

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**PERMIT GUIDELINES FOR PHASED NPDES
STORMWATER DISCHARGES ASSOCIATED
WITH CONSTRUCTION ACTIVITY PERMITS,
CHAPTER 102 EROSION AND SEDIMENT
CONTROL PERMITS AND CHAPTER 105
WATERWAY RESTORATION PROJECT PERMITS**

March 29, 2003

TITLE: Permit Guidelines For Phased NPDES Stormwater Discharges Associated with Construction Activity Permits, Chapter 102 Erosion and Sediment Control Permits, and Chapter 105 Waterway Restoration Project Permits

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Pennsylvania Clean Streams Law (35 P.S. §§ 691.1-691.1001); Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.28); Federal Clean Water Act (33 U.S.C.A § 1342 and 40 CFR 122.26).

POLICY:

It is the policy of the Department of Environmental Protection to ensure projects requiring DEP permits are reviewed as single and complete projects and meet all public health, safety and environmental requirements. The Department is also committed to the implementation of an effective, efficient, and flexible permit application and review process that eliminates redundant processing procedures and ensures public notice, while meeting its commitment to the public interest and the environment.

PURPOSE:

The Department's approach to permit phased construction and waterway restoration activities uses existing authority to promote the development of comprehensive project plans, provide for a single and complete project review, ensure impacts from construction and waterway restoration activities are minimized, allow for more efficient use of grant money, provide implementation flexibility for long range planning, and minimize delays in project implementation.

APPLICABILITY:

This policy applies to the individual Chapter 102 Erosion and Sediment Control Permits, individual and general NPDES Stormwater Discharges from Construction Activity Permits processed by the Department or a delegated Conservation District, and individual Chapter 105 Water Obstruction and Encroachments Permit Applications for waterway restoration as defined herein and processed by the Department.

DISCLAIMER:

The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in the policies or procedures shall affect

regulatory requirements. The policies and procedures herein are not adjudications or regulations. There is no intent on the part of DEP to give the rules in these policies that weight or deference. This document establishes the framework, within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

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EXECUTIVE SUMMARY

Some projects that require DEP permits are long term or large scale projects that may take several years to complete. These projects are commonly referred to as *phased projects* and are funded, planned, or designed in phases or stages to facilitate project implementation. Phased projects are often dependent upon available financial and staff resources, technical support, design or construction grants, and other factors. Traditional permitting approaches to these types of projects can result in high costs for detailed up front data collection, analysis and project design for projects that may not come into fruition for a number of years.

Traditional front-loaded permitting approaches can also be a disincentive for watershed organizations involved in developing and implementing waterway restoration projects. These watershed organizations, typically funded by private donations, or grants such as Growing Greener, often have limited funds and staff resources. A phased approach to these projects allows those limited resources to be targeted towards immediate stream restoration within the context of a broad based project goal.

The purpose of this guidance is to provide flexibility in the permitting process to minimize the administrative burden on applicants and DEP permit processors, provide an effective public review and notice process for projects, and ensure projects meet the public health, safety, and environmental requirements of the Commonwealth.

A phased project approach promotes the development of comprehensive project plans, provides for a single and complete project review, allows for the efficient use of grant money, reduces permit processing time, and provides implementation flexibility for long term projects. Under the phased project approach, a permit application can be submitted that explains the goals and scope of the project, and the general types and locations of anticipated activities for the entire project site without detailed construction plans and drawings for all phases of the project but in sufficient detail to assess the environmental impacts of the project.

Permit applicants will provide detailed construction drawings, plans, Erosion and Sediment Control Plans, and other required information for review and approval for the initial phase of the project that will be constructed, along with more generalized plans for the subsequent phases under consideration. Notice of the permit application for the entire project area, initial phase along with subsequent phases, is published in the *Pennsylvania Bulletin* to provide landowners, municipalities, and other interested persons with an opportunity to comment on the overall goal and scope of the project and proposed activities. Implementation of the first phase may not commence until the public comment period closes, all required information is received, reviewed, approved, and the permit is issued. Prior to the implementation of subsequent phases, detailed construction drawings, plans, Erosion and Sediment Control Plans, and other required information as described in this policy must be submitted to the Department for review and approval prior to commencing work. The approval of a subsequent phase will be published in the *Pennsylvania Bulletin* as an approved action under the previously issued permit.

