



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER QUALITY PROTECTION

## INSTRUCTIONS FOR COMPLETING AND SUBMITTING AN INDIVIDUAL PERMIT APPLICATION FOR AQUACULTURE PRODUCTION OPERATIONS

**NOTE:** *(Before completing this application, please read carefully the Table I matrix to determine which other module(s) of this application must be completed and submitted with this application).*

This is the Department's One Permit Application for new facilities and expanded existing operations required under the Aquaculture Development Law. This application primarily is an individual NPDES permit application. Modules A through F of this application deal with information needed to process other potential required permits, authorizations and approvals from the Department to begin or continue Aquaculture Operations in Pennsylvania.

This form is to be used by new Aquaculture Facilities/operators subject to the individual NPDES permitting requirements. This application may also be used for discharges from aquacultural operations in special protection waters.

Submission of only this NPDES Application (and GIF) is required if there are no other permits/authorizations involved.

### Permit Application Review and Approval Process

The one permit application contains all of the required information to process various permits. Prospective applicants should carefully review the general instructions and Table I matrix to determine which other permits are or may be required for their proposed activities or operations. A pre-application conference with the Department's regional office, County Conservation District and central office Dam Safety Program is recommended in making this determination. The applicant must submit five copies of the completed application package (application, GIF, plans, specifications, reports, etc.) to the Assistant Regional Director (ARD) of the Department Regional Office where the facility or the operation is or will be located.

Once complete application packages are received, the ARD will distribute the copies to appropriate regional programs, County Conservation Districts or to the Central Office for processing. Each reviewing program will use the current permit review and coordination procedures. Each processing regional office, County Conservation District or Central Office Dam Safety Program will coordinate any written communication with the applicant through the ARD Office. The processing programs may use some judgement in making direct contacts with the applicant to clarify minor issues if necessary. The ARD will be informed of these contacts.

This permit is covered under the money back guaranty program (MBG) and its review, approval and processing will follow the current MBG time schedules. The actual time schedule will vary from 60 to 120 days depending upon how many permits are or will be required for a given operation. The MBG time for any application processing will be the time for the longest permit processing time of the various permits involved for a specific operation. It should be noted that if a Dam Permit or an Environmental Assessment approval for a non-jurisdictional dam is required, the total MBG processing time could be up to 220 days.

All comments on various applications will be coordinated by the ARD and the applicant will be advised using one comment letter for any deficiencies in various applications. The Department will use one public notice each for a proposed and final action of the permit action/decision, unless more public input is necessary. The notice should identify each permit approval.

The individual reviewing programs or Central Office will review and process the permit applications using the Department's normal operating policies, procedures and guidance and forward the final signed permit to the ARD who will collect and transmit all permits, authorizations and approvals together under one letter.

For new or expanding existing discharges/operations, the operator shall file an administratively complete and acceptable application as soon as possible (but not later than 180 days or 220 days if a Dam Permit or an Environmental Assessment approval for a non-jurisdictional dam is also required) prior to commencing any discharge.

The Table I Matrix is a checklist and a quick review of all possible permits that may be and provides which additional sections must be completed and submitted to the Department. The application is divided into various modules and each module represents a separate permit application and provides instructions for completing it.

**General Information Form (GIF):** (0130-PM-DPC0001). This is the Department's General Information Form which is required with each application to be submitted to the Department. **All applicants must submit this form.**

**MODULE A:** Individual Application for Stormwater NPDES Permit for Construction Activities. This application is required for all earth disturbances of five or more acres.

**MODULE B:** Water Quality Management Part II Permit Application for Industrial Wastewater Facilities. A WQM Part II permit application is required before constructing new or modified treatment facilities.

**MODULE C:** Water Obstruction and Encroachment Permit Application. A Water Obstruction and Encroachment Permit is required as specified in Chapter 105 Dam Safety and Waterway Management. Activities listed as an Encroachment or Water Obstruction that are located in regulated waters of the Commonwealth require a permit. An Environmental Assessment Form is a component of the Water Obstruction and Encroachment Permit Application.

**MODULE D:** Environmental Assessment Form and Environmental Assessment Information Sheet. An environmental impact assessment statement is required as specified in Chapter 105 of the Department's regulations.

**MODULE E:** Dam Permit Application. A dam permit is required (usually for dams with maximum depth greater than 15 feet and/or drainage area in excess of 100 acres) as specified in Chapter 105 of the Department.

## I. GENERAL INSTRUCTIONS

### A. Who Must Apply for a National Pollutant Discharge Elimination System (NPDES) Permit for Aquaculture Production Operation?

Any aquaculture projects identified in 40 CFR §§ 122.24 and 122.25, including Pennsylvania Fish and Boat Commission (PFBC) cooperative nurseries which operate facilities or activities which discharge pollutants into surface waters of the Commonwealth (including intermittently flowing streams and dry drainage channels), including discharges to municipal separate storm sewers or non-municipal separate storm sewers are required to have the discharges authorized by an NPDES permit.

NPDES permits are required for facilities covered under §122.24 (as described in this section). A permit application shall not be required from a concentrated aquatic animal production facility that does not meet the Section 122.24(a) requirements until the Department has conducted on-site inspection of the facility and has determined that the facility should be regulated under the NPDES permit program pursuant to §122.24(c)(2).

The Department may designate any aquatic animal production facility as a concentrated aquatic animal production facility upon determining that it is a significant contributor of pollution to waters of the Commonwealth. In

making this designation, the Department shall consider the following factors:

- (i) The location and quality of the receiving waters of the Commonwealth;
- (ii) The holding, feeding and production capacities of the facility;
- (iii) The quantity and nature of the pollutants reaching waters of the Commonwealth; and
- (iv) Other relevant factors.

Discharges into aquaculture projects, as defined in §122.25 also are subject to the NPDES Permit Program.

An aquaculture project means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine or marine plants or animals.

Designated project area means the portions of the waters of the Commonwealth within which the permittee or permit applicant plans to confine the cultivated species, using a method or plan or operation (including, but not limited to, physical confinement) which, on the basis of reliable scientific evidence, is expected to ensure that specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants, and be harvested within a defined geographic area.

A hatchery, fish farm or other facility is a concentrated aquatic animal production facility for purposes of §122.24 if it contains, grows or holds aquatic animals in either of the following categories:

- (a) Cold water fish species or other cold water aquatic animals in ponds, raceways or other similar structures which discharge at least 30 days per year but does not include:
  - (1) Facilities which produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year; and
  - (2) Facilities which feed less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.
- (b) Warm water fish species or other warm water aquatic animals in ponds, raceways or other similar structures which discharge

at least 30 days per year, but does not include:

- (1) Closed ponds which discharge only during periods of excess runoff; or
- (2) Facilities which produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.

“Cold water aquatic animals” include, but are not limited to, the *Salmonidae* family of fish; e.g., trout and salmon.

“Warm water aquatic animals” include, but are not limited to, the *Ameiuride*, *Centrarchidae* and *Cyprinidae* families of fish; e.g., respectively, catfish, sunfish and minnows.

**B. Where to File the Application**

Applications are to be submitted to the appropriate Department Regional Office (see Table 2) on this Department application form (or photocopy thereof).

**C. Municipal Notification**

Act 14, which amended the Commonwealth’s Administrative Code (effective April 17, 1984) (71 P.S. Section 510-5) requires every applicant for a new, amended or revised NPDES permit to give written notice to each municipality (Borough, Township) and county government in which the discharge is located. The written notice must be received by the municipality and county government at least thirty (30) days before the Department may issue or deny approval of coverage.

In order to demonstrate compliance with Act 14, submit with the Application:

1. A copy of correspondence notifying the municipality and county government of your intention to discharge under a permit; and
2. Evidence that the municipality and county government has received your notification. Acceptable forms of this evidence include, certified mail receipt or written acknowledgment of the notification from the municipality.

Failure to provide a copy of the notification correspondence and evidence of municipal receipt of your notification with the application will delay processing of this application. Failure to comply with Act 14 may result in disapproval of the permit application.

**D. Application Fee**

The amount of the check must be equal to the final total of the various application fees for required sections on Table 1. The check should be made payable to the “Commonwealth of Pennsylvania”. It is to be dated within 10 days of the application submittal date.

**E. Number of Copies**

The applicant is required to submit five (5) copies of the completed application package (GIF, application, plans, specifications, design engineer’s report, etc.)

**II. COMPLETION OF NPDES PERMIT APPLICATION FORM**

**A. Facility Owner’s Name - Please provide the association, corporation, partnership, individual, or other business entity’s name as applicable.**

**Mailing Address - Please provide the address at which the responsible officer of the association, corporation, partnership, individual, or other business entity can receive mail related to the permit.**

**Telephone and Fax Numbers - Please include the association, corporation, partnership, individual or other business entity’s telephone and Fax numbers.**

**Please provide Operator’s name, mailing address and telephone and fax numbers if different from owner.**

**Location - Please indicate municipality, county, latitude, longitude and name of the watershed for the aquaculture production operation.**

**B. Description of Operations - Indicate if the application is for the new, existing or expansion of existing operation. Provide other information for the operation:**

1. List aquatic species and corresponding weight.
2. Indicate if the facility is located in a high quality or exceptional value watershed.
3. Indicate the number of days the discharge is expected to occur.
4. Indicate the quantity of food fed during the calendar month of maximum production.

**C. Other Applicable Requirements - Respond to the questions.**

**D. Quantitative Data - Please submit any available quantitative data on existing storm and waste water discharges from the facility. Please provide names of the pollutants that were analyzed, the concentrations present in the**

stormwater or wastewater where the samples were taken from, the sample type, the date(s) and number of samples that were taken. Use separate sheets as necessary.

Parameters of Concern - The applicant must identify what is contained or expected to contain in the wastewater discharge. This listing should be broad encompassing past or expected facility operation and identify all known and potential chemicals or pollutants that could be in the discharge in measurable quantity. At a minimum, the parameters should include BOD, suspended solids, nutrients, ammonia, dissolved oxygen, pH, phosphorus, formalin (formaldehyde), diaquat and other therapeutic chemicals. This is where the applicant takes a more comprehensive look at the long-term operation of the facility to identify all possible pollutants including known or projected use of "exotic" chemicals. The applicant must provide information concerning various therapeutic chemicals or drugs used or expected to be used at the facility. The information should contain, as a minimum, names of the chemicals or drugs, related MSDS data, quantity, frequency and concentrations.

Minimum Data Requirement: For existing facilities, a minimum of four (4) representative sample data sets (four eight-hour composite or four samples over a month time) is required with the application. The samples should be taken during raceway clearings and/or other times of maximum pollutant loading to the water. The samples should be analyzed using the Department's attached standard protocol for data collection and analysis. The sample data shall also include concentrations of therapeutic chemicals or drugs that may have been utilized at the facility. New or proposed facilities must provide accurate estimates from similar operations and provide the basis for such estimated quality, concentration and amount of the waste waters to be discharged.

