

DEP USE ONLY Date Received



## Reclamation Project or Water Pollution Abatement Project under the Environmental Good Samaritan Act Application

This form must be fully and accurately completed. All required information must be typed or legibly printed in the spaces provided herein. Replacement/substitution of or attachment to this form is prohibited. Improperly completed forms may be rejected by the Department.

### SECTION A. APPLICANT INFORMATION

Applicant:  Project Coordinator:  Telephone #	Mailing Address:
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### SECTION B. DESCRIPTION OF PROJECT

Project Name	Project Type	<input type="checkbox"/> Reclamation Project	<input type="checkbox"/> Water Pollution Abatement Project
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Description of the problem to be addressed by the project:

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Objective of the project:

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Work measures planned to accomplish objective:

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Time Schedules	Project Milestones
_____	_____
_____	_____

NOTE: Attach plans/cross sections/maps/or detailed drawings of plan

General Permits

<input type="checkbox"/> Discharge of Stormwater associated with construction activity PAG-2	<input type="checkbox"/> Minor Road Crossing BDWM GP-7
<input type="checkbox"/> Bank Rehabilitation BDWM-GP-3	<input type="checkbox"/> Temporary Road Crossing BDWM GP-8
	<input type="checkbox"/> Intake and Outfall Structures BDWM GP-4

### SECTION C. SITE INFORMATION

Submit two original 7½ minute USGS topographic quadrangle maps with the location of the proposed project work area outlined. Land used to access the project work area must also be identified.	County	Municipality	USGS Quadrangle.
Watershed – Stream Name:	Is the project location within 1000' of a permitted mining activity site? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Name and Address of Landowner(s):	Newspaper of general circulation published in locality of proposed project. Name: Address:		

**PROJECT PARTICIPANTS:** Each person, partnership, corporation, associated, political subdivision and government agency participating in the project. (IDENTIFY ANY PAID CONTRACTORS). Attach additional pages if necessary.

Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No	Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No
Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No	Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No
Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No	Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No
Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No	Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No
Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No	Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No
Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No	Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No
Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No	Name: Address:  Phone #: Group Associated: Paid Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING AND RECLAMATION  
BMR-GP-##  
ENVIRONMENTAL GOOD SAMARITAN PROJECT**

1. GENERAL DESCRIPTION AND AUTHORITY - The Department of Environmental Protection hereby authorizes, by General Permit, subject to the terms and criteria set forth below conducting, activities under a reclamation project or a water pollution abatement project. This authorization is pursuant to the Environmental Good Samaritan Act, Section 10.
2. DENIAL OF AUTHORIZATION - The Department shall have the discretion, on a case-by-case basis, to deny, revoke or suspend the authorization to use this General Permit for any project which the Department determines to present a risk to life, property or the environment or otherwise could not be adequately regulated by the provisions of this General Permit.
3. SITES AND CONDITIONS WHERE THIS GENERAL PERMIT DOES NOT APPLY

The protections and immunities available under this act do not apply to reclamation projects or a water pollution abatement projects located within 1,000 feet of the boundaries of acreage assigned to a permitted mining activity site or hydrologically connected to a permitted mining activity site, unless:

- a. A detailed written plan of the reclamation project or water pollution abatement project has been submitted to the Department before the project is started;
  - b. The Department finds the following:
    1. The reclamation project or the water pollution abatement project will not adversely affect the permittee's obligations under the permit and the applicable law.
    2. The activities on the project work area can not be used by the permittee to avoid the permittee's reclamation or water pollution treatment or abatement obligations.
  - c. The Department approves the project and issues a written notice of its findings specifically indicating the following:
    1. The project will not adversely affect the permittee's permit obligations and legal obligations on the permitted mining activity site.
    2. The activities on the project work area can not be used by the permittee to avoid the permittee's reclamation or water pollution treatment or abatement obligations on the permitted mining activity site.
4. DEFINITIONS - The following terms as used in this General Permit shall have the following meaning:

*Abandoned Lands.* Land adversely affected by mining or oil or gas extraction and left or abandoned in an unreclaimed or inadequately reclaimed condition.

