

PERMITTING FOR ROUTINE MAINTENANCE ACTIVITIES

Pennsylvania Department of Transportation Webinar

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Highway Administration Webinar

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Hello and welcome to the Highway Administration Training webinar for PERMITTING FOR ROUTINE MAINTENANCE ACTIVITIES.

This webinar is a joint effort between Pollution Prevention Section/Environmental Quality Assurance Division of the Bureau of Project Delivery and NTM Engineering. Joining me here today are Mr. Ken Thornton, Chief of the PPS, and Ms. Catherine Shoemaker of the Business Leadership Office.

This webinar was developed to provide you with a brief primer on typical permits that the Department uses for routine maintenance, replacement of bridges, and other activities involving water obstructions or encroachments. We are going to discuss DEP Chapter 105 permits typically used by PennDOT, the permit application process; and we will summarize several of the important elements of permits that better ensure timely approval.

But please understand that this is intended to be an overview of applicability and some of the more important specifics of the permit requirements. There are other training classes that more fully describe the details of completing these permits than we can hope to cover in this 2 hour webinar.

Most webinars are set up so that all attendees are automatically muted, and we have set up today's session consistent with that option. This is by design so that background noise does not disturb your colleagues.

Lastly, I want to remind you, if it has not already happened, to pass the sign-in sheet among the attendees.

LOGISTICS

- ▶ Sign In Sheet
 - Required to obtain PDHs - Note AM or PM session
- ▶ Session
 - Part A Presentation is 50 minutes
 - 10 minute break
 - Part B presentation 50 minutes
 - Q&A is 10 minutes
 - Recorded Session
 - PDH = 2.0
- ▶ Copyright ©



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Please sign in on the Sign-In Sheet to obtain the Certificate of Completion, which will contain the PDH information. **Make sure that you note whether you attended the AM or PM session.**

The webinar will be two 50 minutes presentation with a 10 minute break and a 10 minute question and answer period and is equivalent to 2.0 Professional Development Hours.

The session will be recorded and details on how to obtain the recording will be sent to participants. To allow for maximum quality on the recording:

Please silence your cell phones.

We will be placing the speaker phone on mute so if you have a question, please share it with your Training Coordinator who can type it in.

If you have questions during the session, please submit them to the proctor at your location who will enter the questions using the Q&A pane. This can be done at any time, so, if you have a question, please jot it down and submit it to your proctor. The questions will be answered during the 10 minutes question and answer period.

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LEARNING OUTCOMES

- ▶ The general uses of the water obstruction permits and differences between the permits
- ▶ The limitations of the general permits
- ▶ The application requirements and level of effort necessary to develop the permit application
- ▶ The average review and approval times for the various permit types



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The webinar has been developed and is organized such that it is focused on four primary learning outcomes.

AGENDA

▶ Part A Presentation

- Which activities or types of projects require a permit?
- Which agencies have authority?
- Types of water obstruction permits typical in maintenance projects

▶ Part B Presentation

- Procedure for developing and obtaining a permit
- Supporting data for permits



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We will only be talking about waterways permits, which pertain to infrastructure modification/improvement impacts to bodies of water (and floodplains). These permits are associated with Chapter 105 and 106 (Title 25 of the PA Code) and Section 404 (Clean Water Act). Other types of permitting such as for the NPDES program (stormwater discharge associated with construction) are not covered in this webinar.

It should also be noted that regulations and requirements are continuously evolving and as such future changes in regulations may require additional considerations.

WHEN DO I NEED A PERMIT?

- ▶ You may if the activity requires work in:
 - Streams or watercourses (perennial or intermittent)
 - Wetlands
 - Lakes
 - Ponds
 - Other bodies of water
 - The floodway or floodplain of streams or watercourses



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Definitions: From Title 25, Chapter 105

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.

Floodplain -

The lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood.

WHEN YOU MAY NOT NEED A PERMIT?

- ▶ The following activities generally do not require a permit as long as the work is conducted from the streambank:
 - Removal of flood debris such as trees, logs, brush, etc.
 - Removal of gravel and debris from within 50 feet upstream and downstream of a bridge/culvert



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Removal of flood debris such as trees, logs, brush, or similar material from the channel where the work is accomplished from the bank does not require a permit.

Similarly, removal of gravel and debris from 50 feet upstream and downstream of a bridge or culvert where work is accomplished from the bank also does not require a permit.

AUTHORITY - PADEP



- ▶ Chapter 105 – Dam Safety and Encroachments Act
 - “No person shall construct, operate, maintain, modify, enlarge or abandon **any dam, water obstruction or encroachment** without first obtaining a written permit from the Department”
- ▶ Chapter 106 – Floodplain Management Act
 - “No person may construct, modify, remove, destroy or abandon **a highway obstruction or an obstruction in a floodplain**, without first applying for and obtaining a written permit from the Department”



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Chapter 105 and 106 refer to sections of Title 25 – Environmental Protection – of the Pennsylvania Code.

Chapter 106 authorization, when required, is included as part of Chapter 105 Permits.

Usually when we talk about waterway permits we think of bridges and culverts carrying a roadway over a body of water. However, waterways permits are also required for fill, such as a roadway embankment, projecting into the floodplain. This type of project would require a Chapter 106 permit since the obstruction/encroachment is not within the stream or floodway, rather it impacts the “floodway fringe” area.

AUTHORITY - USACE



- ▶ Clean Water Act, Section 404
 - Discharge of dredged or fill material into waters of the US
- ▶ Clean Water Act, Section 401
 - Water Quality Certification for discharge into navigable waters
- ▶ Rivers and Harbors Act, Section 10
 - Activities that obstruct or alter navigable waters



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Clean Water Act, Section 404 - "No person shall discharge any dredged or any fill material into the waters of the United States, without first obtaining a written permit."

Dredged Material - "A material that is excavated or dredged from the waters of the United States."

Fill Material - "Any material used for the primary purpose of replacing an aquatic area with dry land or changing the bottom elevation of a water body."

Clean Water Act, Section 401 - "Authorizes the State to grant, deny or condition "Water Quality Certification" to any applicant for a federally permitted or licensed activity that may result in a discharge into navigable waters."

Water Quality Certification - "A prerequisite to receiving a federal license or permit for any activity which may result in a discharge into navigable waters."

AUTHORITY - USACE



- ▶ Waters of the United States (WOTUS)
 - Waters used (past, present, or future) for interstate commerce
 - VERY broad definition that covers almost all naturally-formed bodies of water
- ▶ Non-WOTUS Example
 - The US courts have found that overall isolated wetlands, those not connected to WOTUS, cannot be under federal authority (however, PADEP does have authority)



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(from Part 328 of the Code of Federal Regulations)

Waters of the United States:

“All waters which are currently used, or were used in the past, or may be susceptible to use as in interstate or foreign commerce; all interstate waters including interstate wetlands; other waters, such as intrastate lakes, rivers and streams that the degradation or destruction could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the U.S.; tributaries of waters identified as waters of the U.S.; the territorial seas; and wetlands adjacent to waters identified previously.”

The limits of jurisdiction in non-tidal waters:

1. In the absence of adjacent wetlands, the jurisdiction extends to the **ordinary high water mark, or**
2. When adjacent wetlands are present, the jurisdiction extends beyond the ordinary high water mark to the limit of the adjacent wetlands.
3. When the water of the United States consists only of wetlands the jurisdiction extends to the limit of the wetland.

The **ordinary high water mark** (OHWM) is the point on the bank or shore up to which the water, by its presence and action or flow, leaves a distinct mark indicated by erosion, destruction of or change in vegetation or other easily recognizable characteristic.

PADEP PERMITS



- ▶ Waiver
 - No application needed if the activity qualifies
- ▶ General Permits
 - Submit GP registration to county conservation district or DEP regional office
 - Need written approval
- ▶ Water Obstruction and Encroachment Permit
 - Submit Joint Permit Application (JPA) and Environmental Assessment Form (EAF) to DEP regional office



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Waivers

The requirements for a permit are waived for various structures and activities. PA Code Title 25, Section 105.12(a) lists 16 and 105.12(b) lists 7 types of structures or activities for which the permit requirements are waived.

General Permits

A number of “general” permits have been developed for certain categories of water obstruction and encroachment projects that are similar in nature, can be adequately regulated utilizing standardized specifications and conditions, and do not present a substantial risk to life, property and the environment.

Water Obstruction and Encroachment Permit

Small Projects - Needed for those water obstructions or encroachments located in a stream, floodway, or floodplain, which will have an insignificant impact on safety and the protection of life, health, property and the environment. It cannot be used for projects located in wetlands.