This phased permit approach may not be appropriate for all projects. If the Department believes specific circumstances preclude the use of a phased approach, or applicants believe it will not suit their needs, a standard permit application review process will be utilized.

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OVERVIEW

A phased project approach promotes the development of comprehensive project plans, provides for a single and complete project review, allows for the efficient use of grant money, minimizes delays in project implementation and provides flexibility for long term projects. Under the phased project approach, the permit application is submitted with the scope, locations and types of anticipated activities for the entire project site. The activities proposed are evaluated to ensure environmental impacts are minimized and that environmental, public health, and safety issues are satisfied.

For the initial phase of the project, applicants will provide detailed construction drawings, plans, Erosion and Sediment Control Plans, and other required information for review and approval. Implementation of the first phase may not commence until all required information is received, reviewed, approved, and the permit is issued. Prior to the implementation of subsequent phases, detailed construction drawings, plans, Erosion and Sediment Control Plans, and other required information must be submitted to the Department or Conservation District for review and approval prior to commencing work.

This phased approach is not mandatory and may not be appropriate for all projects. If the Department believes specific circumstances preclude the use of a phased approach or the applicants believe it will not suit their needs, a standard permit application review process will be utilized.

DEFINITIONS

Conservation District – For purposes of this policy, Conservation District shall generally mean the local County Conservation District that has entered into a delegation agreement with the Department to administer the NPDES Program for Stormwater Discharges Associated with Construction Activities. The Department retains program administration and enforcement if the local County Conservation District is not delegated.

Erosion and Sediment Control (E&S) Permit - A permit required for earth disturbance activities of 25 acres (10 hectares) or more where the earth disturbance is associated with timber harvesting or road maintenance activities.

Erosion and Sediment Control (E&S) Plan - A site-specific plan identifying BMPs to minimize accelerated erosion and sedimentation.

Initial Phase - The first phase of a project site for which implementation approval is being requested in the permit application.

NPDES Permit for Stormwater Discharges Associated With Construction Activities (NPDES Stormwater Construction Permit) - This permit applies to earth disturbance activities, that disturb five (5) or more acres, or an earth disturbance on any portion, part, or during any stage of, a larger common plan of development or sale that involves five

(5) or more acres of earth disturbance, AND, earth disturbance activities with a point source discharging to surface waters of the Commonwealth that disturb from one (1) to less than five (5) acres, or an earth disturbance on any portion, part, or during any stage of, a larger common plan of development or sale that involves one (1) to less than five (5) acres of disturbance.

Phased Project - A project site that is divided into different stages to facilitate efficient project development and implementation.

Post-Construction Stormwater Management Plan (PCSM Plan) - A site specific plan identifying Best Management Practices (BMPs) to manage stormwater runoff after construction activities have ended and the project site has been permanently stabilized to protect and maintain existing and designated uses. The PCSM Plan must contain a written narrative, including calculations or measurements, and justifications for each BMP. The BMPs should be designed to maximize infiltration technologies, minimize point source discharges to surface waters, preserve the integrity of stream channels, and protect the physical, biological, and chemical qualities of the receiving water.

Project Site – the entire area of activity, development or sale including:

- the area of an earth disturbance activity;
- the area planned for an earth disturbance activity; and
- other areas which are not subject to an earth disturbance activity.

Subsequent Phase(s) - All other phases after the initial phase that are generally identified in location and scope in the permit application, but not specifically designed and not approved for construction under the initial phase of the project. Subsequent Phase(s) will be approved only after detailed construction plan drawings, Erosion and Sediment Control Plans, PCSM Plans, and other required information is submitted and approved by the Department.

Chapter 105 Waterway Restoration Permit - An individual Chapter 105 water obstruction and encroachment permit, typically issued to a watershed organization for a project with a primary purpose of waterway restoration, using standard protocols, assessment procedures, and designs to support the re-establishment of natural stream flow, dynamics, and environmental conditions.

