

PASPGP-2 PERMIT COMPLIANCE, SELF-CERTIFICATION FORM (7/2001)

PADEP Permit No. _____ Date of Issuance _____
Project Name _____ Applicant Name _____
Corps Permit No. (if available) _____ Date of Issuance _____
Waterway _____ County _____

Dear Permittee:

In accordance with the compliance certification condition of your PASPGP-2 authorization, you are required, upon completion of all permitted work, or within one year, if mitigation/compensation is required, from the date of issuance of the above referenced permit, to complete and sign this certification form and return it to the appropriate Corps of Engineers District, (circled below) in which the work is located.

U.S. Army Corps of Engineers,
Philadelphia District
Regulatory Branch
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

U.S. Army Corps of Engineers,
Baltimore District
Regulatory Branch
P.O. Box 1715
Baltimore, MD 21203

U.S. Army Corps of Engineers,
Pittsburgh District
Regulatory Branch
Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

1. Date authorized work commenced: _____ 2. Date authorized work completed: _____
3. Was all work, including any required mitigation, completed in accordance with your PASPGP-2 authorization? YES ___ NO ___
4. Explain any deviations (use additional sheets if necessary) _____

5. Was mitigation accomplished through a contribution to the PA Wetlands Replacement Project (FUND)?
YES ___ NO ___ (if NO complete Nos. 6 and 7 below).
6. Wetland Mitigation: Required? YES _____ NO _____ Required Completion Date _____
Completed? YES _____ NO _____ Mitigation Monitoring Reports Required? Yes _____ No _____
7. Attach labeled photographs showing completed work including mitigation area(s) **(not required for PADEP GP's/Waivers)**
8. Is this project part of a residential, commercial or industrial subdivision? Yes ___ No _____. If yes, the property may be subject to Condition C.3. of the attached conditions. If so, please attach verification of the recorded Deed Declaration.

I hereby certify that, except as noted above, that all work, including mitigation, has been completed in accordance with the terms and conditions, including special conditions of the above referenced permit.

Signature of Permittee Date

Signature of Contractor/Agent Date

Address:

Address:

Telephone:

Telephone:

PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT # 2

(PASPGP-2)

July 1, 2001

Revised March 11, 2003

Please note: the full text of the PASPGP-2 may be viewed on the Baltimore District web site at <http://www.nab.usace.army.mil/Regulatory/Permit/types.htm> or by calling the Corps at 410-962-5673

Applicant: _____

State Authorization(s): _____

It has been determined that your proposed project which includes the discharge of dredged, excavated or fill material, or structures into waters of the United States, including wetlands, qualifies for Federal authorization under the provisions of Section 404 of the Clean Water Act and /or section 10 of the River and Harbor Act of 1899, under the terms and conditions of the PASPGP-2.

The proposed activity must be in compliance with the following General Requirements, Best Management Practices, and Procedural Conditions to be authorized under PASPGP-2:

A. General Requirements:

1. **State Authorization:** The activity must receive State authorization. For the purpose of this requirement, any one of the following would be considered as State authorization:
 - a. A PADEP Chapter 105 Water Obstruction and Encroachment Permit, including a PADEP approved Environmental Assessment per 25 Pa. Code 105.15, or
 - b. A PADEP General Permit issued per 25 Pa. Code 105.441 – 105.449, or
 - c. A PADEP approved Environmental Assessment for activities not otherwise requiring a PADEP permit per 25 Pa. Code 105.15, or
 - d. A CWA Section 401 Water Quality Certification for activities which qualify for waiver of PADEP permit requirements per 25 Pa. Code 105.12, or
 - e. A PADEP Dam Permit, including the maintenance or repairs of existing authorized dams, including maintenance dredging , or,
 - f. A PADEP Emergency Permit issued per 25 Pa. Code 105.64, or
 - g. The maintenance provision of a previously authorized PADEP permit for the construction of a bridge or culvert (including bridges and culverts authorized by PADEP prior to the implementation of the PASPGP-1 in March 1995), which allows for maintenance activities of bridges and culverts, or
 - h. A PADEP Chapter 105 Dam Safety and Encroachment Enforcement Action.
 - i. A CWA Section 401 Water Quality Certification where o other State authorization, as listed above is required.
2. **Other Authorizations:** Additional Federal, State and/or local authorizations or approvals are required, where applicable, and must be secured by the applicant, prior to initiating any discharge of dredged or fill material, and/or the placement of structures into waters of the United States, including jurisdictional wetlands. These approvals include, but are not limited to:
 - a. A 401 Water Quality Certification issued by PADEP pursuant to Section 401 of the CWA.
 - b. A Consistency Determination issued by PADEP pursuant to Section 307 of the Federal Coastal Zone Management Act for activities located within designated Coastal Zone Management Areas.
 - c. For activities resulting in permanent, above-grade fills in waters of the United States, including jurisdictional wetlands within 100-year floodplains mapped by the Federal Emergency Management Agency (FEMA) or State or local governments, the permittee must comply with the applicable FEMA, State, and local floodplain construction requirements.
3. **Waters of the U.S. including Jurisdictional Wetlands:** Applicability of the PASPGP-2 shall be evaluated with reference to the Corps definition of waters of the United States, including jurisdictional wetlands. Applicants are responsible for delineating boundaries of all waters of the United States, including jurisdictional wetland boundaries. The delineation for jurisdictional wetland boundaries shall be accomplished in accordance with the current Corps of Engineers Wetland Delineation Manual (1987 Manual) and appropriate guidance issued by the Corps of Engineers.
4. **Avoidance, minimization and compensatory mitigation:** Discharges of dredged or fill material and/or the placement of structures into waters of the United States, including jurisdictional wetlands must be avoided and minimized to the maximum extent practicable at the project site. Applicants must avoid and minimize impacts to the aquatic environment, in accordance with the PADEP requirements under Chapter 105.1 *Mitigation*, 105.13 (d)(1)(viii), 105.14 (b)(7), 105.16 (a), 105.18 a (3), and 105.18 b (3). Once avoidance and the minimization of unavoidable adverse impacts has been demonstrated to the satisfaction of the reviewing office (Corps, PADEP, or the County Conservation District), compensatory mitigation may be used to offset unavoidable adverse impacts.
5. **Use of the Pennsylvania Wetland Replacement Project (Fund):** The Fund may be used to compensate for impacts approved under the authority of PASPGP-2. After it has been determined by the Corps or PADEP that compensatory mitigation is not practicable, the applicant,

on a case by case basis, may be given the opportunity to consider using other forms of acceptable mitigation, including the Pennsylvania Wetland Replacement Project (Fund). The use of the Fund for PASPGP-2 projects will follow the procedures outlined in the PASPGP-2 SOP document.

6. **Single and Complete Projects:** The PASPGP-2 shall not be used for piecemeal work and shall be applied to single and complete projects. The term “single and complete project” is defined at 33 CFR 330.2 (I) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. All components of a single project shall be treated together as constituting one single and complete project, and shall be evaluated together, for purposes of PASPGP-2 authorization. This general permit shall not be used for any activity that is part of an overall project for which a Corps Individual Permit is required.
7. **Cultural Resources:** Any activity authorized by the PASPGP-2 shall comply with Section 106 of the National Historic Preservation Act (NHPA). No activity, which may affect Historic Properties, listed, or eligible for listing, in the National Register of Historic Places is authorized under PASPGP-2, until the Corps has complied with the provisions of 33 CFR part 325, Appendix C, Historic Properties include historic and prehistoric (archaeological) sites. The applicant must provide evidence that the SHPO at the PHMC has been notified, using the PADEP Cultural Resources Notification Form for all PADEP Individual Permits. Proof of notification may be in the form of a copy of the response letter from PHMC or a copy of the certified mail receipt resulting from sending the Cultural Resources Notification Form. The Corps may require applicants to perform a survey of historic and archaeological resources in the project area.