Standard - Needed for those projects which require a permit, but were not authorized by a waiver, General Permit, Small Projects Permit or PennDOT Maintenance-Force permits (9999 Series).

USACE PERMITS



- ▶ Maintenance activities will typically fall under the PA Statewide Programmatic General Permit , **PASPGP-4**
 - Small to large projects with minor impacts
 - PASPGP-4 (effective as of July 1, 2011)
 - PASPGP-4 provides USACE Section 404 clearance and PADEP Chapter 105/106 Clearance
- ▶ In rare cases, maintenance activities may not meet the requirements of PASPGP and a **Nationwide Permit** may be required
 - Small projects with little to no environmental impacts, or
 - Projects that qualify for a DEP waiver



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Pennsylvania Statewide Programmatic General Permit (PASPGP-4) went into effect July 1, 2011 and is the fourth issue of the PASPGP. The PASPGP-4 is a General Permit, which has been issued to address a class of activities which individually and collectively have minimal adverse effect on regulated waters. In cooperation with PADEP, it provides Section 404 clearance as it is issued with the PA Chapter 105 Obstruction and Encroachment Permit as a “Joint Permit Application.”

<http://www.nab.usace.army.mil/Wetlands%20Permits/Permit/PASPGP-4.pdf>

For most maintenance type activities, the permits will meet the requirements of PASPGP-4. In some rare cases, projects may not qualify and either a nationwide permit would be required

Note: In general, USACE permits are issued through the Joint Permit Application. However, when a state permit is not required, a “Joint Aquatic Resources Permit Application Form” is submitted by PennDOT to the appropriate Corps regional office. The Corps will determine what type of permit is required.

Nationwide Permits

Satisfy Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act and/or Section 103 of the Marine Protection, Research and Sanctuaries Act. They are forms of general permits that authorize activities throughout the nation. Regional conditions and modifications can be obtained by the appropriate District Engineer. See link below for USACE descriptions of nationwide permits.

http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/nwp2007_gen_conditions_def.pdf

The other type of ACOE Permit is an Individual Permit but that typically is for large projects with significant environmental impacts, as such maintenance type projects do not typically require an individual 404 permit.

ACTIVITIES NOT ELIGIBLE FOR PASPGP-4

- ▶ More than 1.0 ac of impacts (temp or perm) to WOTUS
- ▶ Within the ordinary high water line (OHWL) on non-tidal waters and/or mean high water line (MHWL) on tidal waters for:
 - Delaware River – DS of Morrisville-Trenton Railroad Bridge in Morrisville
 - Schuylkill River – DS of the Fairmount Dam in Philadelphia
 - Youghiogheny River – From mouth to river mile 31.2 at West Newton, PA
 - Allegheny River – From mouth in Pittsburgh to river mile 197.4 at Kinzua Dam
 - Kiskiminetas River – From mouth to river mile 26.8 at Saltsburg
 - Tenmile Creek – From mouth at Millsboro to river mile 2.7
 - Lake Erie – OHWM is located at elevation 573.4
 - Ohio River
 - Beaver River
 - Little Beaver River
 - Mahoning River
 - Monongahela River



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The PASPGP-4 provides the USACE Section 404 clearance when a PADEP permit is issued. However, there are certain activities that cannot be permitted under the PASPGP-4 – those activities are listed above.

For non-tidal waters (all bodies of water in PA) the **ordinary high water line (OHWL)** is the point on the bank or shore up to which the water, by its presence and action or flow, leaves a distinct mark or line indicated by erosion, destruction of or change in vegetation or other easily recognizable characteristic.

CHAPTER 105 WAIVERS

- ▶ Section 105.12
- ▶ 16 total + 7 “grandfather” waivers (before 1979)
- ▶ Examples
 - Obstruction in a stream/floodway w/ DA < 100 ac (no wetlands)
- ▶ DEP can require a higher level of permitting if they feel it is justified



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Chapter 105 Waivers

1. A dam less than or equal to 3-feet high in a stream not exceeding 50 feet in width, except wild trout streams.
2. Water obstruction in a stream or floodway with a drainage area of 100 acres or less (no wetlands).
3. Aerial crossing of a non-navigable stream or wetland by electric, telephone or communication lines.
4. A dam subject to the requirements of the Mine Safety and Health Administration...
5. A water obstruction or encroachment located in, along, across or projecting into a wetland or impoundment, constructed and maintained for treating acid mine drainage, sewage or other waste...
6. A water obstruction or encroachment located in, along, across or projecting into a stormwater management facility or an erosion and sedimentation pollution control facility.
7. Maintenance of field drainage systems (for crop production).
8. Plowing, cultivating, seeding or harvesting for crop production
9. Construction and maintenance of ford crossings of streams for individual private personal use
10. A navigational aid or marker, buoy, float, ramp or other device or structure
11. Removal of abandoned dams, water obstructions and encroachments
12. Construction, operation or removal of staff gages, water recording devices, water quality testing devices
13. A bridge or culvert purchased from an operating railroad company subsequent to the abandonment of the railroad line, track, spur or branch
14. Maintenance of an artificial pond or reservoir to its original storage capacity...
15. Construction and maintenance of an encroachment or water obstruction on an abandoned mining site...
16. Restoration activities undertaken and conducted pursuant to a restoration plan.

CHAPTER 105 WAIVERS - USACE

- ▶ Not accepted
 - Waiver 11 – Removal of abandoned dams, etc.
 - Waiver 16 – Restoration activities
- ▶ Conditionally accepted
 - Waiver 2 – < 100 ac drainage area
- ▶ PennDOT submits a Corps permit application for a determination of the type of permit required



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The USACE does not accept waiver 11 and 16 from PADEP Chapter 105. If your project is one of the types listed as not recognized (above), PennDOT must submit a separate application to the Corps for a determination of the type of permit required.

USACE issued a letter to FHWA in 2002 clarifying its stance on Waiver 2, which waives permit requirements for water obstructions/encroachments in drainage areas less than 100 acres. A copy of this letter is included at the end of this section.

If your project meets one of the other waivers not listed above, then you do not need to submit a waterways permit application.

CHAPTER 105 WAIVERS – WAIVER 2

- ▶ Drainage areas 100 acres or less
- ▶ Federal permit requirements waived if certain conditions are met
 - Diameter 48” or less
 - Pipe/culvert length 250’ or less
 - Replace in same location
 - Allowed +6” diameter if necessary
 - No increase in length
 - No change in character, scope, size of original fill
 - No impacts to wetlands
 - Set at or 6” below existing stream bed



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This waiver is frequently applied to Maintenance Projects. The most common application of this waiver would be pipe, box, or arch culverts underneath highway embankments with relatively small upslope drainage areas. It does not matter whether this is a defined channel or if the flow is intermittent or perennial.

The PASPGP-4 (Corps permit) is issued with Waiver 2; it is considered a Category III activity by the Corps.

CHAPTER 105 - WAIVER 2

- ▶ If project meets DEP conditions of Waiver 2 and the requirements documented in the 2002 ACOE Waiver letter
 - Document pipe/culvert replacement calculations per DM-2, Chapter 10 in PennDOT file, Permit not required
- ▶ If project meets DEP conditions of Waiver 2 BUT does NOT meet the requirements of the 2002 ACOE Waiver letter
 - A nationwide ACOE permit will be required



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See website below for full definition of 2007 Nationwide Permits.

http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/nwp2007_gen_conditions_def.pdf

Pipes under 100 acres that need Nationwide Permit (NWP) may fall under the NWP-3:

NWP 3. Maintenance. (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage.

(b) This NWP also authorizes the removal of accumulated sediments and debris in the vicinity of and within existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) and the placement of new or additional riprap to protect the structure. ...

GENERAL PERMITS

► Types

- GP-1 – Fish habitat enhancement structures
- GP-2 – Small docks and boat launching ramps
- **GP-3 – Bank rehabilitation, bank protection, and gravel bar removal**
- **GP-4 – Intake and outfall structures (36" pipe or less)**
- GP-5 – Utility line stream crossings
- GP-6 – Agricultural crossings and ramps
- **GP-7 – Minor road crossings**
- **GP-8 – Temporary road crossings**
- **GP-11 – Maintenance, testing, repair, rehabilitation, or replacement of water obstructions and encroachments**



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The General Permits listed above are those that could be encountered on a PennDOT project. Of the many types of General Permits, five of them – the GP-3, GP-4, GP-7, GP-8, and GP-11 – are the most common for PennDOT maintenance work.