PHASED NPDES STORMWATER CONSTRUCTION AND E&S PERMIT PROCESS

• Applications

To the extent that a regulatory requirement found in Chapters 92 and 102 is not listed below, the appropriate supporting documentation should be included in the initial permit application submission for the project site. Nothing in this policy relieves the applicant from meeting the requirements of Chapters 92 and 102.

I. General NPDES Permits - For coverage by a NPDES General Permit for Stormwater Discharges Associated with Construction Activities involving a Phased Project an applicant must submit:

A. For The Entire Project Site

1. Completed Notice of Intent (NOI) for General Permit.
2. The Application must be accompanied by a check in the amount of \$500.00 for an Individual Permit or \$250.00 for a General Permit, payable to the “Commonwealth of Pennsylvania Clean Water Fund” or “_____ County Conservation District Clean Water Fund.” This is a one-time fee. There is no permit fee for additional phases. Certain County Conservation Districts may charge plan review fees for initial and subsequent phase plan reviews.
3. Municipal notifications to the county(ies) and municipality(ies) and proof of receipt.
4. Completed PNDI form and search receipt(s) for all phases of the project site.
5. Erosion and Sediment Control Plan (E&S Plan) and Post Construction Stormwater Management Plan (PCSM Plan) containing the following information:
 - a) The existing topographic features for the Project Site and immediate surrounding area.
 - b) The types, depth, slope, locations and limitations of the soils.
 - c) A narrative description and plan drawings showing the locations and the characteristics of the earth disturbance activity including past, present, and proposed land uses, and a description of the planned physical alterations, earth disturbances, and other construction activities, as well as a general description and location of anticipated BMPs, including BMPs for special protection waters.
 - d) The location of all surface waters, which may receive runoff within or from the project site, and their classification pursuant to Chapter 93.
 - e) Procedures to ensure the proper handling, storage, control, disposal and recycling of wastes or other materials that have a potential to cause pollution.
 - f) A narrative description and a map (USGS topographic quadrangle or equivalent) of the project area that identifies the location and characteristics of sensitive areas or areas of environmental concern for the Project Site.

Sensitive areas or areas of environmental concern include but are not limited to: wetlands, special protection waters, historic or cultural resource areas and areas where threatened or endangered species or critical habitat may be present.

B. For the Initial Phase Of The Project:

1. A detailed description identifying the specific BMPs that will be used, plan details, drawings, specifications, and a sequence of BMP installation.
2. The amount of projected runoff and supporting calculations for each BMP.
3. E&S Plan drawings identifying the location and boundaries of the phase, the locations of BMPs that will be used, construction details, specifications, and a legend. Typical sketches may be used but must provide sufficient detail to illustrate critical dimensions and construction requirements.
4. Maintenance program including the inspection of BMPs on a weekly basis and after each measurable rainfall event, and the type of maintenance required for each BMP to ensure effectiveness.
5. Post Construction Stormwater Management (PCSM) Plan. The PCSM Plan identifies BMPs that will treat the rate, volume, and quality of stormwater runoff after construction. The applicant is required to identify post-construction stormwater BMPs as part of the Individual NPDES Stormwater Construction Permit application or Notice of Intent for the General NPDES Stormwater Construction Permit. In addition, both the Individual and General NPDES Stormwater Construction Permits require compliance with local ordinances developed under an Act 167 Stormwater Management Plan that incorporates measures to protect and maintain existing uses and protect and maintain water quality to maintain those existing uses. Permanent stormwater management BMPs must be operated and maintained in accordance with a written maintenance plan.

II. Individual NPDES or E&S Permit - Individual NPDES or E&S Permit applications must include all of the information identified for General Permit NOIs and provided in Section I above, plus the following:

- A. Completed and Signed General Information Form (GIF).
- B. Cultural Resource Notice(s) and the Pennsylvania Historic and Museum Commission (PHMC) response letter for all phases of the when project site is 10 acres or more.