*Applicant:* The person, association, or partnership name under which the application is filed.

*Consideration.* Something of value promised, given or performed in exchange for something which has the effect of making a legally enforceable contract. For the purpose of this act, the term does not include a promise to a landowner to repair damage caused by a reclamation project or water pollution abatement project when the promise is made in exchange for access to the land.

*Department.* The Department of Environmental Protection.

*Eligible Land and Water.* Land and water adversely affected by mining or oil or gas extraction or exploration and left abandoned in an unreclaimed or inadequately reclaimed condition, or left discharging water pollution and for which no person has a continuing reclamation or water pollution abatement obligation. The term shall also include land and water adversely affected by mining or oil or gas extraction and left in an unreclaimed in inadequately reclaimed condition or left discharging

water pollution for which the Department of Environmental Protection has forfeited and collected the operators bonds, and there is no outstanding litigation concerning the bond forfeiture.

*Landowner.* A person who holds either legal or equitable interest in real property.

*Mineral.* Any aggregate or mass of mineral matter, whether or not coherent, which is extracted by mining. This term shall include, but not be limited to, limestone, dolomite, sand, gravel, slate, diabase, gneiss, micaceous sandstone (bluestone), rock, stone, earth, fill, slag, iron ore, zinc ore, vermiculite, clay, anthracite, and bituminous coal.

*Permitted mining activity site.* A site permitted by the Department pursuant to one or more of the following acts: the Surface Mine Conservation and Reclamation Act, 52 P.S. Sections 1396.1 *et seq.*; the Bituminous Mine Subsidence and Land Conservation Act, 52 P.S. Sections 1406.1 *et seq.*; the Noncoal Surface Mine Conservation and Reclamation Act, 52 P.S. Sections 3301 *et seq.*; the Coal Refuse Disposal and Control Act, 52 P.S. Sections 30.51 *et seq.*; or the Clean Streams Law, 35 P.S. Sections 691.1 *et seq.*

*Person.* A natural person, partnership, association, association members, corporation, political subdivision of the Commonwealth of Pennsylvania, an agency, instrumentality or entity of federal or state government or other legal entity recognized by law as the subject of rights and liabilities.

*Project Coordinator.* The name of the contact person representing the applicant.

*Project Work Area.* That land necessary for a person to complete a reclamation project or a water pollution abatement project.

*Reclamation Project.* The restoration of eligible land and water to productive use by regrading and revegetating the land to stable contours that blend in and complement the drainage pattern of the surrounding terrain with no highwalls, spoil piles, or depressions to accumulate water.

*Water Pollution.* Pollution of the waters of the Commonwealth as defined in Section 1 of the Clean Stream Law (35 P.S. Section 691.1) which was caused by mining activities or oil and gas extraction or exploration for these resources.

*Water Pollution Abatement Facilities.* The methods for treatment or abatement of water pollution located on eligible lands and water.

*Water Pollution Abatement Project.* The treatment or abatement of water pollution located on eligible lands and water.

5. OTHER PERMITS - Nothing in this General Permit relieves the owner(s) of the obligation of complying with all Federal, Interstate Compacts and State laws, regulations and standards for the construction, operation or maintenance of the activities covered by this General Permit.
6. REGISTRATION FOR USE - The person responsible for a reclamation or water pollution abatement project must submit a completed application form to the appropriate District Mining Office.
7. FEES - There is no fee required for a project authorized under this General Permit.
8. EFFECTIVE TIME PERIOD - This General Permit will remain in effect indefinitely, unless specifically modified, suspended or revised by the Department.
9. SUSPENSION, MODIFICATION OR REVOCATION - The Department may suspend, modify or revoke this General Permit at any time upon notice in the Pennsylvania Bulletin.
10. PROJECT INTERFERENCE - This General Permit does not authorize any interference with any existing or proposed Local, State, Federal or Federally Licensed Project, and permittee shall not be entitled to compensation for damage or injury to the work authorized herein which may be caused by or a result of existing or future operations undertaken by the United States, Commonwealth of Pennsylvania, and its Political Subdivisions in the public interest.
11. DEPARTMENT INSPECTION - As a condition of use of this General Permit and of the persons conducting the activities authorized by this General Permit, the owner hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or a

search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated or maintained. The authorization and consent shall include consent to conduct tests or sampling, to take photographs, to perform measurements, surveys and other tests, to inspect the methods of construction, operation or maintenance, to examine and copy books, papers and records pertinent to any matter under investigation, and to take any other action necessary to assure the project is constructed, operated or maintained in accordance with the terms and conditions of the General Permit.