For all activities authorized under a PASPGP-2, upon the discovery of the presence of previously unknown Historic Properties (historic or archaeological), all work must cease and the permittee must notify the SHPO and the Corps of Engineers. The PASPGP-2 authorization is suspended until it is determined, through the Section 106 consultation process, whether the activity will have an effect on the Historic Property. The suspended authorization under PASPGP-2 may be reactivated or modified, through special conditions if necessary, after an adverse affect determination on the Historic Property is made. The PASPGP-2 authorization may be revoked for the specific activity if an adverse affect on the Historic Property can not be avoided or mitigated.
8. **Tribal rights:** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. **Water supply intakes:** No activity, including discharges of dredged or fill material and/or the placement of structures may occur in the proximity of a public water supply intake except where the activity or discharge is for repair of the public water supply intake structures or adjacent bank stabilization.
10. **Threatened and Endangered Species:** No activity is authorized under the PASPGP-2 which is likely to, individually or cumulatively, adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. If an activity is authorized under the PASPGP-2, and a Federally listed threatened or endangered species, or proposed species or critical habitat is subsequently found to be present, all work must cease, and the Corps and USFWS (or NMFS) must be notified. The PASPGP-2 authorization is suspended until the conclusion of Section 7 consultation in accordance with ESA. The PASPGP-2 authorization will be revoked for the specific project if the species or critical habitat is adversely affected. Furthermore, persons have an independent responsibility under Section 9 of ESA to not engage in any activity that could result in the “take” of a Federally listed species.
11. **Corps Civil Works Projects:**
 - a. Navigation Projects. The PASPGP-2 does not authorize interference with any Corps navigation project. The permittee understands and agrees that, if future operations by the United States require removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation, or alteration.
 - b. Other Corps Civil Works Projects (i.e. Flood Control, Dams, and Reservoirs). The PASPGP-2 does not authorize interference with any proposed or existing Federal project.
12. **Federal Liability:** In issuing this permit, the Federal government does not assume any liability for the following:
 - a. damages to the permitted project or uses, thereof, as a result of other permitted or unpermitted activities or from natural causes;
 - b. damages to the permitted project or uses, thereof, as a result of current or future activities undertaken by or on behalf of the United States in the public interest;
 - c. damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;
 - d. design or construction deficiencies associated with the permitted work; and
 - e. damage claims associated with any future modification, suspension, or revocation of the PASPGP-2.
13. **Navigation:** No activity authorized under PASPGP-2 may cause more than a minimal adverse affect on navigation. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. Nothing in the PASPGP-2 shall in any way restrict the District Engineer, U.S. Army Engineer District, Baltimore, Philadelphia or Pittsburgh, from exercising his or her legal authority to protect the federal interest in navigation and in the navigation servitude of the United States.

B. Best Management Practices:

All activities authorized under PASPGP-2 must be in compliance with the terms and conditions of the following:

1. **Equipment working in wetlands:** Measures must be taken to minimize soil disturbance when heavy equipment is used in and adjacent to wetland areas. These measures include, but are not limited to, avoiding the use of such equipment, use of timber mats or geotextile fabric, and the use of low pressure tire vehicles.
2. **Temporary fill:** Temporary fill in waters of the United States, including jurisdictional wetlands, is considered a discharge of fill material and must be included in the quantification of impact area authorized by the PASPGP-2. Temporary fill in waters and wetlands authorized by the PASPGP-2 (i.e. access roads, cofferdams) shall be properly constructed and stabilized during use, to prevent erosion and accretion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Whenever possible rubber or wooden mats should be used for equipment access through wetlands to the project area. Temporary fills shall be removed, in their entirety, to an approved upland site, and suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their preconstruction contours, elevations, and hydrology and revegetated with comparable native species.
3. **Erosion and siltation controls:** During construction, appropriate erosion and siltation controls must be used and maintained in effective operating condition in accordance with State regulations. All exposed soil and other fill material must be permanently stabilized.
4. **Aquatic life movements:** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species, which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
5. **Shellfish production:** No discharge of dredged or fill material and/or the placement of structures may occur in areas of concentrated shellfish production, unless the discharge is directly related to an authorized shellfish harvesting activity.
6. **Spawning areas:** The permittee shall comply with all time-of-year restrictions as set forth by the PFBC or other designated agency. Discharges or structures in spawning or nursery areas shall not occur during spawning seasons, unless written approval is obtained by the PFBC or other designated agency. In addition, work in areas used for other time sensitive life span activities of fish and wildlife (such as hibernation or migration) may necessitate the use of seasonal restrictions for avoidance of adverse impacts to vulnerable species. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
7. **Adverse effects from impoundments:** If the activity, including the discharge of dredged or fill material or the placement of a structure creates an impoundment of water, the adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, including impacts to wetlands, shall be minimized to the maximum extent practicable.
8. **Waterfowl breeding and wintering areas:** Activities, including discharges of dredged or fill material or the placement of structures in breeding and wintering areas of migratory waterfowl must be avoided to the maximum extent practicable.
9. **Suitable material:** No activity, including discharges of dredged or fill material or the placement of structures, may consist of unsuitable material (e.g., asphalt, trash, debris, car bodies, etc.). No material discharged shall contain toxic pollutants in amounts that would violate the effluent limitation standards of § 307 of the CWA.
10. **Obstruction of high flows:** To the maximum extent practicable, the activity must be designed to maintain pre-construction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The Activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to pre-construction conditions, and must not increase water flows from the project site, relocate water, or redirect water flow beyond pre-construction conditions. In addition, the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows.