- E. Potential Pollutant Sources - Please indicate whether or not water pollutants or chemical(s) are or are likely to be discharged through one or more discharge outfalls covered in this application.

If you do not use, store, generate, process or dispose chemical solvents, or other hazardous wastes at the facility that may result in a storm water discharge through one or more outfalls covered in this application, check the "No" box.

PPC Plan - All facilities that are seeking coverage under this permit must develop, implement and maintain at site, a Preparedness, Prevention and Contingency

(PPC) Plan consistent with the regulations at 25 Pa. Code §101.3, prior to the application submittal. The PPC plan must also identify any Best Management Practices and Pollution Prevention and Control measures taken or planned to be taken for the facility. An applicant must submit a copy of the PPC Plan to the Department upon request. The Department may require revisions and corrections to the Plan if it determines the Plan to be inadequate. A copy of the guidance document entitled, Guidelines for Development and Implementation of Environmental Emergency Response Plans can be obtained from any regional office of the Department.

Description of Control Measures - Summarize any existing control measures used to control pollution from getting into storm water or waste water discharges.

Description of Leaks or Spills - For existing facility, summarize any available information regarding the history of any significant leaks or spills of chemicals or toxic or hazardous pollutants at the facility in the last three years, including the approximate date and location of the spill or leak, and the type and amount of material released. Summarize steps that have been taken to avoid such spills or leaks in the future. Write N/A for a new facility.

- F. Facility Improvements/Expansions - Please summarize any improvements or expansions currently underway or planned at the facility which may change the quality or quantity of discharges that have been described in this application during the next five years. Please provide an estimated schedule of completion for these improvements.
- G. Compliance Review - Complete the compliance review block, by listing all prior permits issued by the Department, with compliance status on each permit and, if applicable steps taken to bring the facility back into compliance. Add additional sheet(s) if necessary to provide all information.
- H. Wastewater Characteristics Information - For existing facilities, provide as much information as available. For new facilities, provide best estimates. For renewal, information requested in this section must be completed.

Follow the instructions below to complete this section.

**Item**

- making functions for the corporation; or
- (1) Describe sampling routine, numbers and types of samples taken, and any other pertinent information relating to the sample results shown. Use additional sheets if necessary.
  - (2) These samples should reflect the quality of raw waste prior to treatment. At existing industrial facilities with flow-equalization units in place, samples may be taken before or after flow-equalization and prior to any treatment processes, at the discretion of the applicant.
  - (3) Samples should be taken after existing treatment units.
  - (4) Values reported should reflect expected effluent quality after proposed treatment, or modifications to an existing treatment, is in place.
  - (5) Indicate here, or on a separate page, the analytical methods used for the parameters shown.
  - (6) If available, a summary of the treatment facility's influent and existing and/or expected effluent quality must be submitted to DEP on Section H for each facility outfall.
  - (7) Additional information pertaining to the sampling results and waste characteristics.
2. The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
    - b. For a partnership or sole proprietorship - By a general partner or the proprietor, respectively; or
    - c. For a municipality - State, Federal or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
      1. the chief executive officer of the agency, or
      2. a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Length of Sampling Period, Number and Type of Samples and Other Information

The sampling period selected, and the number and types of samples taken should be sufficient to reflect the nature (quantity/quality) and variability of the waste stream described. Sample results should also be indicative of the quality of waste which the applicant feels will continue to be generated at the facility. The required minimum number of sampling events are three (3).

- I. (1) Certification for NPDES Application(s) - The applicant must certify that the information contained in the application is true, accurate and complete.
  - a. For a Corporation - A responsible corporate officer:
    1. A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-

**Note:** DEP does not require specific assignments or delegation of authority to responsible corporate officers identified. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

The Clean Water Act provides for severe penalties for submitting false information on this application form.

Section 309(c)(12) of the Clean Water Act provides that "Any person who knowingly makes any false statement, representation, or certification in any application, ... shall upon conviction, be punished by a fine of no more than \$10,000 or by imprisonment for more than six months, or both."

In addition, the Pennsylvania Crimes Code, 18 Pa. C.S.A. §4904, provides penalties for false statements to authorities.

- (2) Certification for Other Permit/Approvals - Complete this section if you are requesting permits/approval (other than NPDES permit) as a part of this application.

If a proprietorship, the proprietor must sign. For a partnership, the general partner must sign. For a Corporation, the president, vice president or other responsible official is required to sign. For a Political Subdivision, signatures of a chief officer or other responsible official empowered to sign is required with the seal affixed and attested by the clerk. For Commonwealth departments, boards, commissions, receivers, trustees and authorities, a department head, bureau director, executive director, chairman, commissioner or other responsible official is required to sign. Signatures other than above must be accompanied by a power of attorney or other notarized legal documentation indicating authorization to sign on behalf of the applicant.

TABLE 1

**SUMMARY MATRIX OF AQUACULTURE INDUSTRY RELATED DEPARTMENT PERMITS/APPROVALS/AUTHORIZATIONS**

Check "YES" Box If applicable for your Proposed Operation	Required Application Processing Fee	Type of Permit/Approval or Authorization that may be needed	When Permit/ Approval is Needed	Which Permit Application Form to Submit	Schedule for Application Submission	
This Form is required of all applicants	No fee is required	General Information Form (GIF)	Before or with application for any Department permit, approval or authorization.	GIF 0130-PM-DPC0001	Before or with application for any Department permit, approval or authorization.	Only c
<input type="checkbox"/> YES	\$ 500	Individual NPDES Application	(1) When the Department requires an individual permit for any permittee or operation.  (2) Discharges from concentrated aquatic animal production facilities are required to obtain NPDES permit under 40 CFR Part 122.	Individual NPDES application (3620-PM-WQ0024)	For new facilities, 180 days prior to commencing a discharge, or  For existing facilities needing a permit, as soon as possible, but no later than 90 days after a written notice from the Department.	
<input type="checkbox"/> YES	No Additional Fee	Stormwater Individual NPDES Permit for stormwater discharge from construction activities.  <b>(Module A)</b>	(1) When construction activities, including clearing, grading, and excavation activities involving five or more acres of land area, or less than five acres of land area which is a part of a large common plan of development which discharge stormwater into the surface waters of the Commonwealth.	Three (3) forms are required: (1) Individual application form.  (2) Cultural Resource Notice  (3) PNDI Supplement #1	No later than 90 days prior to commencement of construction for an individual permit. (150 days for money back)  90 days prior to start of construction.	Requi acres an ad sedim
<input type="checkbox"/> YES	\$ 500	Water Quality Management Part II Permit  <b>(Module B)</b>	When construction and operation or modification of a treatment facility is required or proposed to meet the NPDES effluent discharge requirements	Water Quality Management Part II Permit Application for Industrial Wastewater Facilities.	For new or modified facilities, 90 days prior to commencing an activity leading to any construction or modification of the treatment facility.	This is of a ne existin

Check "YES" Box If applicable for your Proposed Operation	Required Application Processing Fee	Type of Permit/Approval or Authorization that may be needed	When Permit/ Approval is Needed	Which Permit Application Form to Submit	Schedule for Application Submission	
<input type="checkbox"/> YES	*	Water Obstruction and Encroachment Permit <b>(Module C)</b>	Water Obstruction and Encroachment Permit is required before any person may construct, operate, maintain, modify, enlarge or abandon a water obstruction or encroachment.	Joint Permit Application for a U.S. Army Corps of Engineers Section 404 Permit and Pennsylvania Water Obstruction and Encroachment Permit	No later than 120 days prior to start of construction.	Instruc the en PNDI permit
<input type="checkbox"/> YES	No Fee	Environmental Assessment Approval for non-jurisdictional dam, jurisdictional dam, and/or water obstruction and encroachment. <b>(Module D)</b>	When the proposed activity, dam or encroachment does not require a Dam Permit, but is located in, along, or projecting into a wetland or Exceptional Value waters, or requires a Water Quality 401 Certification.  Note: Waiver of dam permit under subsections 105.12(a)(4), 105.12(a)(11), 105.12(a)(16), and 105.12(b)(2) requires the applicant to submit specified information to DEP for its review and approval.	Two forms are required: (1) Environmental Assessment Form  and  (2) Environmental Assessment Information Sheet	No later than 120 days prior to start of construction requiring a Water Obstruction and Encroachment Permit and no later than 220 days prior to start of construction requiring a dam permit.	Instruc the en PNDI permit
<input type="checkbox"/> YES	<input type="checkbox"/> \$1,500 <input type="checkbox"/> \$2,500 <input type="checkbox"/> \$3,000 (Include appropriate Fee from Section D of the Application)	Dam Permit <b>(Module E)</b>	A Dam Permit is required before any person may construct, operate, maintain, modify, enlarge or abandon a dam that is within the scope as contained in §105.3 of DEP's Chapter 105 Rules and Regulations and does not meet the waiver of permit requirements contained in § 105.12 of DEP's Chapter 105 Rules and Regulations.	Dam Permit Application	No later than 220 days prior to start of construction of dam or other encroachments	For cc waterc or dra constr maxim storag Cultur are re

Total Fee \$ \_\_\_\_\_ (Please add all fees in this column for all permits and send in one check. See detailed instructions.)

Submit the completed GIF and all appropriate Sections with the permit application fee check to the appropriate Department Regional Office listed in the Table 2.

\* Stream enclosures or fills, levees, floodwalls - \$350  
 Channel changes or commercial dredging - \$300  
 Peat extraction - \$750  
 Bridges and other water obstructions and encroachments - \$200  
 Small Projects - \$100

\*\* NOTE: Cultural Resource Notice and PNDI Suppl an individual NPDES permit for discharges of stori (Module A)

**TABLE 2**  
**FIELD OPERATIONS REGIONAL OFFICES**

<i>Office</i>	<i>County Responsibility</i>
<b>Southeast Office</b> - (610) 832-6000 Permit Coordinator Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428-2233	Bucks, Chester, Delaware, Montgomery and Philadelphia
<b>Northeast Region</b> - (570) 826-2511 2 Public Square Wilkes-Barre, PA 18711-0790	Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne & Wyoming
<b>Southcentral Office</b> - (717) 705-4700 909 Elmerton Avenue Harrisburg, PA 17110	Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York
<b>Northcentral Office</b> - (570) 321-6525 208 W. Third Street, Suite 101 Williamsport, PA 17701	Bradford, Cameron, Clearfield, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union
<b>Southwest Region</b> - (412) 442-4000 400 Waterfront Drive Pittsburgh, PA 15222-4745	Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland
<b>Northwest Region</b> - (814) 332-6945 230 Chestnut Street Meadeville, PA 16335-3481	Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren
<b>DEP CENTRAL OFFICE CONTACTS</b>	
<b>Responsible Agency</b>	<b>Type of Permit</b>
<b>Bureau of Water Quality Protection</b> <b>Division of Waterways, Wetlands and Erosion Control</b> P.O. Box 8775 Harrisburg, PA 17105-8775 717-787-6827	NPDES permits for discharges of stormwater associated with construction activities, water obstructions and encroachment permits (except for dams) including activities affecting wetlands.
<b>Bureau of Waterways Engineering</b> <b>Division of Dam Safety</b> P.O. Box 8554 Harrisburg, PA 17105-8554 717-787-8568	Dam Permits
<b>Bureau of Water Quality Protection</b> <b>Division of Wastewater Management</b> P.O. Box 8774 Harrisburg, PA 17105-8774 717-787-8184	NPDES permits for discharges from industrial facilities, Water Quality Management Part II permits.

