



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION



# Chapter 105 General Permits for Stream and Wetland Impacts

DEP Ch. 105 CONTACTS FOR BERKS COUNTY:

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# What DEP Regulates Under Chapter 105

- Waters of the Commonwealth, which includes bodies of water, watercourses, and their floodways

# Bodies of Water

- A natural or artificial lake, pond, reservoir, swamp, marsh or wetland



# Watercourses

- Defined Bed & Banks
- Perennial or Intermittent Flow

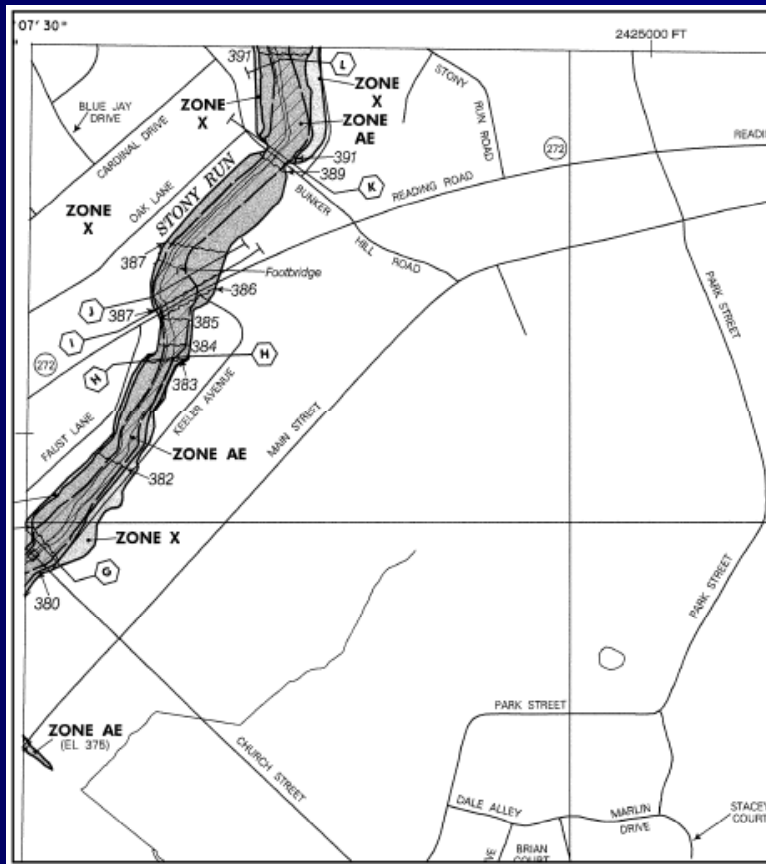


# Floodways

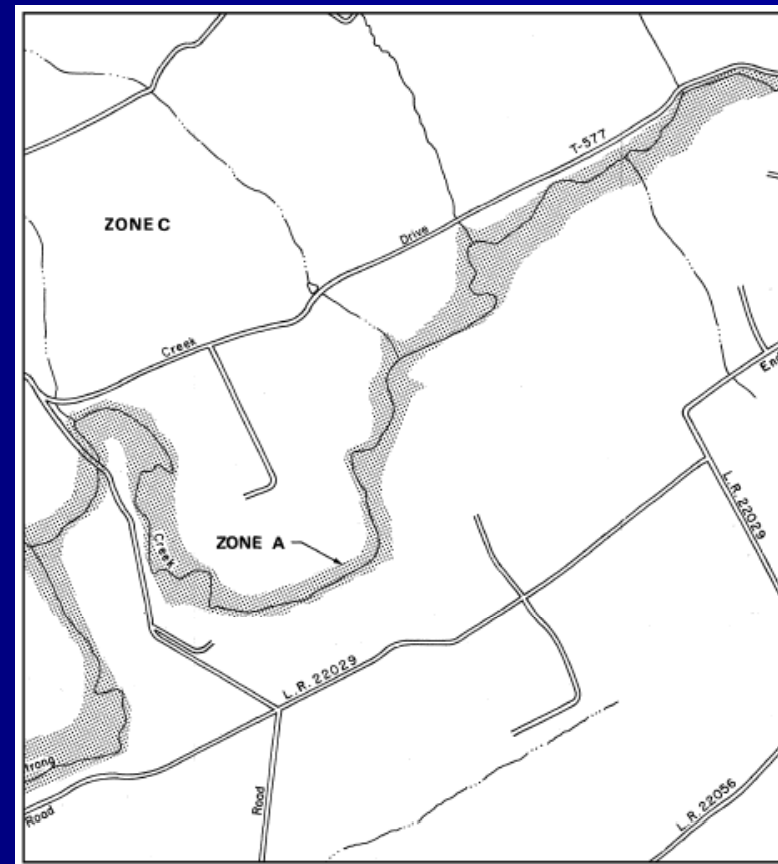
- Defined by one of two methods:
  - FEMA Flood Mapping
  - 50-foot Rule