C. Procedural Conditions:

All activities authorized under PASPGP-2 must be in compliance with the terms and conditions of the following:

1. **Installation and maintenance:** Any structure or fill authorized shall be properly installed and maintained to ensure public safety.
2. **Inspections:** The permittee shall allow a District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with all the terms and conditions of the PASPGP-2. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work.
3. **Residential, Commercial and Industrial Subdivisions:** For any activity authorized under PASPGP-2, for the purpose of constructing a residential, commercial or industrial subdivision, where wetlands, in addition to those being directly impacted by the proposed activity are located within the subdivision property boundaries; and those wetlands are included as part of platted lot(s) proposed for resale, the following declaration shall be added to the deed descriptions for all such lots containing wetlands: *"This lot contains Federally regulated wetlands. Any disturbance of these wetlands including the discharge of dredged or fill material into these wetlands may require a Department of the Army permit pursuant to Section 404 of the Clean Water Act. Additional information may be obtained by contacting the appropriate Corps District."*

The permittee shall provide verification to the Corps that a deed declaration has been implemented in accordance with this provision by submitting a copy of the recorded deed declaration to the Corps within 30 days of recordation.

4. **PADEP permit conditions:** The permittee shall comply with all terms and conditions set forth in the PADEP authorization for use of this permit, including all conditions of Section 401 Water Quality Certification, and any subsequent amendment or modification to such authorization. The permittee shall conduct all work and activities in strict compliance with all approved maps, plans, profiles, and specifications used by PADEP and/or the Corps as the basis for its authorization or subsequent modification of authorization.
5. **Compliance certification:** The attached compliance certification form, regarding the PASPGP-2 authorized work and required mitigation, will be forwarded to each permittee with the PASPGP-2 authorization. Every permittee, who receives a written PASPGP-2 authorization, shall submit the signed compliance certification form upon completion of the authorized work and required mitigation. The completed form shall be returned to the appropriate Corps District and include:
 - a. A statement that the authorized work was or was not done in accordance with the PASPGP-2 authorization, including any general and/or special conditions. If the work was not done in accordance with the PASPGP-2 authorization, the permittee shall describe the specifics of the deviation from the authorized activity.
 - b. A statement that any required mitigation was or was not done in accordance with the permit conditions and approved plans. If the mitigation was not performed in accordance with the permit conditions and approved plans, the permittee shall describe the specifics of the deviation from the permit conditions and plans related to the required mitigation.
 - c. Photographs and a written description of each, as required by the terms of the compliance certification form, showing completed authorized work and mitigation.
 - d. The signature of the permittee, certifying the completion (or not) of the authorized work and mitigation.
6. **Special conditions:** The Corps may impose other special conditions on a project authorized pursuant to the PASPGP-2, where it is determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may be subject to criminal, civil, or administrative penalties, and /or restoration.
7. **False and incomplete information:** If any of the information and/or plans contained in or made a part of the Pennsylvania/Corps Joint Permit Application, PADEP General Permit registration, PADEP Environmental Assessment is found to be in error, falsified, and/or incomplete, the PASPGP-2 authorization may be subject to modification, suspension, or revocation in accordance with 33 CFR 325.7.
8. **Permit modifications:** Any proposed modification of the authorized project that results in a change in the authorized impact to, or use of waters of the United States, including jurisdictional wetlands, must be approved by PADEP. Corps approval is also required if the project had been previously reviewed by the Corps or the proposed modification causes the total project impacts to exceed 1.0 acre of waters of the U.S., including jurisdictional wetlands, or 250 linear feet of streams, rivers, or other jurisdictional waterbodies including open water areas.

Any modification that only involves a transfer of ownership for any PASPGP-2 will be forwarded to the appropriate Corps District, using the PADEP Application For Transfer Of Permit and Submerged Lands License Agreement (form no. 3930-PM-WM0016).
9. **Permit expiration:** The project-specific PASPGP-2 authorization is valid for the same period as the project-specific PADEP authorization, not to exceed three years from the date of authorization, unless modified or extended or until the PASPGP-2 expires, is suspended, or revoked, whichever date occurs sooner.

PASPGP-2 authorization for activities receiving PADEP General Permits shall not exceed three years or until the PASPGP-2 expires, is suspended, or revoked, whichever date occurs sooner.
Activities authorized under the PASPGP-2 that have commenced construction or are under contract to commence construction, will remain authorized provided the activity is completed within 12 months of the date of the PASPGP-2s expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.
10. **One-time use:** A project-specific PASPGP-2 authorization is valid to construct the project, or perform the activity, one time only, except for maintenance activities associated with the authorized activity, if allowed as part of the authorized activity.
11. **Property rights:** This PASPGP-2 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.

By Authority of the Secretary of the Army:

Charles J. Fiala, Jr.
Colonel, Corps of Engineers
District Engineer, Baltimore

Timothy Brown
Lieutenant Colonel, Corps of Engineers
District Engineer, Philadelphia

David R. Ridenour
Colonel, Corps of Engineers
District Engineer, Pittsburgh