## MODULE A

### APPLICATION FOR AN INDIVIDUAL NPDES OR PERMIT FOR DISCHARGES OF STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES

#### GENERAL INFORMATION

This module is designed to assist the applicant in completing the permit application materials necessary to obtain an Individual NPDES permit to authorize the discharge of stormwater associated with construction activities in the development of concentrated aquatic animal production facility. This individual permit application must be used if the one permit application is utilized and the following activities are present.

Construction activities, defined at §102.1 include clearing, grading and excavation activities involving five (5) or more acres of total land area, or less than five (5) acres of total land area which is part of a larger common plan of development or sale over the life of the project, which discharge stormwater from a point source into the surface waters of the Commonwealth.

Persons proposing discharges of stormwater associated with construction activities, where the project activity disturbs less than five (5) acres of total land area (which is not part of a larger common plan of development or sale) do not require coverage under this permit, but must comply with the requirements set forth in 25 Pa. Code Chapter 102.

Persons proposing stormwater discharges associated with construction and activities should file an administratively complete acceptable application at the earliest possible date but no later than 90 days prior to the proposed commencement of construction. Construction activities which require an NPDES permit but have not obtained NPDES coverage are subject to possible enforcement actions by the Department, Conservation District or to third party litigation.

#### Operator Requirement.

Federal NPDES Regulations at 40 C.F.R. §§122.21(b) require that "when a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit." When the operator/contractor and owner/developer of the facility or activity are not the same individual, corporation, partnership, or other entity, the Department recommends that both the operator and owner apply for coverage under a permit as co-permittees. If, prior to construction activities, an operator/contractor has not been selected, then once selected, the operator/contractor must either be made a co-permittee or the permit must be transferred to the operator/contractor.

#### Erosion and Sediment (E&S) Control Plan Requirement.

An Erosion and Sediment (E&S) Control Plan must be submitted to the appropriate conservation district office either prior to or at the same time as the submission of the completed application. If the district is not the reviewing entity, the E&S Control Plan must be submitted to the regional office. Prior submission of the E&S Control Plan will facilitate the permit application approval process. If the discharge of stormwater from construction activities is in a special protection watershed classified pursuant to Chapter 93 of the Department's regulations, the required E&S Control Plan must incorporate the erosion and sediment control BMPs in §102.4(b)(6).

#### Preparedness, Prevention and Contingency (PPC) Plan Requirement.

If there is the potential for causing accidental pollution of air, land, or water, or for causing endangerment of public health and safety through accidental release of toxic, hazardous, or other polluting materials, the applicant must also develop a Preparedness, Prevention, and Contingency (PPC) Plan in accordance with 25 Pa. Code §91.34(a). For further information on PPC plan requirements, see the "Department's Guidelines for Developing Preparedness, prevention and Contingency Plans for Operations that Discharge Stormwater from Construction Activities" which is available from the local Environmental Protection Agency, Conservation District or a regional DEP office.

#### Processing of Permit Applications.

"Reviewing entity" for the purposes of the individual NPDES Permit shall generally mean the local Conservation District if the Conservation District is participating as the reviewing entity for processing permit applications. Persons seeking an Individual NPDES permit for Discharges Associated with Construction Activities must contact the local Conservation District in the county in which the construction activity is located to ascertain if the district is participating as the entity reviewing these permit applications. The Department is the reviewing entity in a given county if the local Conservation District has chosen not to participate in the NPDES Stormwater Program.

An individual NPDES Permit for Discharges of Stormwater from Construction Activities will be issued, by the Department, in accordance with the procedures set forth in 25 Pa. Code Chapter 92. Upon issuance of

the Individual NPDES Permit, the permittee may commence the construction activity. The Department and the district, when acting as the reviewing entity, reserve the right to notify the permittee to cease discharging should subsequent review and inspection reveal a violation of the Department's regulations or a condition of the permit. If the application is not properly completed, or if all required information is not submitted, the application will be returned to the applicant for corrections, or be denied.

#### **Municipal Notification.**

Please refer to Item C on page 3 of the instructions.

#### **Permit Application Filing Fee.**

There is no additional fee for this permit application.

#### **Required Attachments (see applicant checklist on back pages of this application)**

In order to demonstrate compliance with water quality standards and effluent limits, an applicant must submit, at a minimum:

- a. A demonstration that the discharge associated with the construction activity is composed entirely of stormwater. If a non-stormwater evaluation has not been completed, demonstrate by what other means it has been ascertained that the facility will discharge only stormwater from the outfalls sought to be covered under the Permit;
- b. A summation of the best management practices (BMPs) which have been designed and will be implemented at the facility, including a description of: (1) the Preparedness, Prevention, and Contingency (PPC) Plan, if any; (2) the Erosion and Sediment Control Plan; (3) other pollution prevention measures implemented at the facility; and (4) any other measures or documentation which ensures and demonstrates that water quality standards and effluent limits will be attained.
- c. The required certification statement on the application, signed by a responsible official pursuant to the instructions for Part D of the application form and properly notarized, which certifies that all measures set forth in paragraph (b) above have been designed and will be fully implemented to: (1) reduce and prevent pollution on-site; (2) ensure that the quantities and rates of pollutants in any stormwater discharge sought to be covered under this NPDES Permit are eliminated or minimized; and (3) meet applicable water quality standards and effluent limitations under this NPDES permit.

---

### **SECTION A - APPLICANT IDENTIFIER**

For purposes of identifying and tracking complete permit packages, enter the following requested information.

**Applicant Name** - Company, corporation, partnership or individuals applying for the Individual NPDES permit. List all applicants as detailed in the Permit Application - General Information form.

---

### **SECTION B - PROJECT INFORMATION**

- 1., 2. **Facility Latitude/Longitude** - Provide the latitude and longitude of the approximate center of the facility to the nearest 15 seconds. Locate the facility property on a 8.5 x 11.0 inch USGS topo map. The map must include the name of the appropriate 1:24,000 scale USGS 7.5 minute series quadrangle map where the facility is located.
3. **Total Project Acres** - Enter the total acreage of the planned project, including support areas such as offsite staging, borrow or spoil areas.  
  
**Total Disturbed Acres** - Enter the total acreage of the project that will be disturbed by all earthmoving activities over the life of the project.
4. **Existing and Previous Land Uses** - List the existing and prior uses of the land under proposed construction for the previous 50 years, or a longer period if known.
5. **Quantitative Data** - Provide any available quantitative data on existing stormwater discharges and soil conditions. Provide the pollutants that were analyzed, the concentrations present, where the samples were taken, the sample type, and the date(s) and number of samples that were taken. Use separate sheets as necessary.
6. **Estimated Timetable for Major Construction Activities** - Provide an estimate of the timetable for major phases during construction. For each major phase, the total acres associated with the phase, the amount of acres that will be disturbed, and the starting and end dates for each phase of the construction activity. If additional space is needed please attach an additional sheet(s).
7. **Runoff Coefficient** - Provide an estimated runoff coefficient of the site and the increase in impervious area following completion of construction activities. This information is a federal requirement of the EPA and must be provided.

- 8. **Description of Any Fill Materials** - Provide a description that characterizes any proposed fill materials.
- 9. **Summary of BMPs** - Summarize the proposed structural or nonstructural BMPs to be used to control pollution in stormwater discharges during construction and after construction has been completed.

---

**SECTION C – PROJECT DISCHARGE**

**Stormwater Discharges** - Indicate whether the stormwater is discharged to surface waters of the Commonwealth, including to a municipal separate storm sewer or a privately-owned storm sewer.

- If the stormwater is discharged to surface waters of the Commonwealth - provide the name of the receiving water, secondary water and/or the watershed which will receive the drainage from the project.
- If the stormwater is discharged to a municipal separate storm sewer - provide the name of the municipal storm sewer operator, the county where it is located, and the ultimate receiving waters and watershed which will receive the drainage from the facility or project.
- If the stormwater is discharged to a - provide the name of the municipal storm sewer operator, the county where it is located, and the ultimate receiving waters and watershed which will receive the drainage from the facility or project.
- If the stormwater is discharged to a private storm sewer - provide the name of the private storm sewer operator, the municipality and county where it is located, and the ultimate receiving waters and watershed which will receive the drainage from the project.

If the discharge is to something other than those listed above, provide a description of where the stormwater is discharged (a separate sheet may be attached).

Provide the receiving water classification for those discharges to waters of the Commonwealth. Receiving water classifications are made pursuant to from Chapter 93 of the Department's regulations.

---

**SECTION D - OTHER POLLUTANTS; PPC PLAN REQUIREMENT**

**Potential Pollutant Sources** - Indicate whether or not you use, store, process or dispose of chemicals, solvents, toxics, hazardous wastes or any other material with the potential for causing accidental pollution of air,

land, or water at the site. If yes, a Preparedness, Prevention and Contingency (PPC) Plan, consistent with the regulations at 25 PA. Code, must be developed prior to filing the application. An owner or operator, must submit a copy of the PPC Plan to the processing entity upon request. A copy of the guidance document entitled Guidelines for Developing Preparedness, Prevention and Contingency Plans for Operations that Discharge Stormwater from Construction Activities can be obtained from the local county conservation district or the regional office. Also, based upon your knowledge of the proposed construction activities to be conducted at the site, indicate if you know or have reason to believe toxic pollutants are or may be discharged through one or more of the stormwater discharges covered in the application.

