Proposed Modification and Reissuance of General Permit BWEW-GP-8

December 20, 2013

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AGENDA

1. Welcome
2. Proposed modifications to GP-8
3. Questions & Comments

Note: WebEx Technical Support is available at 866-229-3239
General Permit BWEW-GP-8

- Authority
- Proposes to modify and reissue General Permit BWEW-GP-8
  - Temporary Road Crossings
  - Temporary Crossings and Environmental Testing or Monitoring Activities
General Permit BWEW-GP-8

- Construction, operation, maintenance and removal
- Temporary crossings
- Regulated waters of this Commonwealth
- Including wetlands
- No practical alternatives
History of GP-8

- Initially published October 6, 1984 (14 Pa.B. 3658)
- Revised versions published:
  - December 2, 1989 (9 Pa.B. 5165)
  - December 28, 1991 (21 Pa.B. 5992)
- Most recently revised for consistency with revised Chapter 105 regulations:
  - proposed: February 16, 2013 (43 Pa.B. 1049)
  - final-form: July 6, 2013 (43 Pa.B. 3775)
Proposed Modifications to GP-8

• The majority of Chapter 105 general permits have not been materially revised since 1996.

• Revisions represent the opportunity to establish an improved organization structure and provide a more concise general permit.

• Proposed changes to **layout** and **contents**.
The **organizational** changes include:

- Standardized definitions
- Independent set of instructions, forms, examples and sample drawings
- Consolidated Coordination and Notification Section
- Cross-referenced terms and conditions
Standard Definitions
PLEASE NOTE: If you need to see details on the documents listed here such as effective or expiration dates, click on the Properties icon ( ) on the right side of the page relative to the file name.
Coordination and Notification

1. No regulated activity is authorized under the General Permit which will adversely impact properties listed in or eligible for listing in the National Register of Historic Places. See Section 7 Notification and Coordination Requirements for additional information.

7. NOTIFICATION AND COORDINATION REQUIREMENTS – Registration of proposed use of this General Permit requires notification and coordination with the Department or appropriate County Conservation District and other State and Federal agencies and programs.

A. PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION:

1. REGISTRATION OF PROPOSED USE OF GENERAL PERMIT – Prior to construction the owner of a temporary crossing or a person proposing a environmental testing or monitoring activity shall submit the General Permit Registration form along with the required attachments to the appropriate Department Regional or Conservation District office. The owner shall not begin work until the owner has registered the proposed use of the General Permit with the appropriate Department Regional or Conservation District office and received an acknowledgement from the owner in writing of that registration. The general Permit Registration form, required attachments, and acknowledgement must be available on site throughout the duration of the project.

2. EXTENSION OF GENERAL PERMIT – If the owner of a temporary crossing or activity desires the permitted temporary crossing or activity to remain installed for a period of time exceeding one (1) year from the date of the Department’s acknowledgement (Item 7.1, above), they may submit a written request to the appropriate Department Regional or Conservation District office. The Department may extend the time, in writing, on a case by case basis not to exceed an additional one (1) year based on the owner’s documentation of need. Under no circumstances will a temporary crossing be allowed to remain in place for longer than two (2) years from the date of the Department’s original acknowledgement. See Item 7.B.1.a for additional information affecting time extensions for activities or structures that have not been constructed.

3. CHANGE OF OWNERSHIP – If there is a change in ownership of a temporary crossing installed in accordance with this General Permit, the new owner is required to register the crossing or activity with the appropriate Department Regional or Conservation District office.

4. CONSTRUCTION AND REMOVAL OF TEMPORARY CROSSING OR ACTIVITY – The owner must also provide written notice to the appropriate Department Regional or Conservation District office ten (10) days prior to the construction and ten (10) days prior to the removal of the temporary crossing or activity and associated temporary BMPs after termination of its intended use or at the end of the one (1) year period, whichever occurs first, unless extended in writing by the Department. See specific removal conditions in items 12.A.2. and 12.F.3. below.

