

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS
GENERAL PERMIT
BWEW-GP-4
INTAKE AND OUTFALL STRUCTURES**

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 intake and outfall structures in, along, across or projecting into the regulated waters of the Commonwealth. This authorization is pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. §693.1, et seq., and the rules and regulations promulgated thereunder at 25 Pennsylvania Code §105.441-105.449.
2. **DENIAL OF AUTHORIZATION** - The Department shall have the discretion, on a case-by-case basis, to deny, revoke or suspend the authorization to use this general permit for any project which the Department determines to have a substantial risk to life, property or the environment or otherwise could not be adequately regulated by the provisions of this general permit.
3. **CONTINUING AUTHORIZATION** - This general permit shall authorize the continued operation and maintenance of outfall structures authorized by general permit BDWM-GP-4 (Outfall Structures) issued on February 4, 1984.
4. **DEFINITIONS** - The following terms as used in this General Permit shall have the following meanings:

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

CHANNEL - The bed and banks of a natural stream and/or a man-made ditch, canal or conduit which conveys storm water or wastewater to a receiving stream or body of water.

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

INTAKE - The inlet of a pipe or channel conveying water from a stream or body of water.

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

OUTFALL - The outlet of a pipe or channel discharging storm water or wastewater into a receiving stream or body of water.

INTAKE AND OUTFALL STRUCTURES - Any intake or outfall in or along a stream or body of water which includes such structures as endwalls, headwalls, splash pads, riprap, ditches, conduits, diffusers, and diversions.

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

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

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

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

STORM WATER - Flows consisting primarily of runoff resulting from a rainfall event and conveyed to a receiving stream or body of water through a pipe or channel.

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

WASTEWATER - Effluent from a sewage, industrial or water plant, conveyed through a pipe or channel for discharge into a receiving stream or body of water.

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

WETLANDS - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the United States Fish and Wildlife Service Wetlands Inventory Maps, and the Pennsylvania Coastal Zone Management Plan and any wetland area designated by a river basin commission (or as defined in Chapter 105, Dam Safety and Waterway Management rules and regulations).

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

5. **SUBMERGED LANDS OF THIS COMMONWEALTH** - This General Permit shall not be effective to authorize any project occupying submerged lands of this Commonwealth until the owner has obtained an easement, right-of-way, license or lease from the Department authorizing the occupation of such submerged lands issued pursuant to 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 of proposed use of this general permit from the owner, the Department will review the project for submerged lands and initiate a Submerged Lands License Agreement if applicable.

6. **SPECIFIC AREAS WHERE GENERAL PERMIT DOES NOT APPLY** - This General Permit is not authorized in the following areas:
 - a. 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.
 - b. Local historical sites officially approved or recognized by a municipality.
 - c. Sites identified in the latest published version of the National Registry of Natural Landmarks.
 - d. Areas in or within 100 feet of a watercourse or body of water designated as or nominated for a National or State Wild or Scenic River in accordance with the National Wild and Scenic Rivers Act of 1968 or the Pennsylvania Scenic Rivers Act (32 P.S. §§820.21-820.29).
 - e. Wetlands.
 - f. Those streams or water bodies specified as high-quality (HQ) or Exceptional Value (EV) in 25 PA Code Chapter 93.

- g. Stocked trout streams from March 1 through June 15, wild trout streams from October 1 through December 31 and Lake Erie tributaries from September 1 through December 1 unless approval is obtained from the Fish and Boat Commission's Division of Environmental Services.
 - h. Areas within easement lands of any Corps of Engineers or Commonwealth of Pennsylvania constructed local flood protection project.
- 7. **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 intake and outfall structure(s).
- 8. **NOTIFICATION OF PROPOSED USE OF GENERAL PERMIT** - Prior to construction the owners shall submit the General Permit Registration form along with the required attachments to the delegated County Conservation District or to the appropriate DEP Regional Office's Permitting and Technical Services Section (see attached listings). A copy of the General Permit Registration form shall also be sent to the municipality and county in which the work will be performed. **The owner may not begin work until he has notified the appropriate office and received an acknowledgement of that registration.**
- 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 or the Commonwealth of Pennsylvania or its Political Subdivisions in the public interest.
- 13. **CRITERIA**
 - a. Each intake and outfall structure shall be constructed in such manner so that there is no interference with any navigation on the stream, migration of fish or the passage of flood flows.
 - b. Intake and outfall structures authorized under this General Permit shall not interfere with stream uses as designated in Chapter 93 of the Department's Rules and Regulations.
 - c. Intake and outfall structures herein authorized shall be properly maintained which includes the removal of any accumulation of debris.
 - d. This General Permit is not to be construed as approval of discharges into the receiving stream or body of water which may require certification under 401(a) of the Federal Water Pollution Control Act (33 USCA §1341(a)) or other relevant State Statutes.
 - e. This General Permit authorizes the construction only of those outfall structures having a pipe outfall 36 inches in diameter or less.
 - f. Intake structures shall be properly sized and located so that the intake does not violate the riparian rights of downstream users and does not substantially affect the course, current or cross section of the stream located downstream from the intake structure.

- g. Intake structures shall be screened or otherwise properly designed to prevent impingement and entrainment of fish.
 - h. 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.
 - i. Pollution of the waterway with harmful chemicals, fuels, oils, greases, bituminous material, acid, and/or other harmful or polluting materials, is prohibited.
 - j. Owner(s) must investigate for drinking water intakes or reservoirs for public and private water supply users downstream within five (5) miles of the site of the intake or outfall structure and other users which may be affected by suspended solids and turbidity increases. Written notice shall be given at least ten (10) days prior to construction to operators of any such intakes or reservoirs. Owner(s) must notify public and private water supply operators immediately and no longer than one (1) hour after the occurrence at the site which results in the release of suspended solids and turbidity to the stream.
 - k. 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, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services (see "Exhibit A").
14. **DEPARTMENT INSPECTION** - As a condition of use of this general permit, and of the owner's authority to conduct the activities authorized by this general permit, the owner hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated or maintained. The authorization and consent shall include consent to conduct tests or sampling, to take photographs, to perform measurements, surveys and other tests, to inspect the methods of construction, operation or maintenance, to examine and copy books, papers and records pertinent to any matter under investigation, and to take any other action necessary to assure that the project is constructed, operated or maintained in accordance with the terms and criteria of the general permit. This general permit condition is 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 CRITERIA** - 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.
16. **STRUCTURE REMOVAL** - The owner(s) shall remove all or any portion of the intake or outfall structure upon written notification to the owner by the Department in the event the project is causing an adverse impact on public health, safety or the environment or in any other manner violates the conditions of this general permit or Chapter 105.
17. **PROPERTY RIGHTS** - This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations.
18. **OTHER APPROVALS** - The owner shall secure all other approvals that may be necessary under Federal, State or local laws or regulations.

19. **FISH AND BOAT COMMISSION NOTIFICATION** - The owner shall notify the Pennsylvania Fish and Boat Commission's Regional Field Office Manager, see "Exhibit A", responsible for the County where the activities are proposed ten (10) days prior to start of construction. Notification by postcard is suggested. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission.

20. **BEST MANAGEMENT PRACTICES** - Work must be done in compliance with Chapter 102 (relating to Erosion Control). Prior to construction an Erosion and Sediment Control Plan must be reviewed and determined adequate by the County Conservation District in which the activities are proposed and implemented prior to, during and after construction. The 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.