---

**SECTION E - EROSION AND SEDIMENT CONTROL PLAN PREPARATION**

E & S Control Plans are required to be developed, implemented and approved for all construction activities subject to this permit. The E&S Control Plan must be prepared and submitted to the local conservation district or DEP regional office, and the most current approved version kept on site. The plan shall consist of drawings and a narrative. Plan requirements are listed in the Pennsylvania Erosion and Sediment Pollution Control Program Manual, available from the conservation district. If applying for an Individual NPDES Permit for Discharges of Stormwater from Construction Activities into "special protection watersheds" as listed in Chapter 93 of the Department's regulations, the applicant must incorporate into the E&S Control Plan the recommendations of Appendix 5, Erosion Control, of the Department's Special Protection Waters Implementation Handbook. The conservation district or DEP Regional Office will review the E&S Control Plan and may require corrections and revisions if it is inadequate in demonstrating compliance with Chapter 102 and ensuring that accelerated erosion will be minimized and sediment pollution will not occur. Provide the name, qualification, title, affiliation, address and telephone number of the individual who prepared the E&S Control Plan.

---

**SECTION F - CERTIFICATION**

The applicant(s) must complete the certification under Section H(1) of the NPDES permit application for Aquaculture Operations



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**INSTRUCTIONS FOR COMPLETING  
CULTURAL RESOURCE NOTICE**

---

**GENERAL INFORMATION**

This package is designed to assist the applicant in completing the necessary documentation regarding archaeological sites and historic structures encountered while undertaking permitting projects.

This form is to be completed, signed, and dated by applicants for certain DEP permits or plan approvals. Please refer to the List of Exemptions for a list of applications which are exempt from this requirement. It is the responsibility of the applicant to complete this form and mail it to the PHMC at the following address:

Bureau of Historic Preservation  
Pennsylvania Historical and Museum Commission  
P.O. Box 1026  
Harrisburg PA 17108-1026

Please be aware that PHMC will keep the Notice and submitted materials for its files. Therefore, keep a copy of the Notice and any materials submitted with it. Applicants should mail all Cultural Resource Notices "Certified Mail Return Receipt Requested" in order to prove submission and the date PHMC received the Notice.

Attach a copy of your completed Cultural Resource Notice and the return receipt to your permit application.

---

**SECTION A. APPLICANT IDENTIFIER**

For purposes of identifying and tracking complete permit packages, enter the following requested information.

**APPLICANT NAME.** Please insert applicant name using the same name as will be used with the Permit Application. Also, please insert applicant address and phone number.

**PROJECT TITLE.** Please enter the title of the project as will be used with the Permit Application.

---

**SECTION B. LOCATION OF PROJECT**

**MUNICIPALITY.** Indicate the municipality(ies) in which the site is located. If the site is located in more than two municipalities, attach a separate sheet of paper.

**COUNTY.** Indicate the county(ies) in which the site is located. Write out the county name and also give the DEP county code. If the site is located in more than two counties, attach a separate sheet of paper. The list of two-digit county codes can be found on the list of Type Codes included at the end of these instructions.

---

**SECTION C. PERMITS AND APPROVAL**

Identify specific permit or approval requested for this activity. Mark any other anticipated federal permits.

---

**SECTION D. FUNDING SOURCES**

Indicate local, state, federal or other funding sources (in percentage).

---

**SECTION E. RESPONSIBLE DEP REGIONAL, CENTRAL, DISTRICT MINING, OR OIL AND GAS MANAGEMENT OFFICE**

Check the appropriate box that identifies the DEP Regional, Central, District Mining, or Oil and Gas Management Office that is responsible for the review of this permit application. A list of DEP offices and counties supported is included in Table 2 of instructions (page 8).

---

**SECTION F. RESPONSIBLE COUNTY CONSERVATION DISTRICT**

Some permit applications are reviewed by County Conservation Districts. If this is the case, give the name of the district office and the telephone number, if known.

---

**SECTION G. CONSULTANT**

For purposes of avoiding confusion should the consultant submit the determination notice to PHMC for the applicant, enter the following requested information: Consultant Engineer Name, Address and Telephone Number.

---

**SECTION H. PROJECT BOUNDARIES AND DESCRIPTION**

Assure that the following items are attached and submitted with the Notice form:

- 7.5' USGS Map indicating boundaries of the proposed activity.
- Narrative description of the proposed activity.
- Photographs of any buildings over 50 years old. Indicate what is to be done to all buildings in the project area.
- Indicate the total acres in the property under review. Of this acreage, indicate the total acres of earth disturbance for the proposed activity.
- The return receipt of delivery of this Notice to the Pennsylvania Historical and Museum Commission.

PHMC requests the following items:

- Photographs of any buildings over 40 years old.
- Site maps of the proposed activity, if available

---

**SECTION I. SIGNATURE BLOCK**

A legally responsible agent of the applicant should complete and sign the notice. If this form was prepared by someone else, such as a consultant or contractor, that individual should complete and sign the notice.

**TYPE CODES.** The following list of codes is to identify specific types of requested information .

**SECTION B. LOCATION OF PROJECT**

**County Codes:**

01 Adams	24 Elk	47 Montour
02 Allegheny	25 Erie	48 Northampton
03 Armstrong	26 Fayette	49 Northumberland
04 Beaver	27 Forest	50 Perry
05 Bedford	28 Franklin	51 Philadelphia
06 Berks	29 Fulton	52 Pike
07 Blair	30 Greene	53 Potter
08 Bradford	31 Huntingdon	54 Schuylkill
09 Bucks	32 Indiana	55 Snyder
10 Butler	33 Jefferson	56 Somerset
11 Cambria	34 Juniata	57 Sullivan
12 Cameron	35 Lackawanna	58 Susquehanna
13 Carbon	36 Lancaster	59 Tioga
14 Centre	37 Lawrence	60 Union
15 Chester	38 Lebanon	61 Venango
16 Clarion	39 Lehigh	62 Warren
17 Clearfield	40 Luzerne	63 Washington
18 Clinton	41 Lycoming	64 Wayne
19 Columbia	42 McKean	65 Westmoreland
20 Crawford	43 Mercer	66 Wyoming
21 Cumberland	44 Mifflin	67 York
22 Dauphin	45 Monroe	
23 Delaware	46 Montgomery	99 Out of State

**DEP REGIONAL AND CENTRAL OFFICES**

Refer to Table 2 of instructions on page 8.

**DEP DISTRICT MINING OFFICES**

PA Dept of Environmental Protection  
**Greensburg District Office**  
 Armbrust Bldg  
 RD 2 Box 603-C  
 Greensburg PA 15601-0982 Phone: (412) 925-8115

Counties: Allegheny, Armstrong, Beaver, Fayette, Greene, Washington and Westmoreland

PA Dept of Environmental Protection  
**Ebensburg District Office**  
 437 South Center Street  
 PO Box 625  
 Ebensburg PA 15931-0625 Phone: (814) 472-1900

Counties: Bedford, Blair, Cambria, Fulton, Huntingdon, Indiana and Somerset

PA Dept of Environmental Protection  
**Pottsville District Office**  
 5 West Laurel Boulevard  
 Pottsville PA 17901-2454 Phone: (717) 621-3118

Counties: Adams, Berks, Bucks, Carbon, Chester, Columbia, Dauphin, Cumberland, Delaware, Franklin, Juniata, Monroe, Lebanon, Lehigh, Luzerne, Mifflin, Montgomery, Pike, Montour, Northampton, Perry, Northumberland, Philadelphia, Schuylkill, Snyder, Susquehanna, Union, Wayne, Wyoming, and York

PA Dept of Environmental Protection  
**Hawk Run District Office**  
 Empire Rd  
 PO Box 209  
 Hawk Run PA 16840-0209 Phone: (814) 342-8200

Counties: Bradford, Cameron, Centre, Clearfield, Clinton, Potter, Lycoming, Sullivan, and Tioga

PA Dept of Environmental Protection  
**McMurray District Office**  
 3913 Washington Rd  
 McMurray PA 15317-2532 Phone: (412) 941-7100

Counties: All counties where bituminous underground mining and subsidence occur.

PA Dept of Environmental Protection  
**Knox District Office**  
 White Memorial Bldg  
 PO Box 669  
 Knox PA 16232-0669 Phone: (814) 797-1191

Counties: Butler, Clarion, Crawford, Elk, Erie, Forest, Warren, Jefferson, Lawrence, McKean, Mercer, and Venango

PA Dept of Environmental Protection  
 Oil and Gas Management  
 Rachel Carson State Office Building  
 5th Floor  
 400 Market Street  
 P.O. Box 8765  
 Harrisburg, PA 17105-8765 Phone: (717) 772-2199

PA Dept of Environmental Protection  
 Oil and Gas Management  
 Northwest Regional Office  
 230 Chestnut Street  
 Meadville PA 16335 Phone: (814) 332-6860

PA Dept of Environmental Protection  
 Oil and Gas Management  
 Southwest Regional Office  
 400 Waterfront Dr  
 Pittsburgh PA 15222-4745 Phone: (412) 442-4000

## MODULE B

### APPLICATION FOR WATER QUALITY MANAGEMENT PART II PERMIT - INDUSTRIAL WASTEWATER FACILITIES

#### GENERAL INFORMATION

##### 1. APPLICATION DESCRIPTION

This module consists of a one-page application form and a series of supplemental information pages and checklist designed to insure completeness and uniformity of materials submitted. The narrative summarizes required exhibits, tables, charts, plans and specifications will comprise the DESIGN ENGINEERS REPORT for the project.

This application must be prepared by, or under the supervision of, a Professional Engineer, registered in Pennsylvania and competent in the field of industrial waste treatment. An outline describing the contents of the DESIGN ENGINEER'S REPORT can be found in Appendix C of the Bureau of Water Quality Protection's Industrial Waste Manual.

##### 2. WHO NEEDS TO OBTAIN AN INDUSTRIAL WASTEWATER QUALITY MANAGEMENT PART II PERMIT?

The WQM Part II permit provides for the approval of plans and specifications for waste treatment facilities and the construction and operation of these facilities. Treatment facilities which discharge directly to surface or groundwaters of the Commonwealth are required to obtain this permit. It is the responsibility of the treatment facility owner to obtain the WQM Part II Permit.

For further information regarding what permits are required for various activities, refer to *A User's Guide to DEP Permits*.

The requirements for preparing applications and obtaining a Part II permit are included in Chapter 91 of the Department's Rules and Regulations.

##### 3. DESIGN ENGINEER'S SEAL

The application form, cover page of the design engineer's report, and the front cover of each set of drawings and specifications must bear the name, signature and seal of the registered professional engineer responsible for preparing the application. Each drawing must also bear the imprint or reasonable facsimile of this seal.

##### 4. REQUIRED NUMBER OF COPIES AND WHERE TO SUBMIT

Five copies of the completed application forms, design engineers report and supplemental information shall be submitted to the appropriate Department Regional Office.

##### 5. APPLICATION FEE

An application fee for this permit is \$500. Refer to Table 1 of the instructions for the total fee.