# FEMA FLOOD MAPS

## DETAILED



## NON-DETAILED



# Permits and Authorizations

- **Waived activities (Chapter 105.12)**
  - Activities regulated by DEP that do not require a State permit (Federal authorization may be necessary)
- **General Permits**
  - For activities that do not meet the waiver criteria, but are anticipated to have a minimal impact on the environment
  - Activities must meet defined terms and conditions which cannot be deviated from
- **Joint Permit Applications**
  - Covers those activities that do not fit the terms and conditions of a general permit

# General Permits

- Must register the use of the GP
- Must receive an acknowledgement of the GP
- Each permit has a specific list of conditions where GP does NOT apply
- Approved permit must be on site of construction while work is being done!!
  - If construction begins prior to permit issuance, or if the permit is not physically located on site during the work, both the applicant and contractor are equally liable for any penalties that may occur as a result of the violation(s)

# Commonly Used General Permits

- GP-1 Fish- Habitat Structures
- GP-2 Small Docks and Boat Launching Ramps
- GP-3 Bank Rehabilitation, Bank Protection and Gravel Bar Removal
- GP-4 Intake and Outfall Structures
- GP-5 Utilize Line Crossings
- GP-6 Agricultural Crossing and Ramps
- GP-7 Minor Road Crossings
- GP-8 Temporary Road Crossing
- GP-11 Maintenance, Testing, Repair, Rehabilitation or Replacement of Water Obstructions and Encroachments

# General Permits 1 and 2

- **GP-1 Fish Habitat Enhancement Structures**
  - Structures located in stream channels cannot extend more than 3 feet above the normal stream bed
  - Must be approved by Pennsylvania Fish and Boat Commission prior to submission to DEP or County Conservation District
- **GP-2 Small Docks and Boat Launching Ramps**
  - Not applicable in “Exceptional Value” waters as listed in Chapter 93 (water quality standards)
  - Small docks shall not exceed a maximum surface area of 750 square feet
  - Not applicable along Scenic Rivers

# General Permit 3

## ■ GP-3 Bank Rehabilitation, Bank Protection and Gravel Bar Removal

- Allows a maximum of 500 linear feet of channel work
- Cannot decrease normal channel width
- Does **NOT** apply to projects involving channel relocations, realignments or placement of fill to construct berms or levees
- Does **NOT** apply to wetlands
- Does **NOT** allow the removal of vegetated gravel bars
- Gravel bars can be removed only to a elevation of 6 inches above the water level at the time of the project

# General Permits 4 and 5

## ■ GP-4 Intake and Outfall Structures

- Does not apply to wetlands
- Authorizes the construction of outfall structures having a diameter of 36 inches or less

## ■ GP-5 Utility Line Crossings

- Maximum size utility line allowed is 36 inches in diameter
- A minimum of three (3) feet of cover between the top of the utility line or encasement and the lowest point in the natural contour of the streambed is required, unless the utility line is in rock, where a minimum cover of one (1) foot is required

# General Permit 6

## ■ GP-6 Agricultural Crossings and Ramps

- Not applicable in “Exceptional Value” waters as listed in Chapter 93 (water quality standards)
- Construction of the crossing or ramp cannot alter the normal channel width
- Roadways leading to or from the crossing or ramp that are proposed in wetlands are not authorized under this GP