GENERAL PERMITS LIMITATIONS

- ▶ GPs generally cannot be used in:
 - Historic, cultural, or archeological sites
 - Sites in the National Registry of Natural Landmarks
 - Stocked or wild trout streams during certain dates
 - Sites which serve as habitat for T&E species
 - Significant wetland impacts
- ▶ Per activity < 0.25 acres of permanent impacts
- ▶ Per project < 1.0 acres of temp./perm. impacts
- ▶ If the conditions of the GP cannot be met, use the Joint Permit Application



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As previously mentioned, General Permits were created to streamline activities with low potential of impacting the environment. If the project is located in any of the areas listed above, the General Permit cannot be used; therefore, state regulations can only be satisfied by use of the Joint Permit Application.

The applicability of the GPs should be carefully reviewed for each case.

Individual components of a single and complete project, resulting in the discharge of dredged or fill materials and/or the placement of structures, will result in the permanent loss of no more than 0.25 acres of waters of the United States, including jurisdictional wetlands or not more than 250 linear feet of impacts to streams, rivers, jurisdictional watercourses, and open water areas.

That all combined components of a single and complete project, including all attendant features both temporary and/or permanent, resulting in the discharge of dredged or fill materials and/or the placement of structures, will result in direct or indirect impacts to 1.0 acre or less of waters of the U.S., including jurisdictional wetlands, or 250 linear feet or less of streams, rivers or jurisdictional watercourses and open water areas.

GP-3 STREAM BANK STABILIZATION

- ▶ Bank Rehabilitation, Bank Protection, and Gravel Bar Removal



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The first Permit covered is GP-3 Stream Bank Stabilization.

GP-3 APPLICABILITY

- ▶ For bank rehabilitation, bank protection and gravel bar removal
- ▶ Used for repair of eroding stream banks near bridge abutments and removal of gravel bar near a bridge opening



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The authorized uses for the GP-3 are:

Bank rehabilitation, bank protection, and gravel bar removal.

Waterway bank stabilization up to 500 feet long following the conditions in the permit
Gravel bar removal to an elevation of 6 inches above the current water level

It is recommended to complete the activity(s) when the water is at its lowest point

GP-3 BANK REHABILITATION...

► Conditions

- Max. 500 ft of stream length
- Max. 1.5:1 channel slopes
- Rock protection shall not exceed 1 CY per running foot of stream channel below ordinary high water (OHW) mark;
- Excavation of gravel bar to max. 6" above low flow

► Does not apply

- Historical, cultural, archaeological sites
- Wetlands
- Stocked trout streams during certain months
- T&E species habitat
- EV waters (gravel bar removal)



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As outlined in DEP's **3930-PM-WM0503**, the GP-3 permit for Bank Rehabilitation, Bank Protection and Gravel Bar Removal includes the above conditions and limitations, in addition to those listed in the permit instructions. A few more of the more relevant conditions are listed below.

- Cannot be used for projects involving channel relocation, channel realignment, or placement of fill to construct berms or levees.
- Cannot be used for the removal of vegetated gravel bars.
- Cannot be used in areas within 100 feet of a watercourse designated wild in the National or State Scenic Rivers system.
- Construction of the bank rehabilitation, bank protection project, or removal of a gravel bar should not constrict or increase the normal channel width.
- Construction should minimize the use of equipment within the channel and shall take place during periods of low flow.
- Placement of rock protection shall not exceed 1 CY per running foot of stream channel below the ordinary high water (OHW) mark; above the OHW an additional 1 CY per foot is authorized.
- Grouting of slope protection or dumped rock protection is not allowed.

GP-4 INTAKE AND OUTFALL STRUCTURES

► Applications

- Construction, operation or maintenance of intake or outfall structures in, along, across or projecting into regulated waters of the commonwealth
- Typical PennDOT Maintenance application is related to any storm sewer discharge or culvert projecting into a stream, floodway, or wetland



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As outlined in DEP's **3930-PM-WM0504**, the GP-4 permit for Intake and Outfall Structures can be used for the construction, operation, and maintenance of intake and outfall structures in, along, across or projecting into the regulated waters of the Commonwealth.

Intakes, referring to pipes conveying water from a body of water, are not a typical type of PennDOT application. Outfalls, however, refer to any pipe or culvert discharging into a body of water (or floodway). Outfalls include end sections and outlet protection such as endwalls, splash pads, riprap, and ditches.

GP-4 INTAKE & OUTFALL STRUCTURES

- ▶ Conditions
 - 36" max. pipe diameter
- ▶ Does not apply
 - Cannot be used in areas within 100 feet of a watercourse designated wild in the National or State Scenic Rivers system.
 - Cannot be used within easements lands of any Corps of Engineers or Commonwealth of PA constructed local flood protection project.
 - Historical, cultural or archaeological sites
 - Wetlands
 - HQ or EV waters
 - Trout Streams in certain months



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The GP-4 includes the above conditions and limitations, in addition to those listed in the permit instructions. Other restrictions include:

- Cannot be used in areas within 100 feet of a watercourse designated wild in the National or State Scenic Rivers system.
- Cannot be used within easements lands of any Corps of Engineers or Commonwealth of PA constructed local flood protection project.
- 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.

GP-5 UTILITY LINE STREAM CROSSINGS

- ▶ Installation, operation and maintenance of utility line stream crossings of the regulated waters of the Commonwealth.
 - **Utility owner MUST** apply for the permit
 - If a PennDOT project will impact a utility crossing, PennDOT must ensure the utility company has secured the GP-5 before PennDOT proceeds with work.



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As outlined in DEP's 3930-PM-WM0505, the GP-5 is used for the installation, operation and maintenance of utility stream crossings of the regulated waters of the Commonwealth.

PennDOT is allowed to perform the utility relocation or maintenance work as part of their PennDOT project, but the OWNER of the UTILITY must have secured the GP-5 permit before PennDOT can proceed with the work.

GP-5 UTILITY LINE STREAM CROSSING

► Conditions

- Lines must be under 36" diameter
- Must be placed with 3 feet of cover under the streambed unless in a bedrock streambed
- Crossing must be kept at a right angle to the stream
- Mats or similar BMPs must be used when crossing a wetland
- Original contours must be restored



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The GP-5 permit is used for a utility crossing for pipes/lines under 36-inches in diameter and the other conditions noted on this slide.

Three feet of cover must be established over the utility unless prevented by bedrock, the crossing is at right angles to the stream, and BMPs must be employed throughout the project and identified in the E&S plan.

Note that the original contours of the streambed must be re-established following the work.

GP-7 MINOR ROAD CROSSINGS

► Applications

- Any type of permanent roadway construction (new or replacement) over a stream or wetland
- Removal of existing minor road crossings across streams



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As outlined in **3930-PM-WM0507**, the GP-7 permit for Minor Road Crossings can be used for new/permanent construction of a road over wetlands or a small stream. The conditions listed above must be met in order to register the permit. Although not explicitly indicated in the permit instructions, the GP-7 can be used for culvert/bridge replacements.

GP-7 MINOR ROAD CROSSINGS

► Conditions

- Max. 100 ft crossing length over wetlands
- <0.1 ac disturbance over wetlands
- 1.0 mi² max. drainage area to stream
- Depth of fill covering the culverts per manufacturing specifications
- Pipe invert bedded at a minimum of 6 inches

► Does not apply

- In a detailed FEMA study area
- EV waters
- Stream enclosures (> 100 ft)



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As outlined in 3930-PM-WM0507, the GP-7 permit for Minor Road Crossings can be used for new/permanent construction of a road over wetlands or a small stream. The conditions listed above must be met in order to register the permit. Although not explicitly indicated in the permit instructions, the GP-7 can be used for culvert/bridge replacements.

The depth of the fill covering culverts has been identified by the PennDOT personnel as a condition that looks innocuous, but has caused some permit approval problems.

The permit states: *“Minimum depth of covering culverts shall not exceed the minimum cover required by the current manufacturer’s specifications for the intended use of the crossing”.*

Typically, 1.5 to 15 feet of fill is required over a culvert. Depending on the amount of this fill, it may fall outside the manufacturer’s specifications.

If your fill exceeds manufacturer’s limits, you should discuss this element with the permit reviewer before submitting the permit. Alternatively a GP-11 may need to be submitted which does not have the same limitation.