##### 6. PROOF OF PUBLIC NOTICE

The applicant must attach acceptable evidence of fulfillment of the public notification requirements of Section 30(b) of Pennsylvania's Clean Streams Law as described in the Bureau of Water Quality Protection's Industrial Waste Manual. This evidence may consist of either a properly notarized "Proof of Publication", or clippings of the advertisement, intact with the datelines, of the four required publication dates.

##### 7. SUPPLEMENTAL INFORMATION TO ACCOMPANY THE APPLICATION AND DESIGN ENGINEER'S REPORT -

- a. USGS Topographic Map - A 7½ minute series USGS topographic map showing the location of the industrial establishment, waste treatment facilities, and discharge points. If only a portion of the topographic map is used, the quadrangle identification and date should be indicated.
- b. Soil Erosion and Sedimentation Control Plan - If the construction of any project involves the disturbance of five acres or more, an Erosion and Sediment Control (E&SC) Plan must be prepared and submitted for review and approval to the appropriate county conservation district. A copy of the E&SC plan approval letter must be submitted with the Part II permit application.

For additional information regarding the contents of an E & SC Plan, refer to the department's Soil Erosion and Sediment Control Program Manual and Chapter 102 of the Department's Rules and Regulations.

- c. Preparedness, Prevention and Contingency (PPC) Plan - All industrial activities which have

the potential for accidental release of pollutorial materials to surface or groundwater must prepare a PPC Plan. If not already prepared and submitted in conjunction with an NPDES permit application for the industrial operations, three copies of the PPC Plan should be submitted with the WQM Part II permit application. For further information on PPC planning requirements, see the DEP's Guidelines for the Development and Implementation of Environmental Emergency Response Plans contained in Appendix B of the Bureau of Water Quality Protection's Industrial Waste Manual.

- d. Section F - A summary of the flow data, wastewater source, and treatment unit information, requested in this section, must be included as part of the facility's general project description (see instructions for completing this section).
- e. Application Submittal Checklist - The last page of the application form consists of a listing of items to be submitted as part of this application package. The listing should be used as a checklist for assembling the application package.

## 8. DEFINITIONS

- a. "Monthly Average" - means the arithmetic average (or geometric average for fecal coliform) of all the daily determinations of concentration made during a calendar month.
- b. The "daily determination of concentration" means either the concentration of a composite sample taken during a calendar day or the arithmetic average of all grab samples taken during a calendar day.
- c. "24-hour maximum" - means the daily determination of concentration for any calendar day.
- d. The terms "minimum" and "maximum" refer to the lowest and highest values, respectively, observed in any grab samples.

**NOTE:** Pollution Incident Prevention (PIP) Plans prepared in conjunction with DEP's Water Quality Protection Program or other previously prepared emergency response and prevention plans, should already encompass some of the basic PPC Plan elements and may only need to be revised or amended.

---

## SECTION A - APPLICANT IDENTIFIER

Applicant Name - Give the name, as it is legally referred to, of the person, firm, public organization, or any other entity which owns the treatment facility described in this application.

---

## SECTION B - SIC CODES

SIC Code - List, in descending order of significance, the four-digit standard industrial classification (SIC) codes which best describe your facility in terms of the principal products or services you produce or provide. Also, specify each SIC classification in words. A listing of common industrial SIC codes can be found in the "Standard Industrial Classification Manual" prepared by the Executive Office of the President, Office of Management and Budget. The SIC Manual is available from the Government Print Office.

---

## SECTION C - GENERAL DESCRIPTION AND NATURE OF BUSINESS

Description of Business - Use this space to further describe the nature of your business (e.g., products produced, or services provided).

---

## SECTION D - LIST OF PERMITS

Presently Held Permits - Use this space to list all (past and present) NPDES and Part II Water Quality Management permits issued by DEP for this facility.

---

## SECTION E - CERTIFICATION AND SIGNATURE OF APPLICANT

- A. The application must bear the name, signature and seal of the registered professional Engineer responsible for preparing the application. The engineer responsible for preparing this application must be registered in Pennsylvania and be competent in the field of industrial waste treatment.
- B. The applicant(s) must complete the certification under Section I(2) of the NPDES permit application for Aquaculture Operations.

---

## SECTION F - SUMMARY OF FLOW WASTEWATER SOURCES AND TREATMENT UNIT INFORMATION

### Item

- (1) Describe the source of wasteflow. Be as brief and concise as possible (e.g., nickel plating line washer, spent hot rolling lubricants, etc.)
- (2) List the outfall or suboutfall.
- (3) Indicate the type of wastewater flowing from this outfall (e.g., sanitary waste, process waste, non-contract cooling water, etc.).

- (4) Indicate the wasteflow pattern and period of flow which best describes the operation(s).
  - (5) Indicate the daily waste volume, using the most appropriate units.
  - (6) Indicate the average and maximum design flow for each outfall or suboutfall and where appropriate, the general sequence of treatment units. Use a brief description (e.g., carbon absorption, extended aeration activated sludge, etc.) and use the appropriate unit code from Table 1. Indicate whether or not it is a proposed or existing unit. Use additional sheets if necessary.\*
- \* If impoundments are being proposed, and the wastewater entering the impoundments meets the definition of Residual Waste at 25 PA Code Chapter 287, the design and operation must be in accordance with 25 PA Code Chapters 287 and 299.

## **MODULE C**

### **INSTRUCTIONS FOR COMPLETING THE JOINT PERMIT APPLICATION FORMS**

Instructions for completing the U.S. Army Corps of Engineers Section 404 permit application and Pennsylvania Water Obstructions and Encroachment permit application are included at the end (after Module E instructions). These applications are currently going through a revision process however, until the revisions are completed, the existing joint application (Module C) should be used. When the revisions are finalized, they will be replaced by the revised applications and related instructions and the final instructions will be incorporated here in the Module C.

## MODULE D

### INSTRUCTIONS FOR COMPLETING ENVIRONMENTAL ASSESSMENT FORM

#### PART 1 - RESOURCE IDENTIFICATION

1. INDICATE WATER RESOURCES WHICH EXIST ON THE PROJECT SITE: For a desk analysis of the water resources which exist on the project site, refer to the United States Geological Service quadrangle maps for the project area. These maps are available for reference at the local county conservation district office. Refer to telephone directory under the County for the Conservation District. Also, these maps may be purchased from one of the retail establishments listed on the internet at [www.usgs.gov](http://www.usgs.gov).

Floodway and Floodplain information is available from the Department of Community and Economic Development, Strategic Planning and Operations Office, Floodplain Management Division, Forum Building, Harrisburg, PA 17120 or by calling 717-787-7403. Federal Emergency Management Agency (FEMA) maps are often available for reference at county and municipal planning offices.

The Soil Survey for your county along with the list of hydric soils for the county are helpful office references regarding wetlands. These are available from the County Conservation District. Refer to telephone directory under the County for the Conservation District.

In identifying and delineating wetlands on site, the 1987 Corps Wetland Delineation Manual and the 1988 Wetland Plan List for the Northeast Region 1 are essential. They may be obtained by contacting the following:

- \* The 1988 Wetland Plant List for the Northeast Region 1  
Publication No. PB89-128680  
Available from -
  - The National Technical Information Service (NTIS)
  - Springfield, VA 22161
  - Price: \$26.00 plus \$3.00 for shipping and handling
  - Major credit cards accepted
  - For information call: 703-487-4650
  - Fax orders call: 703-321-8547
  
- \* The 1987 Corps Wetland Delineation Manual  
Publication No. ADA 176734  
Available from -
  - The National Technical Information Service (NTIS)
  - Springfield, VA 22161
  - Price: \$27.00 plus \$3.00 for shipping and handling
  - Major credit cards accepted
  - For information call: 703-487-4650
  - Fax orders call: 703-321-8547

2. FOR INFORMATION ON THE RESOURCES LISTED, THE FOLLOWING REFERENCES ARE HELPFUL:

U.S.G.S. quadrangle maps contain valuable information, such as wild, natural, or wilderness areas, and National wildlife refuges and sanctuaries.

A current PA Recreation Guide Map locating state parks, state forests and state game lands is available from DCNR by calling 1-800-63PARKS or from state-owned recreation areas in Pennsylvania.

Prime farm land information is available from the County Conservation District Office.

Be sure to mark either the "YES" or "NO" column for all questions.

- 3 & 4. Information on stocked waters and wild trout streams may be obtained from the Pennsylvania Fish and Boat Commission at:

Bureau of Fisheries  
Division of Fisheries Management  
450 Robinson Lane  
Bellefonte, PA 16823-9620  
Telephone: 814-359-5110

5. Copies of Chapter 93 are available from the Water Management Program in the DEP Regional Offices. A list of DEP Field Operations Regional Offices can be found in Appendix II of this section.
6. For information on National Wild or Scenic River corridors, and waterways designated as "Wild" or "Scenic" under the Pennsylvania Scenic Rivers Act, refer to the brochure provided with this Environmental Assessment form. If your project area appears to be in a wild or scenic river corridor, contact the DCNR, Division of Conservation Partnerships, Scenic Rivers Program, P.O. Box 8475, Harrisburg, PA 17105-8475, phone 717-787-2316.
7. Contact the Bureau of Water Supply and Community Health in the appropriate DEP Regional Office for information on public water supplies. A list of DEP Field Operations Regional Offices can be found in Appendix II of this section.
8. Enclosure C - Description of Aquatic Habitat: This information is site specific and is based on data collected in the project area, observations and best professional judgment. The level of detail necessary in this study should be discussed with the Department. Contact the Soils and Waterways Section of your DEP Regional Office to arrange a preapplication meeting. For projects affecting one acre or more of wetlands or projects impacting more than 200 feet of stream, please refer to the listed references in Appendix I of this section.

## **PART 2 - PROJECT DESCRIPTION**

9. Project Impacts - Enclosure D

A. Discuss the Impacts:

If project will take place within or adjacent to any of the areas listed in 9A(1) through 9A(9) please discuss the proposed project's impact on the resource. Include the aerial extent of impacts such as the acreage of wetlands which will be filled, excavated, or inundated or the length of stream which will be relocated, enclosed, or inundated.

B. Discuss the Environmental Impacts:

Consider immediate and long term impacts on the entire local and regional ecosystems. Major areas of concern include:

- (1) Aquatic habitats - In addition to the items listed, please address the following concerns. Does the project impact fisheries? Will the activity impair the ability of these watercourses to continue to provide habitat or aquatic species? Special attention should be given to wild and stocked trout streams. Does the project demonstratively reduce or degrade habitat for terrestrial, aquatic and, or avian species? Is the degradation significant in a local or regional context? Will the degradation have an effect on biodiversity?
- (2) Water Quantity and Streamflow - Please discuss the items listed.
- (3) Water Quality - In addition to the items listed, please address the following concerns. Does the project degrade the water quality? Does it have an impact on water quality to the extent that the watershed's

designated or existing water use classification is impaired? (Refer to question #5 designated water use as indicated in Chapter 93).