B. PENNSYLVANIA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES:

1. SPECIES PROTECTION –
   a. General Permit Registrations must include a Pennsylvania Natural Diversity Inventory (PNDI) Project Environmental Review Receipt, and any clearance letters from jurisdictional agencies, as applicable, for impacts to endangered and threatened species and species of special concern. PNDI receipts are valid for two years from the date of the screening or two years from the issuance of a clearance letter or other resolution of a potential impact with a jurisdictional agency. If activities conducted under this General Permit have not commenced construction within two years of the date from acknowledgement of the permit, then the acknowledgement and registration is VOID and the submission of an updated PNDI Receipt must be included with a new registration to the office that originally acknowledged the General Permit.
   b. The owner of a temporary crossing or activity must comply with special bog turtle screening requirements.
C. PFBC

1. NOTIFICATION — The owner shall notify the PFBC's Regional Field Office Manager (see Exhibit A) responsible for the County where the activities are proposed ten (10) days prior to start of construction. The project site shall at all times be available for inspection by authorized PFBC officers and employees.

2. WILD AND STOCKED TROUT WATERS — Activities authorized by this General Permit in regulated waters of this Commonwealth are prohibited in the following streams for the specified time periods listed below unless written approval is obtained from the PFBC or the local Department Regional Office and provided with the General Permit Registration.

   Stocked trout streams
   Wild trout streams
   Lake Erie tributaries

   March 1 through June 15
   October 1 through December 31
   September 1 through April 30

3. USE OF EXPLOSIVES — A written permit may be secured from the PFBC under 30 Pa. C.S. § 2906 (relating to permits for use of explosives). The permit must be provided with the General Permit Registration prior to acknowledgment. See Item 14.

4. AIDS TO NAVIGATION (ATON) — An approved ATON plan may be secured from the PFBC under 30 Pa. C.S. §§ 5121-5124 and 58 Pa Code Chapter 113. The approved ATON plan must be provided with the General Permit Registration prior to acknowledgment. See Item 12.A.3.

D. PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

1. No regulated activity is authorized which will adversely impact properties listed in or eligible for listing in the historical, cultural or archaeological sites as identified in the latest published version of the Pennsylvania Inventory of Historic Places or the National Register of Historic Places.
   a. Activities on properties that are listed or eligible for listing as described in Item D.1 above must include a no adverse effect determination from the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation (see Exhibit A) with the General Permit Registration submission.

2. Archaeological artifacts discovered during the performance of work authorized under this General Permit must be adequately protected and their discovery promptly reported to the, Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation (see Exhibit A).

E. OTHER PERMITS AND APPROVALS — Nothing in this General Permit relieves the owner of the obligation of complying with all Federal, Interstate Compact and State laws, regulations and standards for the construction, operation or maintenance of the temporary crossing or activity. The owner shall secure all other approvals that may be necessary under Federal, State or local laws or regulations.

8. FEES — The fee required for a project authorized under this General Permit shall be consistent with 25 Pa Code § 105.13 (relating to regulated activities – information and fees).

9. EFFECTIVE TIME PERIOD — This General Permit will remain in effect indefinitely unless specifically modified, suspended or revised by the Department.

10. SUSPENSION, MODIFICATION OR REVOCATION — The Department may suspend, modify, or revoke this General Permit at any time upon notice in the Pennsylvania Bulletin.

11. 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 hereunder which may be caused by or a result of existing or future operations undertaken by the United States, the Commonwealth of Pennsylvania and its political subdivisions in the public interest.
Additionally, the **scope** of the general permit has been revised to include the following other temporary activities:

- Temporary crossings
- Environmental testing or monitoring activities
  - temporary
  - **not** 25 Pa. Code §105.12(a)(12)
Changes in Scope of GP-8

1. GENERAL DESCRIPTION AND AUTHORITY - The Department of Environmental Protection hereby authorizes, by General Permit, subject to the terms and criteria set forth below, the construction, operation and maintenance of temporary road crossings across regulated waters of this Commonwealth, including wetlands, where no practicable alternatives exist. This authorization is pursuant to Section 7(b) of the Dam Safety and Encroachments Act, 32 P.S. §693.7(b), and the rules and regulations promulgated thereunder at 25 Pennsylvania Code §§105.441-105.449 (relating to general permits). This General Permit is subject to the terms and conditions set forth below.
Changes in Scope of GP-8

Current:

TEMPORARY ROAD CROSSING - A road 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.