GP-8 TEMPORARY ROAD CROSSINGS

- ▶ Construction, operation and maintenance of temporary road crossings across regulated waters of the Commonwealth or across wetlands where no practical alternatives exist.
- ▶ Only valid for 1-year from authorization



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GP-8 or Temporary Road Crossing GP is used for a temporary road installed for a period of less than 1 year across a wetland or across or along a stream using a pipe culvert or series, a causeway or a ford. Important to note is that a authorization for a temporary road crossing across a wetland will only be granted if it can be shown that no practicable alternatives exist

GP-8 TEMPORARY ROAD CROSSINGS

► Conditions

- No fords in HQ and EV watersheds
- Max. ½ channel width for causeways
- Max. 200 ft crossing within a wetland

► Does not apply

- Typical restrictions related to historic, landmarks, trout streams, and T&E sites



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The GP-8 permit for Temporary Road Crossings is commonly used by contractors to build access measures (fords, causeways) for construction. **The GP instructions must be reviewed for the specific areas where the GP does not apply to ensure that the project is eligible for the GP.**

If a GP-11 is being used for a project, the applicant only needs to complete a GP-11 form and check the box in the registration checklist that identifies that a GP-8 will be used for the project.

Causeway (definition): Embankment constructed partially across or along a stream.

Ford (definition): Road crossing using existing stream bed

Must use clean materials (rock or gravel)

Must use minimal fill

Use largest pipe possible without creating backwater condition (overtopping preferred)

Approaches to crossing must be stable and E&S addressed

Avoid all wetlands, if alternate location is possible

A maximum of 200 feet is permitted across a wetland (if wetlands are unavoidable)

GP-8 SPECIAL CONDITIONS

- ▶ Proper E&S BMPs must be maintained
- ▶ Bridges must be single-span extending from bank-to-bank
- ▶ Crossing installation exists for 1 year or less
- ▶ Approach roads to temporary road crossings shall utilize original grades.
 - However, clean rock material or gravel to a depth of six inches above original grade shall be utilized for approaches as necessary.



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Additional conditions of use for the GP-8 are identified on this slide including the requirement to install and maintain all erosion and sedimentation BMPs, bridge span and causeway restrictions.

DEP and Conservation Districts WILL be stepping up enforcement of E&S systems. Assume they will inspect your project site. Therefore, make sure the BMPs are in place and operating effectively, they are inspected and maintained, AND make sure there is documentation of the inspections, field changes, and other administrative and actual work conditions efforts.

This is particularly important following rain events.

GP-11 MAINTENANCE, TESTING...

- ▶ Cannot be used for:
 - New stream enclosures or relocations, stream realignments, etc.
- ▶ Cannot have:
 - More than 0.05 acres of permanent wetland impacts
 - Impacts to historical, cultural, or archaeological sites
 - Significant reduction in waterway opening
 - Significant change to roadway approaches or overtopping
 - More than 12 ft increase in bridge/culvert length on each side*
 - Increase in water surface elevations for 100-year event
 - Direct/indirect effects on State/Federal species of special concern
- ▶ Applications
 - Bridge/culvert rehab/replacements



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Replacing an existing structure with a similarly-sized one should generally not have significant environmental impacts – that is why the newest addition to the PADEP General Permits was created: the GP-11. It is most commonly used for bridge or culvert rehabilitation or replacement projects. If the GP-11 conditions cannot be met, a Joint Permit Application must be used.

* Appurtenant works beyond 12 feet that are authorized include wingwalls, headwalls, bank stabilization, and scour protection.

MAINTENANCE-FORCE (EXX-9999) PERMITS

- ▶ PADEP authorized PennDOT to conduct routine “Maintenance-Force” activities to maintain the hydraulic opening on permitted waterway structures
- ▶ Activities are generally limited to
 - channel cleaning
 - minor pier/abutment repairs
 - superstructure maintenance that does not alter the hydraulic opening
- ▶ Applications
 - Minor repairs or rehabilitation that can be conducted by PennDOT’s own maintenance personnel and PennDOT’s contractors



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The original intent of the Maintenance-Force permits was to allow PennDOT’s own personnel to conduct the activities; however, these permits have been successfully used for projects bid out to contractors. As long as the activity does not require work on a substantial portion of the structure, the permit can be used.

PERMIT EXX-9999

District #	Permit Name	District #	Permit Name
D-1	E61-9999	D-8	E22-9999
D-2	E17-9999	D-9	E07-9999
D-3	E41-9999	D-10	E32-9999
D-4	E35-9999	D-11	E02-9999
D-5	E39-9999	D-12	E26-9999
D-6	E23-9999		



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Important to note is that the “X” place holders in the permit title will vary based on the location of each PennDOT regional office. The chart on this slide shows each District’s specific permit name.

AMENDMENT TO GENERIC PERMIT EXX-9999

- ▶ DEP and PennDOT coordinated on updated standards
- ▶ DEP issued the Amendment to the Exx-9999 on January 20, 2010 effective immediately
 - Note DEP letter dated January 20, 2009 (typo on date)
- ▶ Gary Fawver sent the Amendment to PennDOT Districts on February 26, 2010
 - Sent to ADE's Design, Construction and Maintenance
 - District H&H and Permit Coordinators



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The Amendment was distributed to the ADE's of Design, Construction, and Maintenance and the District H&H and Permit Coordinators in February 2010.

PRIMARY CHANGE IN EXX-9999 STANDARDS

- ▶ Sketch plan must show:
 - Staging areas
 - Access points to the work area
 - Work areas
 - Limits of proposed work
 - Listing of in-stream BMPs



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The primary change is that when submitting a request to DEP to utilize the Exx-9999 a sketch plan for each site is required that shows:

- Staging areas
- Access points to the work area
- Work areas
- Limits of proposed work
- Listing of in-stream BMPs

The standards should be incorporated into the requests to DEP immediately.

WORK AUTHORIZED UNDER EXX-9999

- ▶ Stream channel work limited to 50 feet up/downstream from the face of the structure
- ▶ Structure maintenance/repairs including piers, footings, wing walls or retaining walls
- ▶ Bridge rehabilitation projects including superstructure replacement meeting the criteria
- ▶ Paving metal bottom culverts are subject to additional conditions



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Stream channel work is limited to 50 feet upstream and downstream from the face of the structure.

Structure maintenance/repairs may include piers, footings, wing walls or retaining walls.

Bridge rehabilitation projects, including superstructure replacement, should meet these criteria:

No reduction in horizontal or vertical clearance of the structure.

No widening of a substructure or superstructure.

No roadway grade will be altered.

Paving metal bottom culverts are subject to additional conditions:

Divert upstream flow with a cofferdam and pump water via a conduit through the culvert.

Clean out debris and silt as required.

Construct reinforced paving to a depth of 6"-8" as needed and place riprap at outlet as needed. Do not finish concrete surface leave rough.

Allow concrete to harden enough to walk on, then flush concrete with stream water and pump rinse water to upland discharge location until the pH level of the rinse water falls below 9.

WORK NOT AUTHORIZED UNDER EXX-9999

- ▶ Streambed paving for small structures with an open bottom 20-feet wide or less:
 - Work must be authorized by either a “Small Projects” permit or a “General Permit No. 11” or a full “Joint Permit”
 - Follow design criteria in BD-632M for depressed invert and baffle requirements



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Streambed paving for small structures with an open bottom 20 feet-wide or less is NOT authorized under the Exx-9999. Work must be authorized by either a Small Projects permit, GP-11, or a full Joint Permit.

- Follow the design criteria in BD-632M for depressed invert and baffle requirements.
- Divert upstream flow with a cofferdam and pump water via a conduit through the culvert.
- Allow concrete to harden enough to walk on, then flush concrete with stream water and pump rinse water to upland discharge location until the pH level of the rinse water falls below 9.