# General Permit 7

- **Minor Road Crossings**
  - Drainage area less than 640 acres
  - Does not authorize enclosures (bridge, culvert, or other structure 100-feet in length or greater)
  - Minimum pipe size is 30-inches
  - Structure must be of sufficient size so as not to narrow existing stream channel
  - Depth of fill covering culverts can't exceed the minimum cover required by the manufacturer



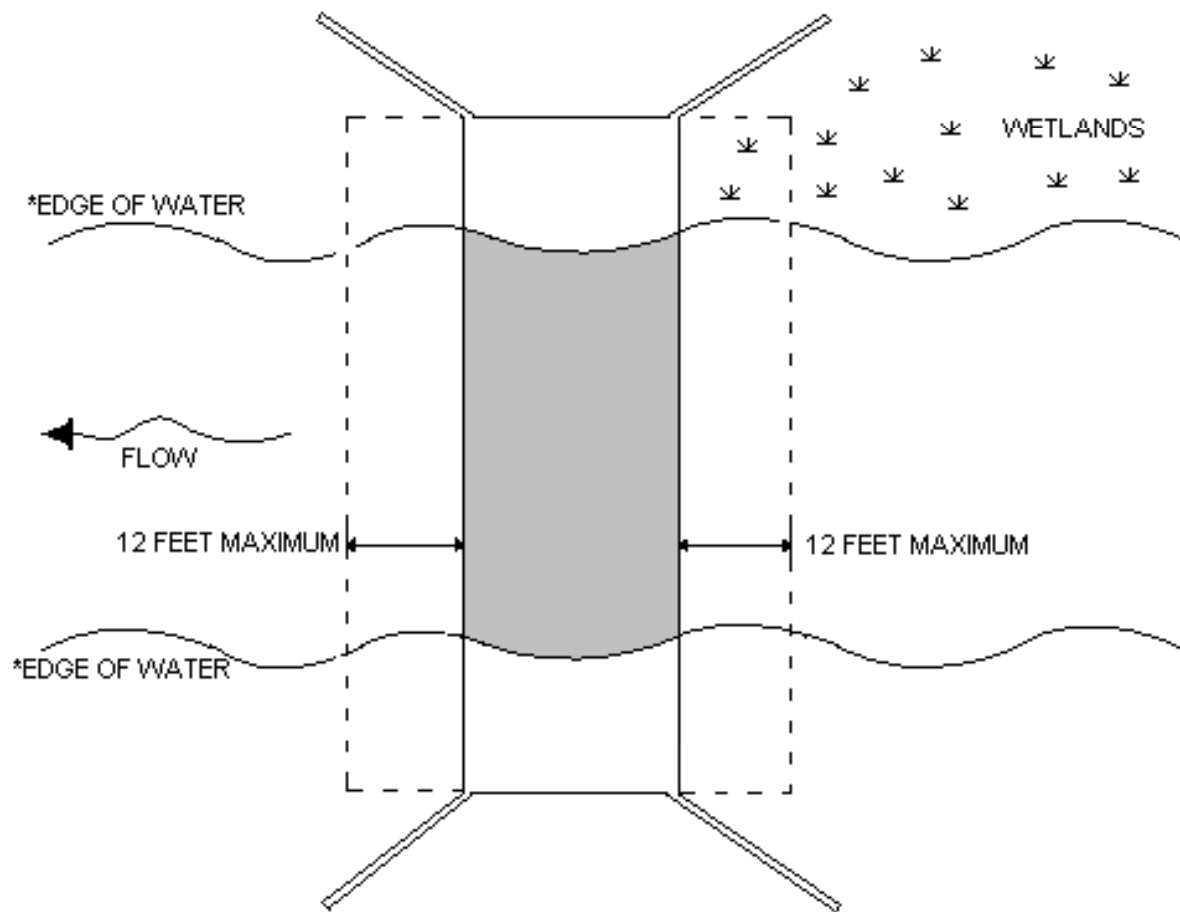
# General Permit 7 (cont.)