- **Permit Processing Guidelines**

General NPDES Permit - General Permit NOIs are reviewed for administrative and technical completeness. Upon approval of the Initial Phase E&S Plan, a notice is published in the *Pennsylvania Bulletin* authorizing the use of the general permit. Notice of Approval of Subsequent Phase(s) will be published in the *Pennsylvania Bulletin* and will identify the specific phase of a project being approved for construction. Earth disturbance activities associated with the Initial Phase and Subsequent Phase(s) may commence when the permittee receives written authorization from the Department for that phase.

Individual NPDES Permit or Chapter 102 E&S Permit - Individual permit applications are reviewed for completeness. A public notice of the individual permit application will be published in the *Pennsylvania Bulletin* for a 30-day comment period after the application is deemed administratively complete. Upon the approval of the individual permit application and Initial Phase E&S and PCSM Plan, the Department will publish a second notice in the *Pennsylvania Bulletin* informing the public of its decision. Notice of Approval of Subsequent Phase(s) will be published in the *Pennsylvania Bulletin* and will identify the specific phase of a project being approved for construction. Earth disturbance activities associated with the Initial Phase and Subsequent Phase(s) may commence when the permittee receives written authorization from the Department for that phase.

- **Subsequent Phase Approvals for General and Individual NPDES Permits**

Before initiating any earth disturbance activities on Subsequent Phases, the permittee or co-permittee must submit the following information for review before implementation of that subsequent phase:

1. A detailed description identifying the specific BMPs that will be used, plan details, drawings, specifications, and a sequence of BMP installation.
2. The amount of projected runoff and supporting calculations for each BMP.
3. E&S and PCSM Plan drawings identifying the location and boundaries of the phase(s), the locations of construction and post construction BMPs that will be used, construction details, specifications, and a legend. Typical sketches may be used but must provide sufficient detail to illustrate critical dimensions and construction requirements.
4. Maintenance program including the inspection of BMPs on a weekly basis and after each measurable rainfall event, and the type of maintenance required for each BMP to ensure effectiveness.

Upon approval of the subsequent phase submission the Department will publish a notice, in the *Pennsylvania Bulletin*, of approval for the Subsequent Phase(s) as an

action under the previously authorized permit. Approval of a Subsequent Phase is not considered a permit modification.

PERMIT, E&S PLAN, AND PCSM PLAN, MODIFICATIONS FOR NPDES STORMWATER CONSTRUCTION PERMIT OR E&S CONTROL PERMIT

- **Minor Permit and Plan Modifications**

The Department or Conservation District may approve minor modifications or corrections to the NPDES or E&S Permit to allow for minor changes. These minor modifications may be used to correct typographical errors, require more frequent monitoring or reporting by the permittee or co-permittee, change in an interim compliance schedule, allow for change in ownership, address unforeseen site circumstances, or delete a point source outfall from which a discharge is terminated. The Department or Conservation District may approve minor modifications to the E&S Plan or PCSM Plan, including adjustments to BMPs and locations to improve environmental performance so long as, the modifications are within the scope of the approved plan and do not constitute a major modification of the permitted activity. Minor modifications may also include field adjustments on-site such as the addition or deletion of BMPs to address unforeseen circumstances. All minor modifications to the E&S Plan and PCSM Plan shall be noted on the plan that is available at the site and initialed by the Department or Conservation District staff. The Department or Conservation District may also request the review of proposed revisions and supporting calculation. Minor permit and plan modifications do not require a new permit or a public notice and comment period.

- **Major Permit and Plan Modifications**

A new NPDES or E&S Permit shall be obtained for a new or increased discharge, or a change of the waste stream, including any new or increased pollutant not identified in a previous permit application. Major modifications require a new permit application that meets all procedural E&S Plan requirements, and PCSM Plan requirements identified above for either General or Individual Permit Applications, including the publication of a notice in the *Pennsylvania Bulletin*.

Examples of changes that require a major permit and plan modification include but are not limited to: adding an industrial waste discharge, adding a point source discharge, and expanding the project site beyond the area approved in the original permit.

CHAPTER 105 WATERWAY RESTORATION PERMIT PROCESS

▪ Applications

To the extent that a regulatory requirement found in Chapter 105 is not listed below, the appropriate supporting documentation should be included in the initial permit application submission for the project site. Nothing in this policy relieves the applicant from meeting the requirements of Chapter 105.