OTHER EXX-9999 REQUIREMENTS

- ▶ Bridge cleaning in accordance with
 - Guidelines for PennDOT's Bridge Cleaning Operations (latest version) OR
 - Chapter 2 of PennDOT Pub 55 (Bridge Maintenance Manual)
 - Whichever provides the more strict environmental control
- ▶ Bridge painting in accordance with
 - Guidelines for Environmental Pollution Controls for Bridge Painting Contracts (latest version) OR
 - Chapter 3 of PennDOT Pub 55
 - Whichever provides the more strict environmental control



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Bridge cleaning must be done in accordance with:

- Guidelines for PennDOT's Bridge Cleaning Operations (latest version) OR
- Chapter 2 of PennDOT Pub 55 (Bridge Maintenance Manual)
- Whichever provides the more strict environmental control

Bridge painting must be done in accordance with:

- Guidelines for Environmental Pollution Controls for Bridge Painting Contracts (latest version) OR
- Chapter 3 of PennDOT Pub 55
- Whichever provides the more strict environmental control

EMERGENCY PERMIT

- ▶ PADEP can issue an Emergency Permit to authorize:
 - Repair or replacement of damaged or lost water obstructions, or for encroachments such as stream bank stabilization, where there is an imminent threat to public health and safety or the environment requiring immediate remedial action
- ▶ Emergency Permits expire in 60 days unless extended by DEP
- ▶ If longer repair phase is anticipated, a GP- I I may be more appropriate



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There are also emergency conditions where PADEP can issue an emergency encroachment permit as authorized in Section 105.64:

Per DEP Title 25, Section 105.64. Emergency permits.

The Department may issue emergency permits if it finds that immediate remedial action is necessary to alleviate an imminent threat to life, property or the environment.

(1) The emergency permit will be provided in writing, on a form developed for this purpose.

(2) The emergency permit will contain conditions as the Department determines appropriate.

(3) The Department may institute proceedings, legal or administrative, that it deems appropriate for violations of the emergency permit or conditions of the emergency permit.

(4) The emergency permit will expire 60 days after the effective date of the permit unless extended in writing by the Department.

(5) The permittee shall notify the affected municipality of the issuance of an emergency permit as soon as possible and provide a follow-up notice in writing to the affected municipality within 48 hours from the issuance of the emergency permit.

PADEP may extend the coverage period as necessary. Where applicable, General Permit 11 can be considered if the work is not anticipated to be accomplished within 60 days.

CONCLUSION PART A

- ▶ Question & Answer Period
- ▶ 10 Minute Break



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This concludes the Part A of the Presentation on Routine.

At this time, I want to open up the session for questions and a break before we resume with Part B of the Webinar.

PERMITTING FOR ROUTINE MAINTENANCE ACTIVITIES **PART B:**

- Procedure for developing and obtaining a permit
- Supporting data for permits

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In this part of the webinar, we will discuss the procedures for developing and obtaining a permit and where we can obtain the supporting data required for a permit application

DEVELOPING THE PERMIT APPLICATION

- ▶ Depending on the permit type either a paper submission or an electronic submission is available
- ▶ Electronic submission **REQUIRED** for:
 - GP-11
 - Small Project or Standard JPA application
- ▶ Paper Submission for
 - All other GP's
 - Exx-9999



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PennDOT requires that Joint Permit Applications and GP-11's be submitted electronically through the JPA₂ Expert System.

<http://www.dotdom1.state.pa.us/JPA/ipahome.nsf/HomeFrameset?open>

ELECTRONIC SUBMISSION OF JPAS

- ▶ The JPA₂ Expert System and Chapter 105 JPA Facility Data System allow electronic submission of JPAs and supporting documentation for
 - GP=11, Small Project and Standard Permit Applications
- ▶ Streamline submittal and review by:
 - Eliminating paper handling
 - Reduced data entry and validation time
 - Streamlined quality checks



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In 2008, the Joint Permit Expert System 2 (JPA₂) replaced the old version of the JPA System, though the new system is still commonly referred to as JPA.

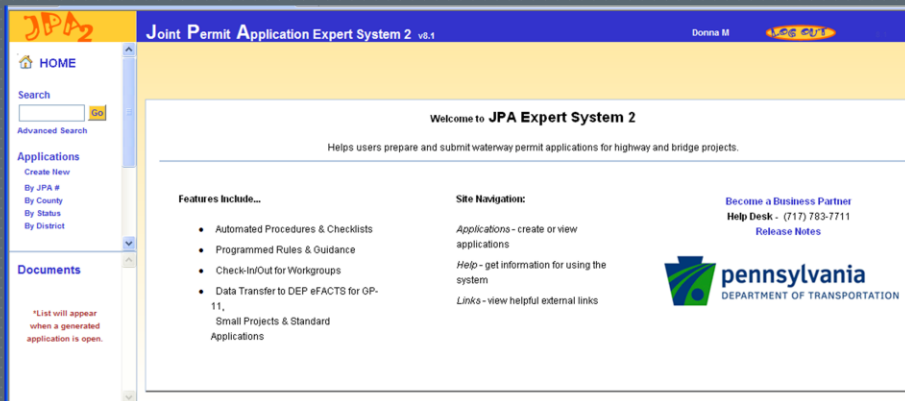
The JPA₂ Expert system is a web-based system that assists PennDOT and its partners in preparing applications for Chapter 105 permits. The system is designed to be used throughout the entire application process to compile and organize information, simplifying requirements and reducing preparation time. As a web-based system, the JPA is continuously available from any location with an internet connection.

A few of JPA's function highlights include:

- A user interface that is intuitive and self-training
- Interactive guidance to expedite the application process
- Electronic transfer of GP-11, Standard, and Small Project applications to DEP
- Validations and checklists to verify data
- Online checkout procedures to ease workgroup participation
- Ability to create single .pdf of and entire application

JPA2 ELECTRONIC SYSTEM

- ▶ Permit is submitted 100% electronically



The Joint Permit Application satisfies both the Chapter 105 permit for PADEP and the Section 404 permit for USACE.

PennDOT requires that Joint Permit Applications be submitted electronically through the JPA₂ Expert System.

<http://www.dotdom1.state.pa.us/JPA/jpahome.nsf/HomeFrameset?open>

The JPA System has e-training online included a Webex on Facility data and various Frequently Asked Questions sections in the "Help" area of JPA2 Expert System. PennDOT has an eTraining CD that provides an overview of the use of JPA with instructions for preparing Chapter 105 permit applications. In addition to the eTraining video, the CD includes two PDF documents; the JPA Instruction Manual and the Electronic Review Preparation Tips.

JPA2 CHECKLIST



Application Interview (General Permit 11) - SUBMITTED

Doc List Check Out Check In All Print Create PDF

Donna Newell

JPA # [] Close Print List

JPA #1001 - District 09 - Bedford County - SR 0026, Section 009 / Yellow Creek
General Permit 11 - SUBMITTED

Document / Attachment	Checked Out?	Verified?	Required?	Included?	Last Modified
Application Interview	N/A	N/A	N/A	N/A	05/06/08
DEP Tracking Fields 1001.PDF	N/A	N/A	Required	Omitted	05/05/08
GIF	N/A	Verified	Required	Included	05/05/08
JPA	N/A	Verified	Required	Included	04/25/08
JPA Adjoining Owners	N/A	Verified	Optional	Included	05/06/08
PNDI Search 2008 Yellow Cr PNDI clearance.pdf	N/A	Verified	Required	Included	04/25/08
Plans 2 SR0026tsl.02-11-08.pdf 1 SR0026RoadwayPLANSET.02-11-08.pdf 3 SR0026tsL_TempBridge.02-11-08.pdf 4 SR0026 cross sections.02-11-08.pdf	N/A	Verified	Required	Included	04/25/08
Engineer Seal & Certification MEG GP Engineers Certification.pdf	N/A	Verified	Optional	Included	04/25/08
Location Map	N/A	Verified	Required	Included	04/25/08

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PennDOT JPAs are now submitted electronically. The following is the checklist from the Joint Permit Application. The document list in the JPA₂ Expert System loosely matches the checklist and all items are still required.

- GIF and permit application properly signed, sealed and witnessed
- Application fee
- Copies and proof of receipt – Act 14 notification – Acts 67/68/127
- Cultural Resource Notice – Copy and Proof of Receipt
- Completed and approved Supplement No. 1 Form (PNDI search)
- Plans (site plan, cross sections, profiles)
- Location map
- Project description narrative
- Color photographs with photo location map
- Environmental Assessment Form
- Erosion and Sediment Control Plan and approval letter
- Hydrologic and hydraulic analysis
- Stormwater Management Analysis with consistency letter
- Floodplain Management Analysis with consistency letter
- Risk Assessment
- Professional engineer’s seal and certification
- Alternative analysis
- Mitigation plan

PAPER FOR SUBMISSIONS

- ▶ For GP's other than GP-11 and Exx-9999 paper submissions are required.
- ▶ The required forms can be found on DEP's website



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PADEP PERMIT FORMS



The screenshot shows a Microsoft Internet Explorer browser window displaying the PA Department of Environmental Protection website. The address bar shows <http://www.depweb.state.pa.us/dep/sk>. The page title is "Permits, Licensing and Certification". The left sidebar contains a "Quick Access" menu with the following items: Calendar of Events, Economic Development Assistance, DEP Programs (A-Z), Environmental Complaints, Forms & Publications, Grants & Loans, Newsroom, **Permits, Licensing & Certification**, Public Participation, Report an Environmental Incident, and Sign up for e-notice. A red arrow points from the "Permits, Licensing & Certification" menu item to the main content area. The main content area has a heading "Permits, Licensing and Certification" and three sections: "eFACTS", "Guide to DEP Permits & Other Authorizations", and "DEP Permit/Authorization Packages". A second red arrow points from the "DEP Permit/Authorization Packages" section to the text "used by various programs throughout the Department".