12. CONDITIONS

- a. A person involved in the reclamation project or the water pollution abatement project must not have any legal responsibility to reclaim the abandoned lands or to abate the water pollution.
- b. The reclamation project or water pollution abatement project must be conducted within eligible lands and water as defined above.
- c. There will be no removal or extraction of coal.

13. EROSION AND SEDIMENTATION POLLUTION CONTROLS - Work must be done in compliance with Chapter 102 of the Department's Rules and Regulations (relating to Erosion Control). If the project will involve more than 25 acres, an Erosion and Sediment Pollution Control Plan must be reviewed and determined to be adequate by the County Conservation District in which the activities are proposed and implemented prior to, during and after construction. If the project involves 25 acres or less, an erosion and sedimentation control plan must be available at all times at the project site. The project site shall at all times be available for inspection by authorized employees of the County Conservation District. The Erosion and Sediment Pollution Control Plan shall be available at the site at all times.

14. PROPERTY RIGHTS - This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations.

15. OTHER APPROVALS - The project coordinator shall secure all other approvals that may be necessary under Federal, State or local laws or regulations.

16. ACTIVITIES NOT IN ACCORDANCE WITH THE TERMS OR CONDITIONS - If the Department determines, upon inspection, that the construction, operation or maintenance of a project has violated the terms or conditions of this General Permit or Department Rules and Regulations, the Department may take such actions, legal or administrative, that it may deem to be appropriate, including revocation of the General Permit with regard to the violation.

17. STRUCTURE REMOVAL – The project coordinator shall remove all or any portion of the intake or outfall structure upon written notification to the owner by the Department in the event the project is causing an adverse impact on public health, safety or the environment of in any other manner violates the conditions of this general permit or Chapter 105.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING AND RECLAMATION

**INSTRUCTIONS FOR COMPLETING AN  
APPLICATION FOR ENVIRONMENTAL GOOD SAMARITAN ACT  
PROJECTS BMR-GP-**

**GENERAL INFORMATION**

1. This information is provided to assist the applicant in completing the information for this application. Please read these instructions prior to completing the application.
2. Complete the application by typing or printing clearly. If additional space is required to provide information in this application, attach an 8½ x 11 inch sheet of paper appropriately labeled.
3. Three copies of this application must be completed and submitted to the appropriate DEP District Mining Office.

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**SECTION A. APPLICANT INFORMATION**

- ? **Applicant:** The person, association or partnership name under which the application is filed.
- ? **Project Coordinator:** The name of the contact person representing the applicant.
- ? **Telephone Number:** The daytime telephone number for the project coordinator.
- ? **Mailing Address:** The legal mailing address of the applicant project coordinator.

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**SECTION B. DESCRIPTION OF PROJECT**

- ? **Project Name:** List the name of the project.
- ? **Project Type:** Check the appropriate box which identifies the type of project.
- ? **Description of the problem to be addressed by the project:** If the project is a land reclamation project, provide a description of the existing site conditions including length and depth of abandoned pits and total acres to be reclaimed. If the project is a water pollution abatement project, provide a descriptive characterization of the discharge, including pH, alkalinity, acidity, iron, aluminum, suspended solids and flow rate. Provide a general characterization of the impacts of the discharge on the receiving stream.
- ? **Objective of the project:** Describe what is to be accomplished.
- ? **Work/Measures planned to accomplish the objective.**
  - a. For reclamation projects: provide a description of the reclamation to be accomplished

- b. For water pollution abatement projects, provide a description of the abatement or treatment measures planned.

