 4).

**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 bank rehabilitation and protection authorized by General Permit BWEW-GP-3 (Bank Rehabilitation and Protection) issued on July 23, 1983 and reauthorized July 23, 1988 and August 20, 1988.

**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.