Permits, Licensing and Certification

eFACTS - The Department's eFACTS (Environment, Facility, Application, Compliance Tracking System) database is a Department-wide database that provides a holistic view of the clients and sites (including facilities) that DEP regulates. In an effort to provide information on the Department's permit/authorizations and to collect and maintain data for eFACTS, the following information is provided on this permit/authorization web site.

Guide to DEP Permits & Other Authorizations - In an effort to electronically share Department permit/authorization documents and forms, we will maintain on our web site the Guide to DEP Permits & Other Authorizations that provides important information on the Department's permit/authorizations. This document is a 300+-page guide to the permit/authorization application requests processed and authorized by DEP. The guide provides general information on the permitting process, related policies, and helpful hints for the applicant. The major portion of the guide identifies the various permit/authorizations and includes such information as: purpose; processing information; web address of the application package; statutory/regulatory cites; fee information; public comment/participation; related published materials; etc.

DEP Permit/Authorization Packages - This web site divides the permit/authorization packages between those used Department-wide versus those used by specific programs. These packages are the application forms (and associated documents) needed to apply for a permit/authorization with the Department. Each package is made up of instructions for completing the forms, the application forms and an optional checklist for the applicant. The [Department-Wide Permit/Authorization Packages](#) area contains forms and information that is used by various programs throughout the Department (e.g., General Information Form (GIF); contact information). The [Program-Specific Permit/Authorization Packages](#) area contains form and information that are specific to a DEP program (e.g., Air Quality; Mining; Water Management; etc.).

All of the PADEP permit forms can be downloaded from their website at:
www.depweb.state.pa.us

Select "Permits, Licensing & Certification" in the Quick Access column on the left. Then select "Program-Specific Permit/Authorization Packages" to open PA DEP's electronic library.

PADEP PERMIT FORMS



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Once in the library, select “Water Management” and then “Water Obstruction & Encroachment & Wetlands.” You can select the link to the “General Permits” or to the “Water Obstruction – Encroachment – US Army Corp of Engineers Section 404 Joint Permit Application.”

The forms may be downloaded and saved to your computer as MS Word documents or Adobe PDF files. Downloading the forms as MS Word documents will allow you to complete the form and save it in a MS Word format.

NEW PASPGP-4 FORM

- ▶ Cumulative Impacts Project Screening Form
 - Used to determine the appropriate USACE Category for Permit Review
 - Required to provide area and/or linear feet of temporary and permanent impact to:
 - ▶ Waters of the United States
 - ▶ Wetlands
 - List other 105 or 404 existing authorizations for the project if applicable
 - If electronic submission as part of JPA2, “signature on this form is not required”



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The new PASPGP-4 Cumulative Impacts Project Screening Form (3030-PM-WM0050) is required for permit applications effective July 1, 2011.

PASPGP-4- Part II –Definitions (page 4)

Eligibility Threshold – The maximum acreage of temporary and/or permanent impacts, both direct and indirect, to waters of the United States and Navigable Waters as a result of the regulated activity, used to determine PASPGP-4 eligibility.

a. Direct Impacts – For purposes of this permit, direct impacts to waters of the United States and Navigable Waters includes the impact area from the direct footprint of the regulated activity (i.e., fill area).

b. Indirect Impacts – For purposes of determining eligibility thresholds for this permit, indirect impacts to waters of the United States and Navigable Waters include the areas indirectly affected by flooding, draining, or excavation as a result of the regulated activity.

NEW PASPGP-4 FORM

- Recommend including figure highlighting how area and linear feet impacts were calculated

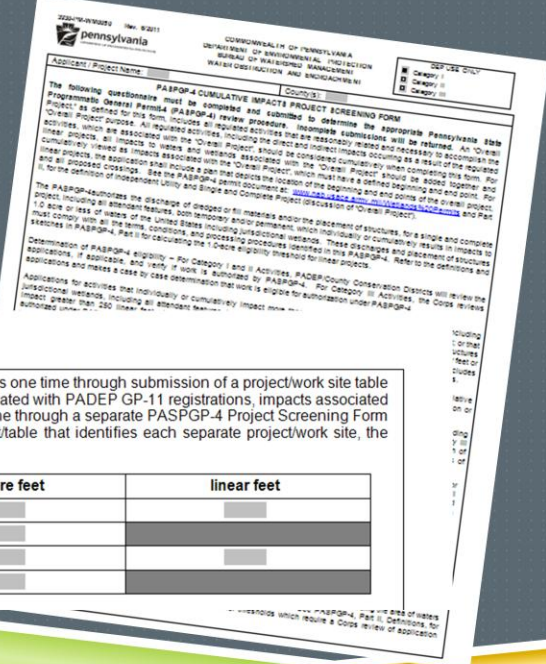
3930-PM-WM0050 6/2011

PADEP GP-11 allows for the registration of multiple overall projects as one time through submission of a project/work site table that identifies each of the separate overall projects. For work associated with PADEP GP-11 registrations, impacts associated with each project/work site should be list separately. This can be done through a separate PASPGP-4 Project Screening Form for each project/work site, or submission of a separate document/table that identifies each separate project/work site, the proposed work and impact information, as required by this section.

		square feet	linear feet
Permanent Impacts	to waters:		
	to wetlands:		
Temporary Impacts	to waters:		
	to wetlands:		



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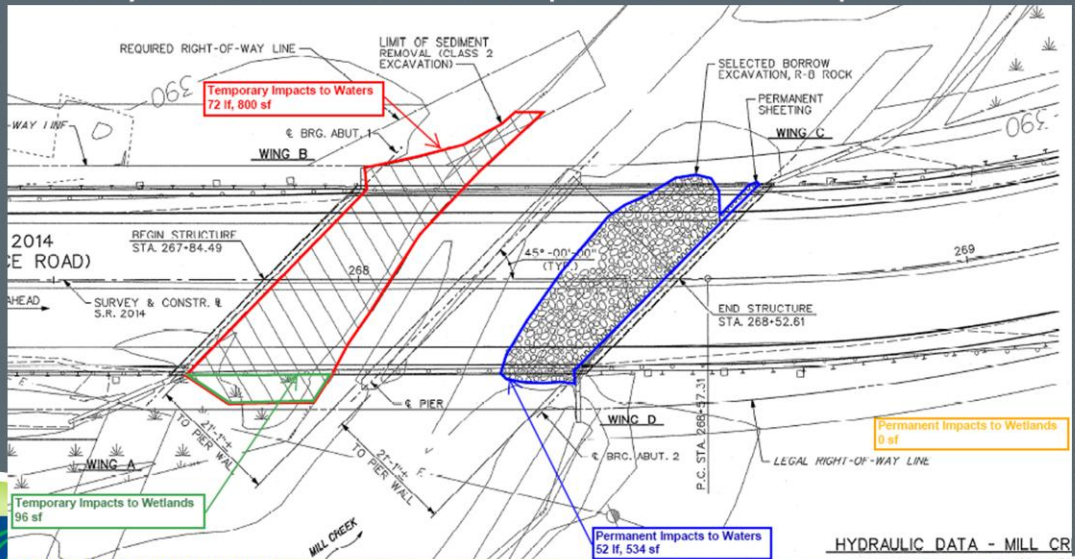
Based on the definition of Direct and Indirect Impacts on Page 4 of the PASPGP-4 as referenced on previous page, we do not consider the bridge deck to be an impact. Therefore, in calculating the area of impact to waters of the U.S., only the footprint of the substructure and any changes in streambed elevation within the limits of OHW would be considered impacts.

For temporary impacts, the same assumptions in 1 and 2 above would apply in addition to the following:

1. The area behind cofferdams around abutments and piers would be a temporary impact as they include “draining” an area within the OHW.
2. The fill from a causeway would be considered a temporary impact as it involves “fill” in the waters of the U.S.
3. As most temporary conditions on multiple span bridges are phased, the total area of impact would be considered as the total of all the areas within the limits of OHW that will be filled, dewatered or flooded during all stages of the construction.