Proposed:

ENVIRONMENTAL TESTING OR MONITORING ACTIVITIES – Investigative activities of a temporary nature, not to exceed one (1) year, including but not limited to soils sampling, borings of soil or rock material, sensor placement and recording devices and other similar or related activities. This term does not include monitoring or testing activities relating to water quality testing waived from permit requirements at 25 Pa Code § 105.12(a)(12).

TEMPORARY CROSSING – A road crossing or service line crossing placed for a specific period of time not to exceed one (1) year, and removed in its entirety after that period of time.

ROAD CROSSING – The term includes, but is not limited to, a road utilizing a pipe(s), culvert or a series of culverts, a bridge, a ford, a causeway or other similar features which are placed in, along, under, across, or over a regulated water of the Commonwealth.

SERVICE LINE CROSSING – The term includes, but is not limited to, electric transmission lines, pipelines, telephone lines, water lines and other similar facilities which are placed in, along, under, across, or over a regulated water of this Commonwealth.
WHERE GENERAL PERMIT DOES NOT APPLY – This General Permit does not apply and is not valid under the following circumstances:

A. Temporary road crossings which are to be used by the general public.
B. Temporary service line crossings of reservoirs, lakes and ponds.
C. Temporary service line crossings trenched or bored.
D. Temporary service line crossings on stream beds or inside waterway openings of bridges and culverts.
E. Temporary service line crossings which transmit hazardous or toxic material.
F. Skidding across fords.

G. No regulated activity is authorized under this General Permit in a National Natural Landmark identified in the latest published version of the National Registry of Natural Landmarks.

H. No regulated activity is authorized under this General Permit which is likely to directly or indirectly adversely impact a State or Federal Endangered or Threatened Species, or a species proposed for such designation, as identified under the Endangered Species Act of 1973 (“ESA”) (7 U.S.C.A. § 136; 16 U.S.C.A. §§ 4601-9, 460k-1, 688dd, 715i, 715a, 1362, 1371, 1372, 1402 and 1531—1543), the Wild Resource Conservation Act (32 P. S. §§ 5301—5314), 30 Pa.C.S. (relating to the Fish and Boat Code) or 34 Pa.C.S. (relating to the Game and Wildlife Code), or which is likely to destroy or adversely modify the critical habitat of such a species, as identified under the ESA. See Section 7 Notification and Coordination Requirements for additional information.

I. No regulated activity is authorized under this General Permit which will adversely impact properties listed in or eligible for listing in the National Register of Historic Places. See Section 7 Notification and Coordination Requirements for additional information.
Proposed Protective Measures in GP-8

B. Environmental Testing or Monitoring Activities

1. General Conditions in Subsection 12.A.

2. Temporary activities should be designed to prevent compaction or liquefaction of soft soils in floodways or wetlands as deemed necessary by the activity undertaken.

3. Any cutting or boring liquids shall not be discharged into Regulated Waters of the Commonwealth and shall be in compliance with 25 Pa Code Chapter 102 (relating to erosion and sediment control). BMPs specific to the activity must be identified and contained within the submitted E&S plan as required under Item 3.

4. Testing lines and sensors may be placed on the beds of streams, provided they can be reasonably secured to prevent flotation and do not constitute a risk to public safety.

5. Sites should be restored to original topography where practicable and any excess materials generated shall be removed from the body of water including their floodways.
G. Service line crossings

1. General Conditions in Subsection 12.A.

2. The maximum size temporary service line allowed is 24 inches inside diameter. If multiple lines are necessary to perform the crossing, the total inside cross-sectional area of all lines combined shall not exceed 453 square inches.

3. Sleeveing of the temporary service line through a steel or concrete pipe; suspension via cable systems or through other structural means over the watercourse is permitted, however, no vertical support structures, valves, fittings or pipe joints shall be located within a sleeve or above the watercourse.

4. Temporary service lines using sleeves or other devices to support or carry the temporary service line over the watercourse shall be designed in accordance with current engineering standards.