General Information - Before beginning the application process, and in accordance with 105.13(a) a pre-application meeting between the project sponsors (applicant), designers and permitting agencies is recommended to familiarize everyone with the project scope and goals, exchange ideas, and discuss the permitting process. This pre-application meeting should include appropriate staff from the DEP regional office, US Army Corps of Engineers (USACOE), Pennsylvania Fish and Boat Commission (PF&BC), County Conservation District, US Fish and Wildlife Service (USFWS), as well as representatives of the watershed group, project designers, and others involved with the project. The regional DEP Soils and Waterways Section normally serves as the initial point of contact for permit applicants.

At the pre-application meeting, the project designers should have preliminary plans available that depict the overall project goal and planned phases of the project, including an estimate of the total length of stream to be affected, sequence of phases, scope and length of each phase, anticipated BMPs to be used, and anticipated channel modifications or realignments necessary for each phase. Detailed drawings and supporting documentation is not required for the pre-application meeting, however there should be a sufficient level of detail in order for everyone to understand the project and provide technical comments and specific recommendations.

After the pre-application meeting, the project sponsor will commence with the detailed analysis, design, and work plan, supported by written documentation and analysis, for the initial phase of the project. In order for a permit to be processed in a timely fashion it is important that the application reflect the results of the pre-application process, and provide the appropriate level of environmental and engineering information necessary to ensure a sound project and facilitate effective and efficient permit decisions. Construction activity under a phased permit may be authorized for time periods greater than the normal three construction seasons for standard projects. The specific construction window and other terms of the permit will be based on the scope of the project.

Waterway Restoration Permit Requirements - The following information must be provided for all individual permit applications for phased waterway restoration projects:

1. For The Entire Project Site:

- a. Completed and signed GIF and Chapter 105 Water Obstruction and Encroachments Permit Application form.
- b. The Application must be accompanied by a check in the amount of \$300.00, payable to the “Commonwealth of Pennsylvania”. This is a one-time fee. There is no Chapter 105 permit fee for additional phases.
- c. Municipal notifications to the county(ies) and municipality(ies) and proof of receipt.
- d. Completed PNDI form and search receipt(s) for all phases of the project site.
- e. Cultural Resource Notice(s) and PHMC response letter(s) for all phases of the project site.
- f. A location map of a scale factor of 1:24000 (standard USGS Topographic Map). The location map shall show:
 - 1) The entire project limits, including the identification of the initial phase and all subsequent phases.
 - 2) All natural features including the names and boundaries of regulated waters of this Commonwealth, natural areas, wildlife sanctuaries, and natural landmarks.
 - 3) Political boundaries.
 - 4) Locations of public water supplies.
 - 5) The contributory drainage area.
 - 6) Other geographical or physical features including cultural, archeological and historical landmarks within 1 mile of the site.
- g. Project description. A narrative of the project shall be provided which includes:
 - 1) The project purpose.
 - 2) A written narrative that clearly identifies the stream’s problems and describes the scope and objectives of the project.
 - 3) Alternatives analysis – A detailed analysis of alternatives to the proposed action, including alternative locations, routings or designs to avoid or minimize adverse environmental impacts.

- 4) The upper and lower limits of the project using standard latitude and longitude reference coordinates.
- 5) A written description of the activities, structures, BMPs and implementation methods, including a rationale for selected alternatives, that will be utilized throughout all phases of the project.
- 6) The effect the project will have on public health, safety or the environment.
- 7) A statement on water dependency. A project is water dependent when the project requires access or proximity to or siting within water to fulfill the basic purposes of the project. For purposes of waterway restoration activities, it is presumed the activities are water dependent.
- 8) A detailed impact analysis of the potential impacts, to the extent applicable, of the proposed project on water quality, stream flow, fish and wildlife, aquatic habitat, Federal and State forests, parks, recreation, instream and downstream water uses, prime farmlands, areas or structures of historic significance, streams which are identified candidates for or are included within the Federal or State wild and scenic river systems and other relevant significant environmental factors. If a project will affect wetlands, the project description shall also include:
 - a) A narrative of the delineation process supported by the appropriate data sheets and copies of appropriate soil maps and descriptions from soil conservation service soil surveys. Soil Conservation Service soil surveys may be obtained from the County Conservation District Offices.
 - b) An analysis of whether the wetland is exceptional value as classified in § 105.17 (relating to wetlands).
 - c) A statement on water dependency. A project is water dependent when the project requires access or proximity to or siting within water to fulfill the basic purposes of the project.
- 9) An application for a project which will affect less than 1 acre of wetland where the wetland is not exceptional value wetland shall also include a description of functions and values of the existing wetlands to be impacted by the project, as defined in § 105.1 (relating to definitions).
- 10) An application for a project which may have an affect on an exceptional value wetland or on 1 or more acres of wetland shall also include an assessment of the wetland functions and values using a methodology accepted by the Department and a survey, conducted by a licensed