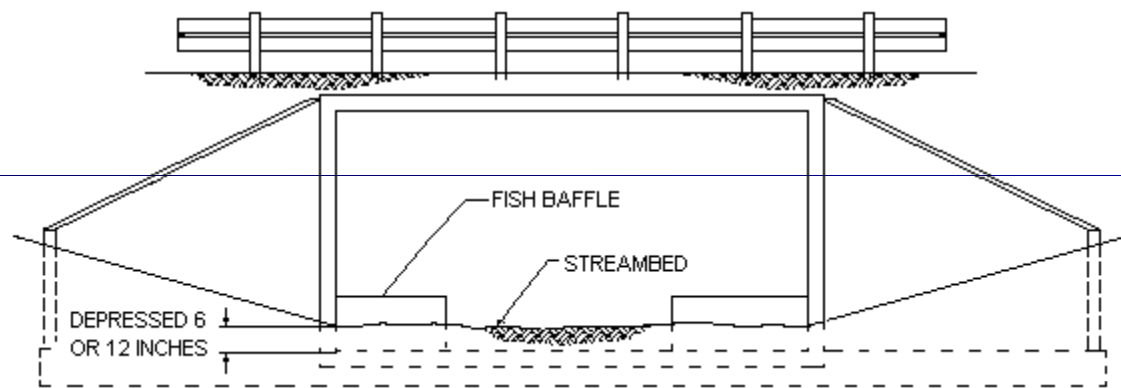
## ■ Wetland Crossings

- Single crossing cannot exceed 0.10 acre impact
- Cumulative impacts cannot exceed 0.25 acre
- Wetland crossings cannot exceed 100 feet in length

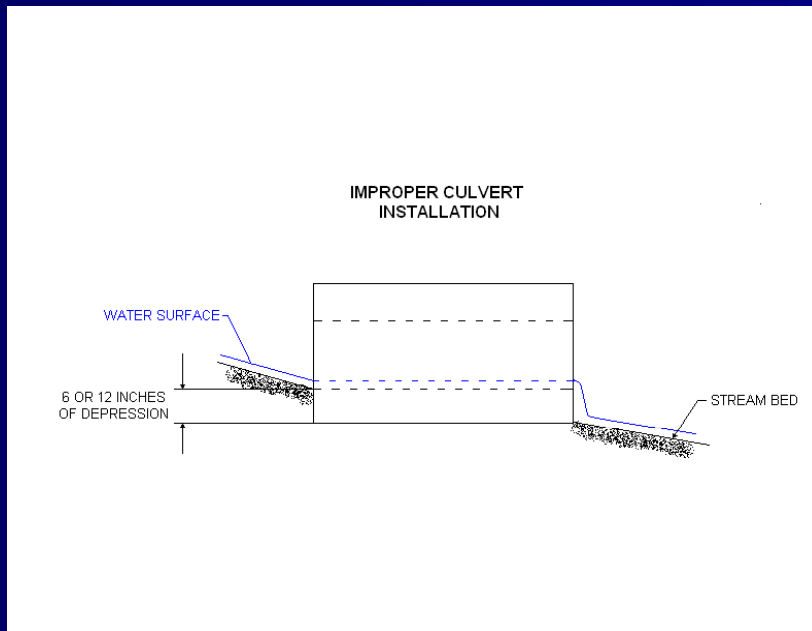
**Reminder: mitigation is required for impacts greater than 0.05 acre**