- (4) Recreation - In addition to the items listed, please address the following concerns. Recreational boating may also need to be considered, regardless of the official designation, where there is a documented on-going use of the watercourse for boating, canoeing or other types of recreation.
- (5) Upstream And Downstream Property - Riparian rights are those rights which are derived from the ownership of real property underlying or bordering streams and rivers. The holder of riparian rights has no property right in the water itself but only a nonexclusive right to the water. No right to divert or consume a specific quantity of water is obtained.

Historically, riparian rights have focused upon use. Recent court decisions also have held that riparian rights can be extended to the aesthetics of the watercourse for personal satisfaction or enjoyment. Riparian rights must be considered in cases where an increase or diminution of flow would result from the proposed activity and in cases where the direction of flow would be altered.

- (6) Other Environmental Factors - Include the impacts from any other environmental factors not specifically listed herein.

C. Environmental Impacts On Other Adjacent Land And Water Resources

Consideration should also be given to impacts of the project on adjacent water resources. Will the project adversely impact those resources indirectly, i.e. loss of hydrology, wildlife corridors, habitat, etc? Secondary impact assessment is intended to identify all potential permit issues and project impacts for the entire parcel of land.

D. Cumulative Environmental Impacts To The Resource

Identify and evaluate the cumulative impact of this project and other potential or existing projects like it. Cumulatively, do these piecemeal changes have a significant adverse impact on the resource?

E. Describe Additional Dams, Water Obstructions Or Encroachments

Dams, water obstructions and encroachments should be designed in consideration of future land use to assure proper adequacy for future development. The Department may require additional data relating to planning, subdivision and zoning.

**PART 3 - CERTIFICATION**

The Environmental Assessment will not be accepted unless the form is signed and dated.

\* Note: Appendix II and III of this section provide addresses and telephone numbers for key DEP and U.S. Army Corps of Engineer's offices.

Please consult the appropriate Regional Office before embarking on any of the studies listed below.

<p style="text-align: center;"><b>WET II</b></p> <p>Assessment: WET II assesses wetland <u>functions and values</u>. It is a version of the Federal Highway Method (or Adamus Method) originally published as "A method for Wetland Functional Assessment, FHWA Report No. IP-82-24."</p> <p>Document: <u>Wetland Evaluation Technique (WET), Volume II: Methodology Operational Draft</u>; 271 pp. PB 89-143-028 (order number)</p> <p>Source: National Technical Information Service (NTIS) Springfield, VA 22161 (703) 487-4650</p>	<p style="text-align: center;"><b>IFIM</b> Instream Flow Incremental Methodology</p> <p>Assessment: IFIM assesses <u>stream habitat</u>. Plans (methodologies) of study, logic, and skills for decision-making are detailed in this technique.</p> <p>Document: <u>Instream Flow Methodology</u> PB-80-181-100 (order number)</p> <p>Source: National Technical Information Service (NTIS) Springfield, VA 22151 (703) 487-4650</p> <p>Additional Information: National Ecological Research Center U.S. Fish &amp; Wildlife Service/Aquatic Systems Br. 4512 McMurray Street Fort Collins, CO 80525 (303) 226-9445 Course fees: Various; ranging from \$440 to \$550 per training session</p>
<p style="text-align: center;"><b>HEP</b> Habitat Evaluation Procedure</p> <p>Assessment: HEP assesses <u>environmental impacts and establishes guidelines</u> for resource management. It utilizes a Habitat Suitability Index (HSI) which is a system a mathematical models employed to compute values for selected species from field measurements of habitat variables. Developed in 1980 by the United States Fish and Wildlife Service.</p> <p>Document: Habitat Evaluation Procedure PB-81-189-896 (order number)</p> <p>Source: National Technical Information Service (NTIS) Springfield, VA 22161, (703) 487-4650</p> <p>Additional Information: Courses are available on HEP through: National Ecological Research Center U.S. Fish and Wildlife Service Service/Terrestrial Br. 4512 McMurray Street Fort Collins, CO 80525 (303) 226-9421 Course fees, approx. \$600.00 per session</p>	<p style="text-align: center;"><b>PAMHEP</b> Pennsylvania Modified Habitat Evaluation Procedure</p> <p>Assessment: PAMHEP is the <u>Habitat Evaluation Procedure modified for specific use in Pennsylvania</u>. It is utilized by the Fish and Game Commissions and other agencies in the Commonwealth.</p> <p>Document: <u>PAMHEP Manual</u></p> <p>Source: The text is out of stock; 300 original copies were published.</p> <p>Cost: Not in print</p> <p>Contact Person: Mr. Richard McCoy United States Fish and Wildlife Service 315 South Allen Street, Suite 322 State College, PA 16801 (814) 234-4090 Mr. McCoy will supply a "loaner-copy" that must be returned. It may be photocopied; 155 pages approximate.</p>

**U.S. ARMY CORPS OF ENGINEERS DISTRICT OFFICES**

**Delaware River Basin**

Philadelphia District Corps of Engineers  
Wanamaker Bldg.  
100 Penn Square East  
Philadelphia, PA 19107

Phone: 215-656-6725  
Phone: 215-656-6729 (to report violations)  
Fax: 215-656-6724

Ohio River Basin  
Portions of Lake Erie and  
Genesee River Basins Located in Pennsylvania

Pittsburgh District Corps of Engineers  
Room 1817 Federal Bldg.  
1000 Liberty Avenue  
Pittsburgh, PA 15222

Phone: 412-644-6874  
Fax: 412-644-2811

**Susquehanna River Basin**

Baltimore District Corps of Engineers  
P.O. Box 1715  
Baltimore, MD 21203-1715

Phone: 410-962-1846 (concerning projects in PA)  
or 814-466-7756

## MODULE E

### INSTRUCTIONS FOR COMPLETING DAM PERMIT APPLICATION

---

#### GENERAL INFORMATION

The following instructions are intended to assist the applicant in properly completing a DEP Dam Permit Application. DEP is committed to the explanation of its permitting requirements and assisting, to the fullest extent possible, those persons whose activities require them to secure a DEP Dam Permit.

Upon receipt of the complete application packages and required fee, DEP will begin to review the application. The Department will also determine if the project is eligible for Federal authorization under the terms of the Pennsylvania State Programmatic General Permit (PASPGP-1). If required, the Department will forward a copy of the permit application to the appropriate U.S. Army Corps of Engineer's District Office. The address and telephone numbers of the three U.S. Army Corps of Engineers District Offices covering Pennsylvania are listed on page 23 of the instructions (Module D).

Please review the application form and attachments carefully before submitting to the Department. The Department will only begin its review after receipt of a complete application package. Errors, omissions and other irregularities must be resolved before detailed reviews of the application may begin. Accordingly, it is important that the following instructions be followed very closely.

---

#### ACTIVITIES WHICH REQUIRE A PERMIT:

A Dam Permit is required from DEP before any person may construct, operate, maintain, modify, enlarge or abandon a dam that meets any one of the following criteria.

1. The dam is located across a watercourse and the contributory drainage area to the dam exceeds 100 acres.
2. The dam is located across a watercourse and the maximum depth of water, measured from the upstream toe of the dam to the top of the dam at maximum storage elevation, is greater than 15 feet.
3. The dam is located across a watercourse and the impounding capacity (storage volume) at maximum storage elevation is greater than 50 acre-feet.
4. The dam stores water, is not located on a watercourse, and has no contributory drainage, but the maximum depth exceeds 15 feet and the maximum storage volume exceeds 50 acre-feet.

5. The dam is used for storage of fluids or semi-fluids other than water, the escape of which may result in air, water, or land pollution or in danger to persons or property.

If the proposed dam does not require a Dam Permit, but is located in, along or projecting into a wetland or Exceptional Value Waters, or requires 401 Water Quality Certification, Department approval of an Environmental Assessment is required. An Environmental Assessment form will be provided by the Department with the notification of our jurisdictional determination or upon request. County Conservation District Offices also have copies of this form. Any excavation of wetlands within the impoundment area would require a Water Obstruction and Encroachment Permit from the Department. Excavation in the impoundment area, not in wetlands but within the floodway of a watercourse, may also require a Water Obstruction and Encroachment Permit. This determination will be made by the Department upon receipt of the information discussed above.

---

#### PERMIT WAIVERS:

Before preparing a Dam Permit Application, the applicant should review the availability of permit waivers. These waivers are listed under Section 105.12 of DEP's Chapter 105 Rules and Regulations and have been reproduced below. Most of the waivers are automatic and do not need prior DEP approval. Any person using such waivers needs only to develop and retain such information that will verify their qualification to use a waiver. This information would be made available to DEP only if so requested as a result of a general inquiry or in the investigation of a complaint. The only exceptions to the "automatic" waivers concern sub-sections 105.12(a)(4), 105.12(a)(11), 105.12(a)(16) and 105.12(b)(2). These subsections require that any person wishing to use these permit waivers must first submit specified information to DEP for its review and approval.

#### **§105.12 Waiver of permit requirements (for dams)**

(a) Under Section 7 of the act (32 P.S. §693.7), the requirements for a permit are waived for the following structures or activities, regardless of when commenced. If the Department upon complaint or investigation finds that a structure or activity which is eligible for a waiver, has a significant effect upon safety or the protection of life, health, property or the environment, the Department may require the owner of the structure to apply for and obtain a permit under this chapter.

(1) A dam not exceeding 3 feet in height in a stream not exceeding 50 feet in width, except wild trout streams designated by the Pennsylvania Fish and Boat Commission.

(b) The requirements for a permit for existing structures or activities, as provided in section 6(c) of the act (32 P.S. §693.6(c)), are waived for the following structures or activities, if construction was completed prior to July 1, 1979. If the Department upon complaint or investigation finds that a structure or activity which is eligible for a waiver, has a significant effect upon safety or the protection of life, health, property or the environment, the Department may require the owner of the structure or activity to apply for and obtain a permit under this chapter.

(1) A dam not exceeding 5 feet in height in a nonnavigable stream operated and maintained for water supply purposes.

(2) A dam which the Department determines, on the basis of preliminary data submitted by the applicant, is of Size Classification C and Hazard Potential Classification 3, as defined in §105.91 and does not have a significant effect on coastal resources or an adverse impact on the environment.

**401 WATER QUALITY CERTIFICATION:**

Applications submitted to the Bureau of Waterways Engineering for projects requiring a Dam Permit will also be considered a request for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)) for either a U.S. Army Corps of Engineers' (ACOE) individual permit nationwide permit or Pennsylvania State Programmatic General Permit.