professional land surveyor, of the wetland boundary as delineated and of the property lines of the parcel where the project is located.

- 11) A mitigation plan to mitigate any adverse impacts to wetlands that are incidental to the waterway restoration project.
 - h. Stormwater management analysis. If a stormwater management plan has been prepared or adopted under the Stormwater Management Act (32 P.S. §§ 680.1-680.17), an analysis of the project's impact on the Stormwater Management Plan and a letter from the county or municipality commenting on the analysis shall be included.
 - i. Floodplain management analysis. If the proposed dam, water obstruction or encroachment is located within a floodway delineated on a FEMA map, include an analysis of the project's impact on the floodway delineation and water surface profiles and a letter from the municipality commenting on the analysis.
 - j. Risk assessment. If the stormwater or the floodplain management analysis conducted in subparagraphs (h) and (i) indicates increases in peak rates of runoff or flood elevations, include 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.
 - k. For projects that incorporate fluvial geomorphology methodology (FGM) principals, a reference stream reach or regional curve data must be provided.
 - l. Environmental Assessment Form, Part 1 items 1-7, Part 2 and Part 3 for the entire project including the initial phase and all subsequent phases included with the Chapter 105 Water Obstruction and Encroachments permit application.
 - m. Limits of project disturbance should be clearly shown on the drawings. Wetlands within the limits of disturbance must be clearly identified on the drawings and flagged at the project site prior to start up.
 - n. A monitoring plan.
2. For the initial phase:
 - a. Photographs of the initial phase of work and a photo location map depicting the area where work will be accomplished.
 - b. Detailed restoration plans and construction drawings that include:

- 1) A plan view at a scale of 1" = 30' or larger showing the location and type of structure or activity within the initial phase of the project, depicting at least 100 feet upstream and downstream and the immediate area of the stream and the adjacent floodway. Details such as roads, utilities, buildings, and other man-made structures and natural features such as contours and drainage patterns must be identified.
 - 2) A complete demarcation of the floodplains and regulated waters of this Commonwealth on the site. The wetlands shall be identified and delineated in accordance with the Department's Wetland Delineation Policy as published at § 105.451 (relating to identification and delineation of wetlands – statement of policy).
 - 3) A north arrow.
 - 4) A scaled longitudinal profile of existing and proposed stream channel conditions for the initial phase of the project area, depicting at least 100 feet upstream and downstream and the immediate area of the stream and the adjacent floodway.
 - 5) Detailed cross sections showing the existing and proposed conditions of the initial phase of the project. These cross sections should be taken where the more extensive cuts and fills are proposed. Drawings should have a legend that clearly identifies the cut and fill areas.
 - 6) Cross sections upstream and downstream of work area. The supporting hydraulic information at these sections must clearly indicate that there will be no change of water surface elevations and velocities at bankfull flow and the flow related to the flood prone area.
 - 7) If the project is being designed using the principles of FGM or Natural Stream Channel Design (NSCD), a completed morphological chart for the project that includes the sections of the stream that have been surveyed, stream type, stream sinuosity, bankfull flow width, flood prone areas, belt width and other relevant information.
 - 8) Engineering calculations that prove the competency of the designed channel.
- c. Verification by the applicant that landowner consent and permission have been obtained to conduct activities on private property.
 - d. In FEMA study areas where a detailed floodway has been identified, include an analysis of the Q_{100} flood elevations in both existing and proposed conditions, using the Q_{100} flood flow identified in the narrative of the flood

insurance study. This step will help justify that the design can handle all flows.