# BOX CULVERT ACROSS A STREAM





# Improper Culvert Installation



# General Permit 8

## ■ GP-8 Temporary Road Crossings

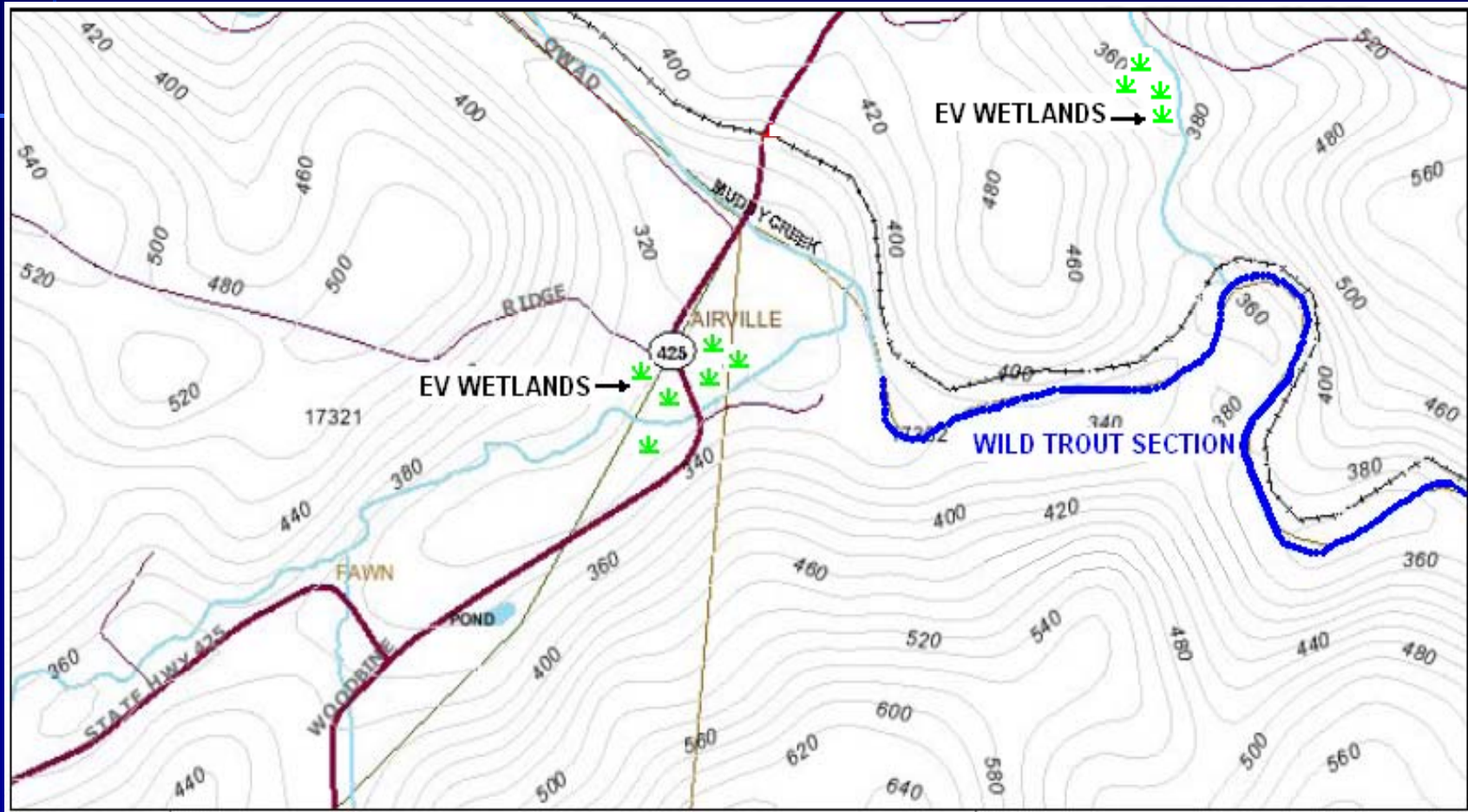
- Crossings may remain installed for 1 year from the date of the GP's acknowledgement
- Crossing of wetlands is limited to the narrowest point of the wetland and a length of less than 200 feet
- Time restrictions for stocked and wild trout streams may apply