? **Time Schedules and Project Milestones:** Enter the approximate completion date and major project milestone.

? **General Permits:** Check the box next to the general permit(s) which apply to this project.

**PAG-2 Discharge of Stormwater Associated with Construction Activity.** A general permit to discharge stormwater associated with construction activities is required if the reclamation or water pollution abatement project will result in the disturbance of five or more acres of total land area by clearing, grading or excavation.

**BDWM-GP-3 - Bank Rehabilitation:** This general permit applies to projects in and along a continuous reach of stream channel not exceeding 500 feet in length.

**BDWM-GP-4 - Intake and Outfall Structures** The intake and outfall structure general permit may be used for the outfall structure for water pollution abatement project.

**BDWM-GP-7 - Minor Road Crossing.** A minor road crossing general permit can be used for projects which will require the construction of a road crossing across wetlands which disturbs less than 0.1 acre of wetlands. This general permit also applies to the construction of minor road crossings of streams where the watershed drainage area is 1.0 square mile or less. A minor road crossing is defined as a road across a wetland where the crossing is less than 100 feet and the total wetland disturbed is less than 0.1 acre, or a road constructed across a stream and an adjacent wetland utilizing a bridge, culvert or ford crossing where the watershed drainage area is 1.0 square mile or less and the total wetland area disturbed is less than 0.1 acre.

**BDWM-GP-8 - Temporary Road Crossings:** A temporary road crossing general permit will be required for roads to be installed for a period of time not to exceed one year across a wetland or across or along a stream utilizing a pipe culvert or a series of culverts, a bridge, a causeway or a ford.

The general permits listed above each contain specific criteria to determine eligibility for use. Due to the scope

and diversity of activities associated with land reclamation and water pollution abatement project, the District Mining Office should be contacted to inquire about which general permits can be used.

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**SECTION C. SITE INFORMATION**

- ? **County Municipality USGS Quadrangle:** The name of the county, municipality and USGS 7.5 minute quadrangle map.
- ? **USGS maps:** Submit two original 7½ minute United States Geological Survey topographic quadrangle maps with the location of the proposed project work area outlined. USGS maps may be obtained from an outfitter, a sporting good store, or the county courthouse.
- ? **Watershed – Stream Name:** Enter the name of the watershed and receiving stream.
- ? **Is the project located within 1,000 feet of a permitted mining activity site?** Check if the

project site is or is not located within a 1,000 feet of a site permitted by the Department pursuant to one or more of the following acts: the Surface Mine Conservation and Reclamation Act, the Bituminous Mine Subsidence and Land Conservation Act, the Noncoal Surface Mine Conservation and Reclamation Act, the Coal Refuse Disposal and Control Act, or the Clean Streams Law. Then check the "yes" box.

- ? **Name and Address of Landowner(s):** Enter the name and address of the landowners on which the project will take place.
- ? **Newspaper of general circulation published in locality of proposed project:** List the name and address of a newspaper of general circulation published in the locality of the proposed project. The Department will be responsible for project notices.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING AND RECLAMATION

**APPROVAL OF COVERAGE UNDER THE ENVIRONMENTAL  
GOOD SAMARITAN ACT**

In compliance with the provisions of the Environmental Good Samaritan Act, the Pennsylvania Department of Environmental Protection hereby approved the \_\_\_\_\_  
(Name of Project)

\_\_\_\_\_ or \_\_\_\_\_  
(Water Pollution Abatement) (Reclamation Project)

to be conducted by the \_\_\_\_\_  
Person, Association or Partnership

This approval is subject to the enclosed Good Samaritan General permit which incorporates all condition, criteria and requirements for completion of the project. The following list of project participants are granted limited release of liability for their voluntary reclamation of land adversely affected by mining or oil or gas extraction. This approval does not limit the liability of a person who under existing law is or may become responsible to reclaim the land or address the water pollution or anyone who by contract, order or otherwise is required to or agrees to perform the reclamation or abate the water pollution.

Coverage approval date \_\_\_\_\_

Authorized by \_\_\_\_\_  
District Mining Manager

\_\_\_\_\_ District Office