- e. The name of the person who prepared the restoration plan, and the date and name of the applicants.
- f. Proof of an application for a NPDES Stormwater Discharge From Construction Activity Permit application or an approved Erosion and Sediment Control Plan, whichever is applicable.

▪ **Permit Processing Guidelines**

Permit applications are reviewed for administrative and technical completeness. A public notice of the permit application will be published in the *Pennsylvania Bulletin* for a 30-day comment period. Upon the approval of the permit application for the Initial Phase, the Department will publish a second notice in the *Pennsylvania Bulletin* informing the public of its decision. Notice of Approval of Subsequent Phase(s) will be published in the *Pennsylvania Bulletin* as an approved action under the previously issued permit, and will identify the specific phase(s) of a project being approved for construction.

▪ **Subsequent Phase Approvals**

Before initiating any earth disturbance activities on subsequent phases, the permittee must submit the following information for review and approval before project implementation:

1. Photographs of the subsequent phase of work and a photo location map depicting the area where work will be accomplished.
2. Detailed restoration plans and construction drawings that include:
 - a. A plan view at a scale of 1" = 30' or larger showing the location and type of structure or activity within the subsequent phase of the project, depicting at least 100 feet upstream and downstream and the immediate area of the stream and the adjacent floodway. Details such as roads, utilities, buildings, and other man-made structures and natural features such as contours and drainage patterns must be identified.
 - b. A scaled longitudinal profile of existing and proposed stream channel conditions for the subsequent phase of the project area, depicting at least 100 feet upstream and downstream and the immediate area of the stream and the adjacent floodway.
 - c. Detailed cross sections showing the existing and proposed conditions of the subsequent phase of the project. These cross sections should be taken where

the more extensive cuts and fills are proposed. Drawings should have a legend that clearly identifies the cut and fill areas.

- d. Cross sections upstream and downstream of work area. The supporting hydraulic information at these sections must clearly indicate that there will be no change of water surface elevations and velocities at bankfull flow and the flow related to the flood prone area.
 - e. If the project is being designed using the principles of FGM or Natural Stream Channel Design (NSCD), a completed morphological chart that includes the sections of the stream that have been surveyed, stream type, stream sinuosity, bankfull flow width, flood prone areas, belt width and other relevant information.
 - f. Engineering calculations that prove the competency of the designed channel.
3. Verification by the applicant that landowner consent and permission have been obtained to conduct activities on private property.
 4. In FEMA study areas where a detailed floodway has been identified, include an analysis of the Q_{100} flood elevations in both existing and proposed conditions, using the Q_{100} flood flow identified in the narrative of the flood insurance study. This step will help justify that your design can handle all flows.
 5. The name of the person who prepared the restoration plan, and the date and name of the applicants.
 6. A current PNDI search form and search receipt for the phase proposed for construction.
 7. Proof of an application for a NPDES Stormwater Discharge From Construction Activity Permit application or an approved Erosion and Sediment Pollution Control Plan, whichever is applicable.

MODIFICATIONS FOR WATERWAY RESTORATION PERMITS

• Minor Project Modifications

The Department may approve minor modifications or corrections to the Chapter 105 permit to allow for minor changes to the project to improve environmental performance so long as the approved changes are within the scope of the approved plan and do not constitute a major modification of the permitted activity, by noting and initialing changes on the project site plan. Minor modifications shall be reflected in the post construction as-built plans. Minor modifications also include correction of typographical errors and other administrative corrections to the plans or permit. Minor modifications do not require a new permit, or a public notice and comment period.

- **Major Project Modifications**

An amended or new Chapter 105 permit shall be obtained for new additions to the project area, a change in project scope, change in the nature of restoration activities, new discharges, any new direct or indirect impacts to wetlands, or any other change to the project beyond those activities identified in the initially approved permit. Major modifications require a new permit application that meets all procedural requirements identified under Waterway Restoration Permit Applications, including the publication of a notice in the *Pennsylvania Bulletin*.