**COMPLETING THE APPLICATION FORMS**

**SECTION A. APPLICANT IDENTIFIER**

**Applicant Name:** Please list the name(s) of the applicant and individual who will be signing certification under Section I(2) of the NPDES permit application for Aquaculture Operations.

**SECTION B. PROJECT LOCATION DATA**

Provide the USGS name of the stream, river or body of water. If none, enter "unnamed".

Place an "X" on the appropriate Corps District line. Baltimore covers the Susquehanna River basin; Philadelphia covers the Delaware River basin; Pittsburgh covers the Ohio River, Genesee River and Lake Erie basins.

Provide the name of the USGS 7½ minute Quadrangle map where the project is located and provide the other site location information as requested.

Provide a concise and accurate narrative of the project's purposes and need.

**SECTION C. PROJECT DATA**

Please provide the project's physical data in the units requested. Most of the requested items are self explanatory, but attention is drawn to the following:

Maximum depth to top of dam.

Size and Hazard Classification - The determination of size and hazard classifications shall be made in accordance with the requirements of section 105.91 of the Department's Chapter 105 Rules and Regulations. Additionally a narrative providing justification for selection of the Hazard Classification must be provided. In most cases, a dam breach analysis should be completed to determine downstream impacts resulting from a failure of the dam. Continue the justification narrative on additional sheets of referenced paper if required.

**SECTION D. DETERMINATION OF APPLICATION FEES (DEP FEES ONLY)**

The determination of application fees shall be made in accordance with Section 105.13(b)(1) and Section 105.91. Include appropriate fee in Table 1 of the instructions. All fees are waived for Federal, State, county, municipal agencies or municipal authority applications.

**SECTION E. APPLICATION COMPLETENESS CHECKLIST**

**CHECKLIST ITEMS:**

(Applicant must place an entry - Y = Yes, N = No, N/A = Not Applicable - in each left side column space).

The Department's review of all applications begins with a determination of completeness. If an application package is incomplete, the Department will correspond with the applicant and request submission of corrected and/or previously omitted documents. The department's review of permit applications will not begin until a complete application has been received. See Section 105.13 of the DEP's Chapter 105 Rules and Regulations for specific requirements. Additional guidance for the required checklist items is as follows:

**CHECKLIST ITEMS**

1. **Permit application properly signed, sealed and witnessed:** The applicant(s) must complete the certification under Section H(2) of the NPDES permit application for Aquaculture Operations.
2. **Permit Application General Information Form.** Only one form is required for all permits.
3. **Application Fee enclosed: see Section D**

**4. Copies and proof of receipt - Act 14**

**notification:** Please refer to Item C on page 3 of the instructions.

**5. Determination of historic/archaeological sites:**

Complete and attach to each copy of the application package, completed form “**CULTURAL RESOURCE NOTICE**” and the Return Receipt that shows that the PHMC received this notice. Additional instructions for completing this notice are listed in Module A.

**6. Completed and approved Supplement No. 1**

**Form (PNDI):** This form (included in the application) must be submitted to the department and returned to you before the application is prepared. The final project design and the application package that is prepared must reflect the presence of, and potential impacts to, any endangered or threatened species or critical habitat within the project area discovered in the PNDI (Pennsylvania Natural Diversity Inventory) search. A copy of this form must be attached to each copy of the application package.

**7. Site plan (including cross sections and location maps):** Each set of plan must be legible, and must include the following:

(a) All drawings shall contain a title block at the lower right corner of the sheet. The title block shall contain the project name, name of the applicant, name of the plan PREPARER (if different than the applicant) and the date the plan was prepared.

(b) Location Maps: The submission must contain a project location map drawn to, or otherwise utilizing an existing 1:24,000 scale (1 inch equals 2,000 feet). This is the scale used on U.S.G.S. 7.5 minute topographic maps. A photocopy of the appropriate U.S.G.S. topographic map, with the project site identified in red, is the recommended method to comply with this requirement. The photocopy must include a 3 inch radius of map coverage around the project site. If a U.S.G.S. photocopy is used for a location map, all the requirements of Subsection 105.13(d)(1)(ii) of the DEP's regulations will be satisfied. Refer to that subsection for required location map features if another type, or hand drawn map is used.

(c) Site Plans: A site plan must be included which provides a complete plan view of the proposed structure or activity and those adjoining upstream and downstream areas where potential and/or actual hydraulic or environmental impacts will occur. Specific requirements for site plans include:

(i) Plans shall clearly show existing and proposed limits for all regulated waters of the Commonwealth (edges of streams, rivers, lakes, etc.) and the limits of their floodplains. When the proposed worksite is located within a detailed Federal Emergency Management Agency (FEMA) flood study area, the existing and proposed FEMA 100-year frequency

floodway limits must be shown on the site plan. When the project involves impacts to wetlands, the wetland boundaries must be delineated in accordance with the Department's Wetland Delineation Policy (see instructions for completing the Environmental Assessment form).

(ii) Plans must be drawn to a scale of 1 inch equals 200 feet or larger and show all proposed structures or activities and all existing roads, utility lines, lots (show property lines and names of adjoining property owners), buildings and other man-made structures in the area of the proposed project. Natural features such as contours, surface drainage patterns and other prominent topographic features should be illustrated. Place a north arrow on the site plan.

(iii) Cross Sectional Drawings: A cross sectional drawing of existing and proposed conditions at the project site must be included on the site plan or on a separate plan. If the proposed project causes changes in upstream or downstream flood water surface elevations, cross sectional drawings are required for the channel and floodway conditions in these areas. All cross sections must show existing and proposed design discharge water surface elevations and the 100 year frequency flood water surface elevation.

**8. Project description narrative:** Provide a detailed description of the project including structure type(s), amounts of excavation/fill and what purpose the structure or activity will serve. The narrative must also describe in detail what effects the project will have on public health, safety and the environment. Information for this part of the narrative can be obtained from completion of the “**Environmental Assessment**” (**Section E, item 15.**) The narrative must contain a statement on why the project must be built in, along, across or over a watercourse, floodway or body of water. Is there an alternative to the proposed project that would not require such impacts? Be sure to discuss this in detail under the Section E, item 16. “Alternatives Analysis” requirements.

**9. Color photographs with map showing location**

**taken:** Color photographs (one set for each of the three application packages) must be taken of the site which illustrate watercourse, floodway or body of water conditions at the project site and for areas extending both upstream and downstream. The number of photographs needed to meet this requirement will vary with the size and/or length of proposed work. For singular or small worksites such as a stormwater detention dam, two photographs taken at the site, one looking upstream and one looking downstream, may be all that is required if the impoundment area is not obscured by trees, brush or similar visual impediments. Additional photos will be needed if the impoundment area is obscured or for larger dams to show the relative location, elevation and condition of nearby buildings and the area that the dam embankment will occupy and the

pool will inundate. The location that the photographs were taken from the direction of view must be indicated on a **separate** site plan drawing. Usual practice is to number each photograph, mount in transparent photoholders, mark the numbers on the plan and then draw an arrow from the number in the direction of view.

**10. Erosion and Sedimentation Control Plan and approval letter:** Application for an NPDES Permit for stormwater discharge associated with construction activity is required as a part of this application.

**11. Hydrologic and hydraulic analysis:** This should be prepared as a separate report and contain the seal and certification statement of the licensed Professional Engineer who prepared the report.

**12. Stormwater Management Analysis with consistency letter:** Dams requiring DEP permits are often additionally regulated under local municipal stormwater control ordinances adopted under the Stormwater Management Act (32 P.S. §§680.1–680.17). If such an ordinance exists, an analysis of the proposed project's impact on the Stormwater Management Plan must be undertaken and reviewed by the local municipality. The analysis and a letter from the municipality indicating consistency with the Stormwater Management Plan must be included in the application package.

**13. Floodplain Management Analysis with consistency letter:** If the proposed dam is located within a floodway delineated on a FEMA map, an analysis of the project's impact on the floodway delineation and water surface profiles will be required. The analysis and a letter of review from the municipality must be included in the application package.

**14. Risk Assessment:** If the stormwater and/or the floodplain management analysis conducted under items 12 or 13, indicate increases in peak runoff rates or flood elevations, include as a separate document, a description of property and land uses which may be affected and an analysis of the degree of increased risk to life, property and the environment.

**15. Environmental Assessment form:** An incomplete Environmental Assessment form will result in the entire application being considered **INCOMPLETE**. Please refer to the instructions on completing the Environmental Assessment form under Module E.

**16. Alternatives Analysis:** Provide, as a separate report, a detailed analysis of alternatives to the proposed dam, or other activities, including alternative locations, designs and routings.

**17. Mitigation Plan:** As defined under Section 105.1 of DEP's Chapter 105 Rules and Regulations, Mitigation is:

(a) **An action undertaken to accomplish one or more of the following:**

(i) **Avoid and minimize impacts by limiting the degree or magnitude of the action and its implementation.**

(ii) **Rectify the impact by repairing, rehabilitating or restoring the impacted environment.**

(iii) **Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.**

(b) **If the impact cannot be eliminated by following clauses (i)–(iii), compensate for the impact by replacing the environment impacted by the project or by providing substitute resources or environments.**

The mitigation plan must be a separate document which describes how project planning employed mitigation concepts as defined in DEP's Chapter 105 Rules and Regulations. If these impacts cannot be eliminated, then the mitigation plan must include details and plans for replacing the impacted environment. The specific replacement resources or environments must be itemized and construction, operation and maintenance activities must be detailed in the plan.

**18. Proof of title or adequate flowage easements:** Included with the application package shall be copies of deeds showing ownership and/or copies of fully executed flowage easements for all land areas below the top of the dam elevation that is subject to inundation. Show all property lines on the site plan.

**19. Data on site and construction materials:** Attached to the application shall be a report which lists the results of investigations and tests to determine the safety, adequacy and suitability of design for the dam and, when applicable, include:

(a) Data concerning subsoil and rock foundation conditions and the materials to be used in construction.

(b) Data on exploratory pits, drilling, coring and seepage rate tests.

(c) Data on strength tests to measure the physical properties and behavior of foundation and embankment materials at the dam site.

(d) Data on the dam site geology including possible hazards.

(e) Data on the availability and quality of construction materials.

(f) Other information as may be required, including dam design calculations.

**20. Design drawings, reports and technical specifications:** The application must include a design report, construction plans and specifications in sufficient detail to evaluate the safety, adequacy and suitability of the proposed work.