NEW PASPGP-4 FORM

- ▶ May be beneficial to include a plan that shows impacts



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GENERAL PERMIT REGISTRATION CHECKLIST



- ▶ Municipality and County notification
- ▶ Permit Registration Form
- ▶ Single & Complete Project Questionnaire
- ▶ Location map
- ▶ Sketch plan/site drawing
- ▶ Cross-section drawing
- ▶ PNDI Search Form with Search Receipt
- ▶ Bog Turtle Habitat Screening Form (where required)
- ▶ Wetland Delineation (where applicable)



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If your site qualifies for a PADEP General Permit, the submission checklist consists of these items.

Even though the permit may not require the submission of all of the environmental data we discussed, most of the preliminary environmental research will need to be completed to ensure that the project site is applicable to the conditions of the general permit. For instance, although the GP-7 (Minor Road Crossing) does not require the submission of FEMA maps, the FEMA maps will need to be researched; if a FEMA delineated floodway exists at the project site, the GP-7 is not applicable.

GENERAL DATA



- ▶ Site information
 - Name and location
 - Written directions to site
 - Location map (copy of USGS quad map)
 - Color photographs
- ▶ Project information
 - Name and description
 - Time schedules/project milestones
- ▶ Act 14/67/68/127 letters



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General data that may be required for your permit submission may be specific to the site (e.g., location, directions, photos) or the project (e.g., description, schedule, milestones). PADEP's permits will also require notification of the affected municipality and county with Act 14 letters.

A sample Act 14 letter is included at the end of the lecture.

ENVIRONMENTAL DATA



- ▶ Environmental Assessment Form (EAF)
- ▶ Wetlands
- ▶ Historic, cultural, archaeological site
- ▶ Threatened & endangered species (T&E)



Pennsylvania Natural Heritage Program

information for the conservation of biodiversity



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For projects with environmental impacts, an environmental specialist/scientist should complete the Environmental Assessment Form (EAF) that accompanies the permit. This is important when there are wetlands in the project vicinity or historic, cultural, and/or archeological resources that must be documented.

Preliminary **wetland** research can be conducted using the National Wetland Inventory (NWI) at: <http://www.fws.gov/wetlands>

A basic search for registered **historic places** can be conducted through the National Register of Historic Places using their online National Register Information System at: <http://www.cr.nps.gov/nr/research/nris.htm>

Completed **Cultural Resource** Notices should be mailed to the Pennsylvania Historical and Museum Commission (PHMC).

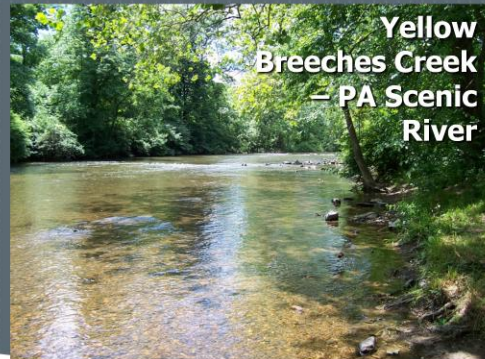
A search for **threatened and endangered species** (T&E) in the project area may be conducted using the PNDI Search on the Pennsylvania Natural Heritage Program website at:

<http://www.naturalheritage.state.pa.us/>. In addition to the PNDI search, a Bog Turtle Habitat Screening Form is required if wetlands are impacted at the project site for PADEP's JPA and GPs 5, 6, 7, 8, 9, and 11. The bog turtle screening is only required in the following counties: Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill (Swatara Watershed), and York.

ENVIRONMENTAL DATA CONT'D

Permits

- ▶ High quality or exceptional value (HQ/EV)
- ▶ Trout stocked (TSF)
- ▶ Wild trout
- ▶ National Registry of Natural Landmarks
- ▶ National/State Wild or Scenic River



PERMITTING FOR ROUTINE MAINTENANCE
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To determine if your stream of interest is **high quality** (HQ) or **exceptional value** (EV), refer to PA Code Title 25, Chapter 93. Chapter 93 also lists the Protected Water Uses, such as **trout stocked** streams (TSF). This PADEP publication can also be accessed online at: <http://www.pacode.com/secure/data/025/chapter93/chap93toc.html>

Wild Trout Class A Streams are streams that support a population of naturally produced trout of sufficient size and abundance to support a long-term and rewarding sport fishery. Wild trout streams are listed on the PA Fish and Boat Commission website at: <http://www.fish.state.pa.us/classa.pdf>. PA streams that support wild trout production are listed at http://www.fish.state.pa.us/trout_repro.pdf.

The **National Registry of Natural Landmarks** is included in Chapter 36 (Parks, Forests, and Public Property) in the Code of Federal Regulations (CFR) Part 62.2 which can be accessed online at: <http://www.gpoaccess.gov/cfr/> A national natural landmark is an area of national significance that contains an outstanding example(s) of the nation's natural heritage, including terrestrial/aquatic communities, landforms, geological features, habitats of native plant and animal species, or fossil evidence of the development of life on earth.

Wild or scenic rivers in PA can be found on the Department of Conservation and Natural Resources (DCNR) website at: <http://www.dcnr.state.pa.us/brc/rivers/scenicrivers/locationmap.aspx>

THREATENED & ENDANGERED SPECIES



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When a PNDI Search is performed, the database is searching for threatened and endangered species in the project location. These species may include plants, invertebrates, and vertebrates. The Pennsylvania Natural Heritage Program uses the following definitions.

Endangered: Species in imminent danger of extinction or extirpation throughout their range in Pennsylvania

Threatened: Species that may become endangered within the foreseeable future throughout their range in Pennsylvania

Extirpated: Species that have disappeared from Pennsylvania but still exist elsewhere

Extinct: Species that occurred in Pennsylvania but no longer exist

The Pennsylvania Natural Heritage Program (PNHP) conducts inventories and collects data regarding the Commonwealth's native biological diversity. Information is stored in an integrated data management system consisting of map, manual, and computer files. The PNDI information system is continually refined and updated to include recently discovered locations and to describe environmental changes affecting known sites. The goal is to build, maintain, and provide accurate and accessible ecological information needed for conservation, development planning, and natural resource management.

BOG TURTLE SCREENING

- ▶ Required in the following Counties:
 - Adams, Berks, Bucks, Carbon (Aquashicola Creek Watershed only), Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill (Swatara Creek Watershed only), and York.



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If your project lies within one of the Counties listed on this slide, you are probably already aware of the Bog Turtle issue.

This is a required element in General Permit applications.

BOG TURTLE SCREENING

3930-PM-WM0550 Rev. 10/2008

SPECIAL BOG TURTLE HABITAT SCREENING

U. S. ARMY CORPS OF ENGINEERS/DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE PROGRAMMATIC GENERAL PERMIT/WATER OBSTRUCTION AND
ENCROACHMENT GENERAL PERMIT

APPLICANT INFORMATION

Applicant Name _____
Mailing Address _____ Telephone (____) _____
City _____ State _____ ZIP+4 _____
Email Address _____

PROJECT DESCRIPTION

Project Name _____
County _____ Municipality _____
Latitude _____ Longitude _____
Which general permit(s) are you planning to register? GP-5 GP-6 GP-7 GP-8 GP-9 GP-11

Detailed Written Directions to Project _____

Briefly Describe Your Project _____



**Small...,but
mighty in the
permit
process...**



DEPARTMENT OF TRANSPORTATION

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This is: 1) the front page of the Special Bog Turtle Habitat Screening Forms, and 2) the picture of the little turtle should any of you NOT have seen one.

Note that a sketch or figure showing the area of planned work is also required to accompany the form.

PNDI SEARCH



Pennsylvania Natural Heritage Program

information for the conservation of biodiversity

Project Location



Location Accuracy

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Receipt is solely responsible for the project location and thus the correctness of the Project Review Receipt content.

