

Commonwealth of Pennsylvania  
Department of Environmental Protection  
Northwest Regional Office  
Waterways and Wetlands Program

**WATER OBSTRUCTION AND ENCROACHMENT PERMIT**

The Department of Environmental Protection (“Department”), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510.1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§693.1 et seq.) known as the “Dam Safety and Encroachments Act”; Act of October 4, 1978, P.L. 851 (32 P.S. §§679.101 et seq.) known as the “Flood Plain Management Act”; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 et seq.), known as “The Clean Streams Law”; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

**Tri-County Landfill, Inc.  
159 TCI Park Drive  
Grove City, PA 16127**

giving its consent to **fill a total of 5.94 acres of wetlands to expand and upgrade the Tri County Landfill located along PA Route 208 east of I-79 (Mercer PA Quadrangle 41.145790, -80.127685) in Liberty and Pine Townships, Mercer County. Project includes creation of 9.49 acres of replacement wetland on-site at 41.14790, -80.127685.**

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

This permit is issued in response to an application filed with the Department of Environmental Protection on June 2, 2020, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application on June 22, 2020 subject, however, to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, The Clean Streams Law, the Administrative Code, the Rules & Regulations promulgated thereunder and the following conditions and restrictions. **If the work authorized by this permit is not completed on or before December 31, 2026, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.**

1. The permittee and an individual responsible for the supervision or conduct of the construction work shall complete and sign an Acknowledgement of Appraisal of Permit Conditions certifying the permittee’s acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return the completed and signed form to the Department. The permit will not be effective until the signed copy is received by the Department.
2. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings;

3. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary;
4. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby;
5. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of the Department and term and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department;
6. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department;
7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction;
8. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department of Environmental Protection, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice, remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration;
9. The permittee shall notify the Department, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction;
10. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the watercourse and floodplain to their former condition;
11. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of the work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the work acknowledging and accepting

the general and special conditions contained in this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of the Department or another Federal, State, County, or municipal agency;

12. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles, and specifications;

13. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of the properly executed "Application of Transfer of Permit" form;

14. If and when the permittee desires to discontinue use or abandon the activity authorized herein, he must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by the Department;

15. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620, telephone 814-359-5140;

16. Permittee shall implement and monitor an Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water;

17. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Northwest Region office at 814-337-0444;

18. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Mercer County Conservation District at 724-662-2242;

19. SPECIAL CONDITIONS

A. The construction of replacement wetlands shall be started at the commencement of or prior to the placement of fill authorized by this permit. "As-built" plans of the replacement wetlands shall be submitted to the Department within 30 days after final planting has been completed.

B. The permittee shall monitor the wetland replacement approved with this permit for at least five years after construction of the approved mitigation projects, unless otherwise approved by the Department in writing.

For the first three years, the permittee shall conduct an inspection two times per year. The spring inspection shall be conducted between April 1 and May 31, after the growing season has begun. The fall inspection shall be conducted between

September 1 and October 15, prior to the end of the growing season. For the remaining two years, the permittee shall conduct an inspection between September 1 and October 15, prior to the end of the growing season.

A written Mitigation Report shall be prepared for each inspection conducted during the monitoring period and submitted within 30 days to the Department of Environmental Protection, Attention: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335.

Unless instructed otherwise in writing from the Department, the permittee shall provide the following minimum information in the written Mitigation Reports:

- An inventory of the surviving plant species and percent aerial coverage
- Photographs of the replacement sites with plans showing the location and orientation of each photograph
- A written plan to correct any deficiencies identified during the monitoring phase
- Other measures as identified in the approved mitigation plan.

- C. If wetlands constructed on the approved sites have not achieved design objectives within the monitoring period, remedial work will be required to assure establishment of 9.49 acres of functional wetlands. Replacement wetlands shall be considered successful when they meet the design objectives as stated in the approved wetland replacement plan.
- D. Demolition or excavated materials shall not be deposited in any wetland, watercourse, floodway, floodplain or other body of water without applying for and receiving the written permit of the Department of Environmental Protection.
- E. Water pumped from the construction area shall be diverted into a sediment trap or basin, or into an appropriate vegetated filter area to prevent sediment from being discharged into any waters of the Commonwealth.
- F. The permittee and his agents will be watchful for archaeological artifacts and will assure the ground disturbance activities will cease immediately upon discovery of archaeological artifacts, and immediately notify the DEP Regional Office and the Pennsylvania Historical and Museum Commission at P. O. Box 1026, Harrisburg, PA 17120-10261, telephone 717-783-8947.
- G. There shall be no more than 50 percent dominance of each stratum by any plant listed within Pa. Code Title 7, Chapter 110 (Noxious Weeds) – under section 3(b) of the Noxious Weed Control Law (3 P.S. § 255.3(b)).
- H. There shall be no more than 50 percent dominance of the herbaceous stratum by Phalaris arundinacea (Reed Canary Grass), Phragmites australis (Common Reed), Typha angustifolia (Narrow-leafed Cattail), Typha glauca (Hybrid Cattail) and Typha Latifolia (Broad-leafed Cattail).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Lori A. Boughton**

**September 18, 2020**

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Lori A. Boughton  
Regional Manager  
Waterways and Wetlands Program

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Date