**21. Emergency Action Plan:** Applicants for any dam or reservoir that may cause loss of life or serious damage to property if a failure of the dam occurs shall develop (and attach to the application) an emergency action plan to be followed in the event of a dam hazard emergency. The plan shall be prepared in accordance with the requirements of Section 105.134 and the Emergency Action Plan Guidelines available from the Division of Dam Safety.

**22. Instrument performance monitoring plan:** Submit plans for proposed permanent monitoring of dam performance by instrument installations in the dam. If none are proposed, explain the reasons why.

**23. Proof of financial responsibility:** For dams that present a substantial potential risk to life or property, the application must include proof of the applicant's financial responsibility or security for continued operation and maintenance during the lifetime of the facility. Refer to Section 105.20 for detailed instruction on completing this requirement.

**24. Data on chemical content, viscosity and other characteristics:** For projects involving storage of fluids or semifluids other than water, information concerning the chemical content, viscosity and other pertinent physical characteristics of the fluid or semifluid impounded.

**25. Operation and Maintenance Manual:** A separate Operation and Maintenance Manual must be prepared in accordance with the requirements of Section 105.131 and include a schedule of inspections as required under Section 105.53.

**26. Copies of the most recent inspection reports:** Applicable to existing dams.

**27. Professional Engineer's Seal and Certification:** All plans, specifications and reports accompanying the applications shall be affixed with the seal of a registered professional engineer and a certification, signed by the registered professional engineer, which shall read as follows:

**"I (name) do hereby certify pursuant to the penalties of 18 Pa. C.S.A., Section 4904 to the best of my knowledge, information and belief, that the information contained in the accompanying plans, specifications and reports has been prepared in accordance with accepted engineering practice, is true and correct, and is in conformance with**

**Chapter 105 of the rules and regulations of the Department of Environmental Protection."**

**28. Pertinent Construction Dates:** Proposed time for commencement and anticipated completion of construction.

---

**SECTION F. LIST APPROVALS, CERTIFICATION, DENIALS OR NOTICES OF VIOLATION RECEIVED FROM FEDERAL, INTERSTATE, STATE OR LOCAL AGENCIES FOR STRUCTURES, CONSTRUCTION, DISCHARGES OR OTHER ACTIVITIES DESCRIBED IN THIS APPLICATION:**

Use additional sheets of paper, if required, and attach to application.

---

**CERTIFICATION AND SIGNATURE**

The applicant(s) must complete certification under Section I(2) of the NPDES permit application for Aquaculture Operations.

## INSTRUCTIONS FOR COMPLETING AN ENVIRONMENTAL ASSESSMENT FOR NON-JURISDICTIONAL DAMS, JURISDICTIONAL DAMS, AND WATER OBSTRUCTIONS AND ENCROACHMENTS

---

### GENERAL INFORMATION

The term "non-jurisdictional dam" refers to the construction of those dams that do not meet any of the minimum criteria established for requiring a DEP dam permit under Section 105.3 (scope) of the Department's Chapter 105 Rules and Regulations. From Section 105.3, the criteria for dams across a watercourse are:

- (i) The contributory drainage area exceeds 100 acres.
- (ii) The greatest depth of water measured by upstream toe of the dam at maximum storage elevation exceeds 15 feet.
- (iii) The impounding capacity at maximum storage elevation exceeds 50 acre-feet.

In addition to "non-jurisdictional dams", the Department has waived permit requirements for eight categories of dam construction and maintenance. From Section 105.12 of the Department's Rules and Regulations, these waivers are:

#### **§105.12 Waiver of permit requirements.**

(a) Under Section 7 of the act (32 P.S. §693.7), the requirements for a permit are waived for the following structures or activities, regardless of when commenced. If the Department upon complaint or investigation finds that a structure or activity which is eligible for a waiver, has a significant effect upon safety or the protection life, health, property or the environment, the Department may require the owner of the structure to apply for and obtain a permit under this chapter.

(1) A dam not exceeding 3 feet in height in a stream not exceeding 50 feet in width, except wild trout streams designated by the Pennsylvania Fish and Boat Commission.

(b) The requirements for a permit for existing structures or activities, as provided in section 6(c) of the act (32 P.S. §693.6(c)), are waived for the following structures or activities, if construction was completed prior to July 1, 1979. If the Department upon complaint or investigation finds that a structure or activity which is eligible for a waiver, has a significant effect upon safety or the protection of life, health, property or the environment, the Department may require the owner of the structure or activity to apply for an obtain a permit under this chapter.

(1) A dam not exceeding 5 feet in height in a non-navigable stream operated and maintained for water supply purposes.

(2) A dam which the Department determines, on the basis of preliminary data submitted by the applicant, is of Size Classification C and Hazard Potential Classification 3, as defined in §105.91 and does not have a significant effect on coastal resources or an adverse impact on the environment.

---

### REQUIREMENT FOR ENVIRONMENTAL ASSESSMENT

1. Non-jurisdictional Dams: An Environmental Assessment and supporting documentation must be reviewed and approved by the Department before a non-jurisdictional dam may be constructed in any of the following situations:
  - (a) When a dam is located in, along or projecting into a wetland.
  - (b) For a dam located in, along or projecting into an exceptional value waters as defined in Chapter 93 of the Department's Rules and Regulations.
  - (c) Where water quality certification is required under Section 401 of the Clean Water Act (33 U.S.C.A. §1341), an Environmental Assessment is required for every dam located in, along, across or projecting into the regulated waters of this Commonwealth. These activities include but are not limited to Federal Nationwide Permits (NWP) No. 2, No. 12, No. 14, No. 16, No. 17, No. 18, No. 23, No. 26, No. 33, No. 36 and No. 40.
2. Waived Dams: An Environmental Assessment and supporting documentation must be reviewed and approved by the department before waivers for dams may be granted under Sections 105.12(a)(11) and 105.12(a)(16).

---

### ENVIRONMENTAL ASSESSMENT INFORMATION SHEET

---

#### SECTION A. OWNER INFORMATION

**Provide the owner's name, address, telephone number and contact person.**

---

#### SECTION B. AGENT/PREPARER INFORMATION

Provide all firms or individuals who prepared or assisted in preparing the Environmental Assessment forms and accompanying documentation.

---

### SECTION C. PROJECT LOCATION DATA

Provide the USGS name of the stream, river or body of water. If none, enter "unnamed".

Place an "X" on the appropriate Corps District line. Baltimore covers the Susquehanna River basin; Philadelphia covers the Delaware River basin; Pittsburgh covers the Ohio River basin and the Genesee River and Lake Erie basins.

Provide the name of the USGS 7½ minute quadrangle map where the project is located and provide the other site location information as requested.

Provide a concise and accurate narrative of the project's purpose and need.

---

### SECTION D. PROJECT LOCATION DATA

Please provide the project's physical data in the units requested. Most of the requested items are self explanatory, but attention is drawn to the following:

Maximum depth to top of dam.

Size and Hazard Classification – The determination of size and hazard classifications shall be made in accordance with the requirements of section 105.9 of the Department's Chapter 105 Rules and Regulations. Additionally a narrative providing justification for selection of the Hazard Classification must be provided. Continue the justification narrative on additional sheets of referenced paper if required.

**NOTE: All forms, plans, reports, photographs and other information required for this submission must be submitted in triplicate to the Department.**

---

### SECTION E. INFORMATION COMPLETENESS CHECKLIST

#### CHECKLIST ITEMS:

**a. Location Map:** Submit a photocopy of the U.S.G.S. 7½ minute quadrangle map where the site is located. Locate the site on the map.

**b. Determination of historic/archaeological sites:** Complete and attach to each copy of this package, completed forms "**CULTURAL RESOURCE NOTICE**" and the return receipt that shows that the PHMC received this notice. Additional instructions for completing these notices are in Module A.

**c. Completed and approved Supplement No. 1 Form (PNDI):** This form (included in this package) must be submitted to the department and returned to you before the Environmental Assessment is prepared. The final project design and the environmental assessment must reflect the presence of, and potential impacts to, any endangered or threatened species or critical habitat

within the project area discovered in the PNDI (Pennsylvania Natural Diversity Inventory) search.

**d. Site plan (including cross sections):** Each set of plan drawings (a total of three is required) must be legible, and must include the following:

(1) A site plan drawing which clearly shows property lines, all regulated waters of the Commonwealth (streams, rivers, lakes, swamps, bogs, marshes, wetlands, ponds or reservoirs) and all proposed structures and activities.

(2) Drawings which provide a plan view and cross sections of each proposed structure or activity.

**e. Project description narrative:** Provide a detailed description of the project including structure type(s), amounts of excavation/fill and what purpose the structure or activity will serve. The narrative must also describe in detail what effects the project will have on public health, safety and the environment. Information for this part of the narrative can be obtained from completion of the "**Environmental Assessment**" (**Part 2 - PROJECT DESCRIPTION, items 9 and 10.**) The narrative must contain a statement on why the project must be built in, along, across over a watercourse, floodway of body of water. Is there an alternative to the proposed project that would not require such impacts? Be sure to discuss this in detail under the item "Alternatives Analysis" requirements.

**f. Color photographs with map showing location taken:** Color photographs must be taken of the site which illustrate watercourse, floodway or body of water conditions at the project site and for areas extending both upstream and downstream. The location that the photographs were taken from and direction of view must be indicated on a separate site plan drawing. Usual practice is to number each photograph, mount in transparent photoholders, mark the numbers on the plan and then draw an arrow from the number in the direction of view.

**g. Environmental Assessment Forms:** Please refer to the instructions on completing the Environmental Assessment form. (Refer to Module A).

**h. Mitigation Plan:** As defined under Section 105.1 of DEP's Chapter 105 rules and regulations, Mitigation is:

(i) **An action undertaken to accomplish one or more of the following:**

(A) **Avoid and minimize impacts by limiting the degree or magnitude of the action and its implementation.**

(B) **Rectify the impact by repairing, rehabilitating or restoring the impacted environment.**

**(C) Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.**

**(ii) If the impact cannot be eliminated by following clauses (A)—(C), compensate for the impact by replacing the environment impacted by the project or by providing substitute resources or environments.**

The mitigation plan must be a separate document which describes how project planning employed mitigation concepts as defined in DEP's Chapter 105 Rules and Regulations. If these impacts cannot be eliminated, then the mitigation plan must include details and plans for replacing the impacted environment. The specific replacement resources or environments must be itemized and construction, operation and maintenance activities must be detailed in the plan.

**i. Alternatives Analysis:** As a separate document, an analysis must be performed detailing practicable alternatives to the proposed activities, including alternative locations routings, designs, etc., to avoid or minimize adverse environmental impacts.

\*For non-jurisdictional dams located in an exceptional value watershed, additional information (items j-o) must be submitted.

\*\*NOTE: Depending on the functions and complexity of the proposed dam, the Department may request additional information to be submitted after its initial review.