5. Temporary service line crossings of all watercourses transmitting fresh water, which is devoid of any pollutant materials, shall be done by a single continuous span of pipe at a minimum from top of bank to top of bank. No vertical support structures, valves, fittings or pipe joints shall be located in or above the watercourse.

6. Temporary service line crossings of all watercourses transmitting fresh water which may contain any pollutant materials during the lifetime of the temporary crossing shall be done by a single continuous span of pipe at a minimum from the outer limit of the floodway across the watercourse to the other side of the floodway outer limit. No vertical support structures shall be located in or above the watercourse. No valves, fittings or pipe joints shall be located within the floodway limits of the watercourse, including above the watercourse.

7. Temporary service lines carrying fresh water or fresh water which may contain pollutant materials shall consist of materials that meet industry standards for durability, strength and appropriate pressure ratings to handle the anticipated uses and conditions.
Proposed Protective Measures in GP-8

8. Temporary service line crossings of all watercourses transmitting fresh water which may contain any pollutational materials during the lifetime of the temporary crossing shall have an operations and maintenance plan which shall include at a minimum the following:

a. Periodic inspection schedule of the temporary service line.
b. Shutoff valve exercising or similar assurance of valve performance.
c. Written procedures for terminating transmission of fluids in the event of a leak, break or rupture of the temporary service line including any valves or fittings.
d. Written procedures for terminating service at the end of operations and the collection of remaining fluids in a manner that prevents discharge into any Regulated Waters of the Commonwealth.
e. A written specific emergency response plan addressing actions to be taken in the event of a discharge, leak or spill of materials from the temporary service line. A copy of the plan shall be kept onsite at the operation. The emergency response plan must contain information necessary to meet the notification requirements for reporting discharge, leak or spill events which would result in pollution or create a danger of pollution to regulated waters of this Commonwealth contained in 25 Pa Code § 91.33 (relating to incidents causing or threatening pollution).
9. Temporary service line crossings of all watercourses transmitting fresh water or fresh water which may contain pollutional materials shall have adequate provisions for shut-off in the event of a leak, break or rupture. Shut-off provisions shall be located at a minimum outside of the floodway limits of the waterway.

10. Temporary service line crossings of all watercourses, including support structures, shall have a waterway opening sufficient to adequately discharge, at a minimum, the bank-full flow of the watercourse or stream. The waterway opening shall be large enough to minimize and confine any backwater related to the bank-full flow to the owner’s property or if applicable, the boundary of the property leased for the crossing. The owner shall be responsible for any damages resulting from increased backwater caused by the temporary crossing. The permittee shall remove the temporary crossing in the event of high waters to prevent the increased backwater.

11. Support structures located in the floodplain shall be designed to prevent frost heave, overturning and settlement.

12. Freeze protection shall be provided for temporary service line crossings in place during cold weather periods.

13. Expansion joints shall be provided between above-ground pipelines.

14. During the termination of operations of a temporary service line crossing or removal of a temporary service line crossing the owner must ensure that the contents of the service line crossing shall be disposed of properly and not discharged into any Regulated Waters of the Commonwealth.
A copy of the draft revised GP-8 may be obtained by contacting:

The Department of Environmental Protection, Bureau of Waterways Engineering and Wetlands, Division of Wetlands, Encroachments and Training, P. O. Box 8460, Harrisburg, PA 17105-8460

Persons with a disability may obtain these documents by contacting Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users)
DEP requests **written comments** on the proposed modifications to this General Permit by **January 10, 2014**.

- Comments received by facsimile will not be accepted.
- Interested persons may submit written comments to the above address or by e-mail to: [RA-GP8Comments@pa.gov](mailto:RA-GP8Comments@pa.gov)
Questions about the proposal can be addressed by calling (717) 787-3411 or e-mailing Ken Murin at kmurin@pa.gov
DEP’s Public Participation Center

- Online repository for all DEP news and events including any proposals, rulemakings open for public comment.
Click on: “Get Involved” from either the left-hand navigation or the center.
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- PA Bulletin Notice
- Proposed General Permit
“Be Informed” page

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Questions?

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