Project Name: Otterbein United Methodist Church
On behalf of: Self
Project Search ID: 20060223022144
Date: 2/23/2006 1:37:57 PM
of Potential Impacts: 3
Jurisdictional Agency: Pennsylvania Game Commission, Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Fish and Boat Commission
Project Category: Waste Transfer, Treatment, and Disposal, Liquid waste/Effluent, Wastewater treatment plant (construction, expansion or modification)
Project Coordinates (Lambert): 268838.78629116, 518477.91533048 ft
Lat/Long: 40.42478402, -77.03444627 - DMS: 40° 25' 14.222457, -77° 2' 4.006560
ZIP Code: 17020
Township/Municipality: PENN
County: Perry
USGS 7.5 Minute Quadrangle ID: 172
Quadrangle Name: DUNCANNON
Project Size: 14.595 ac

3 Potential Impacts

Under the Following Agencies' Jurisdiction: Pennsylvania Game Commission, Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Fish and Boat Commission



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Page 1 of 6 APPLICANT INITIALS: _____

The online PNDI system generates a search receipt titled “PNDI Project Environmental Review Receipt.” It contains information regarding the occurrence of special concern species and resources for each search. The receipt will indicate that there are “Potential Impacts” or “No Impacts” within the project area. **If the PNDI Search indicates potential impacts, further coordination with the appropriate agencies may be required.** This search receipt indicates 3 potential impacts under the following agencies: PA Game Commission (PGC), PA DCNR, and PA Fish and Boat Commission (PFBC). The contact list included with the receipt lists four agencies: DCNR for plants; PFBC for fish, reptiles, amphibians, and aquatic organisms; PGC for birds and mammals; and USFWS for federal status species.

No Impact – no special concern species or resource occurrences or concerns are identified; no further action is necessary regarding PNDI coordination

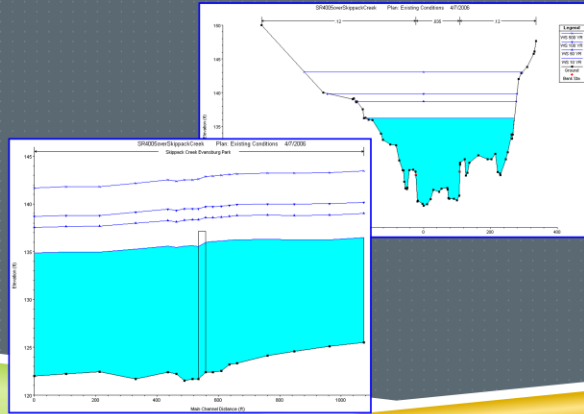
Potential Impacts – project is located in the vicinity of a special concern species or resource and needs to be reviewed in more detail by the jurisdictional agencies indicated on the receipt; a clearance or recommendation letter from the jurisdictional agency is required

Note that PNDI searches are valid for one (1) year from the date of the search and is only valid for the specific location and project for which it was run. A PNDI Search should be done very early in the project to allow adequate time to investigate any potential impacts. Since the search is only valid for one (1) year, it is likely that the PNDI Search will have to be renewed before the permit application is submitted to have a valid search in the Permit Application.

ENGINEERING DESIGN DATA



- ▶ Site plans
 - All proposed activities
 - Man-made structures and natural features
 - Scale 1"=200' or larger
- ▶ Cross sections
- ▶ Profiles
- ▶ E&S plan and approval letter
- ▶ H&H Data



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Supporting engineering design data for a permit may include site plans, cross sections, profiles, E&S plans and approval letter, and H&H data. Plans must be drawn to a scale of 1 inch equals 200 feet or larger; a scale of 1" = 50' or 1" = 100' is appropriate for most permit submissions.

Plans should depict the following:

Existing versus proposed structure geometry

Inverts of existing and proposed structures

Roadway profile

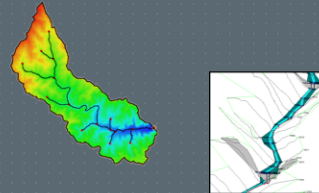
Topographic features

Existing roads, utility lines, property lines, property owner names, adjacent buildings and other man-made structures

PennDOT Strike-Off Letter 431-00-04 states that PADEP will accept and review PennDOT's Chapter 105 permit applications without accompanying information related to E&S control plans. When the E&S or NPDES approval is received, PennDOT must forward a copy of the approval letter, or NPDES permit, to the DEP Regional Office. After DEP receives these items, DEP will complete the permit coordination process and issue the signed Chapter 105 permit.

HYDROLOGIC/HYDRAULIC DATA

- ▶ FEMA information
 - Detailed/approximate study area
 - Floodplain/floodway limits
- ▶ H&H Report
 - Site history and flood records
 - Hydrology: rainfall and runoff calculations
 - Hydraulic analysis
- ▶ Stormwater/floodplain management consistency letters



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Depending on the permit type, H&H data may be required.

FEMA Information

FEMA Research can be conducted through the FEMA Map Service Center at: <http://msc.fema.gov/> to determine if your project is located in a FEMA detailed or approximate study area.

H&H Report

PennDOT H&H documentation requirements are located in DM-2, Chapter 10. For GP-11 and full permit applications, DEP requires that the H&H Report include site history and flood records, rainfall and runoff calculations, and a hydraulic analysis.

Stormwater/Floodplain Management Consistency Letters

A Stormwater Consistency Letter is only needed when the project is in a watershed with an approved Act 167 Plan. A Floodplain Management Letter is only needed when the proposed waterway obstruction/encroachment is in a delineated FEMA floodway. A sample Stormwater/Floodplain Management Consistency Letter is included at the end of this lecture; this may be used as a template for the municipality to write a letter for your specific project.

AVERAGE PERMIT APPROVAL TIME



Agency	Permit	Time to Review and Issue Permit
PADEP	Waivers	8 weeks min. for waivers 4,11,16 – all others do not require notification
	Maintenance-Force Permit (9999 series)	30-45 days*
	General Permits	30-60 days*
	Standard Joint Permit	130-150 days*
USACE	All permits and certifications	On average, 3-4 months

*NOTE: The length of time is based on a valid submission without significant administrative or technical deficiencies.



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Even though PADEP waivers, Maintenance-Force permits, and General Permits only require that you “register” the permit, as opposed to submitting for approval, you still need to wait for an official letter from PADEP notifying you of their receipt and registration or “**Acknowledgement**” .

Joint Permit Applications go through an administrative review and a technical review. PADEP will notify the applicant of any items that are missing from the application prior to issuing a letter verifying “Administrative Completeness.” The technical review begins only after the application has been determined administratively complete. The review clock stops every time DEP issues deficiency comments to the applicant.

WHAT TYPE OF PERMIT IS REQUIRED?

- ▶ A project in proposes to install a new 30-inch diameter culvert that drains stormwater runoff from one side of the road to the other. The outlet of the culvert projects into the floodway of a 30-foot wide creek. The creek is listed as a CWF in Chapter 93. The drainage area to the culvert is 20 acres; the drainage area of the creek at the culvert is approximately 30 mi². The project is in a FEMA study area; however, the project is not expected to cause any increase in the 100-year flood. There are no other anticipated impacts to environmental features.



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Although the drainage area to the culvert is less than 100 acres (DEP Waiver 2), the outlet end projects into the floodway of a much bigger body of water and is therefore considered a water obstruction/encroachment to the creek. The culvert diameter is 30", which does not exceed the 36" limit for the GP-4 (intake and outfall structures), and it does not involve any of the other permit limitations. Nothing indicates that the project does not qualify for the PASPGP-4, therefore, the PASPGP-4 will be issued in conjunction with the DEP GP-4.

WHAT TYPE OF PERMIT IS REQUIRED?

- ▶ A project in proposes to replace an undersized 48-inch pipe over a perennial stream with a 60-inch pipe. The drainage area to the culvert is 90 acres. The project is not located in a FEMA study area according to the FEMA flood insurance maps, and the project is not expected to increase the 100-year flood elevations. There are no other anticipated impacts to environmental resources.



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The drainage area (90 acres) is below the threshold for the Chapter 105 Waiver 2. In addition, since it is not in a FEMA study area and no increases in flood elevations are expected, the risk or potential for adverse impacts is low (this is not necessarily a waiver requirement, but DEP could argue that point if there were surrounding structures and a detailed FEMA study). Although the project qualifies for DEP Waiver 2. It does not meet the requirements of the USACE letter related to the USACE acceptance of Waiver 2. The pipe size increasing more than 6-inches larger than the original pipe and ultimately the pipe being larger than 54-inches (maximum size acceptable under Waiver 2 for USACE), will require a separate USACE Nationwide Permit in addition to the DEP Waiver 2.

CONCLUSION PART B

► Question & Answer Period



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This concludes the Part B of the Presentation on Routine.

At this time, I want to open up the session for questions.

On behalf of the Technical Training and Development Section in the Business Leadership and Administrative Services Office, I want to thank you for your time and hope that you gained additional insight into E&S PLAN STANDARDS.