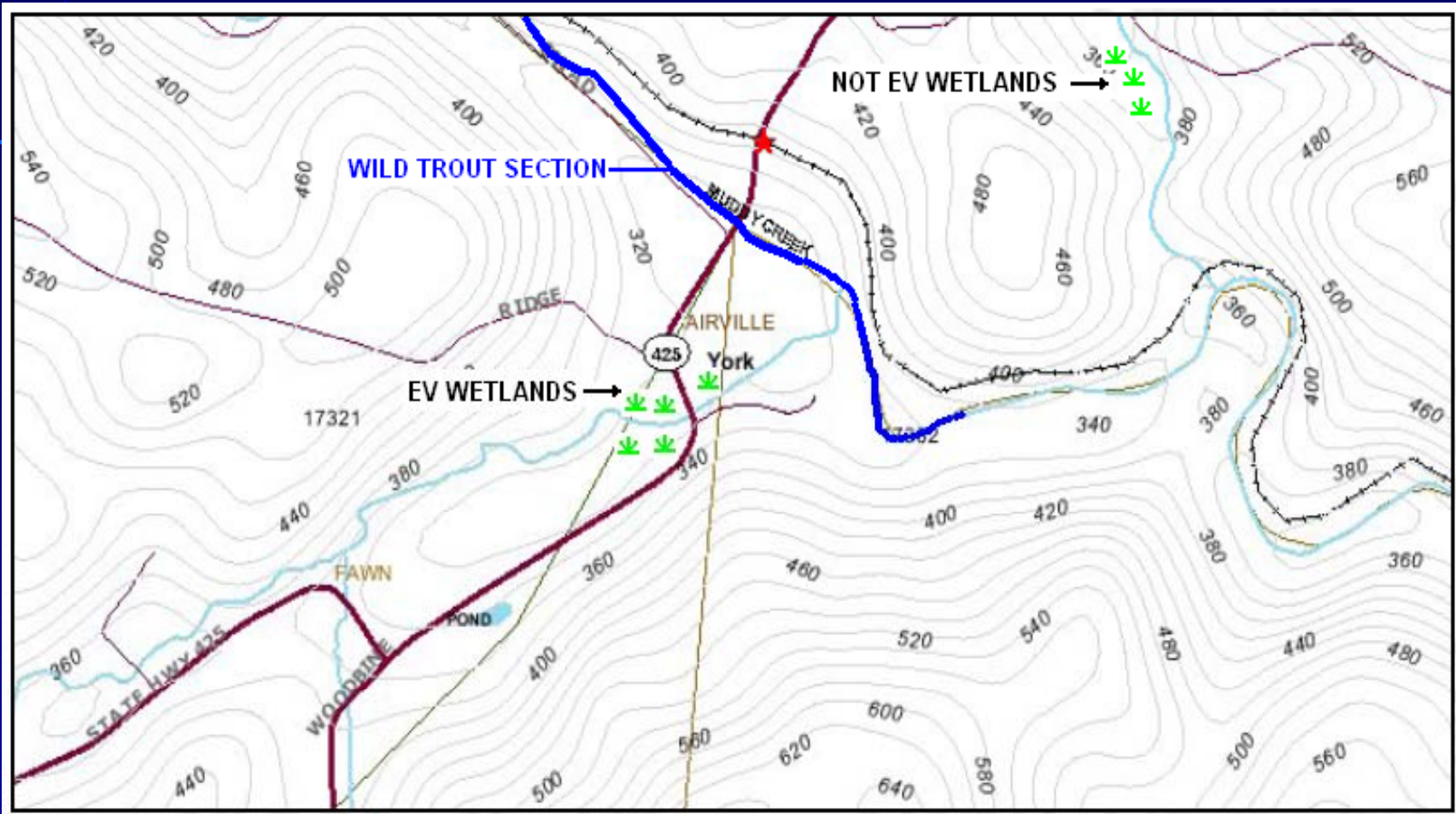
# General Permit 11

- **GP-11 Maintenance, Testing, Repair, Rehabilitation or Replacement of Water Obstructions and Encroachments**
  - Only applicable for **existing** structures
  - No drainage area limit for use, however uniform depression of pipe is determined by drainage area:
    - 6 inches of depression is required when D.A. < 640 acres
    - 12 inches of depression is required when D.A. >640 acres
  - Hydraulic opening of structure should be equal to or greater than that of the existing structure
  - Increases in culvert length and bridge width are limited to a maximum of 12 feet

# Determining EV Wetlands

- Threatened or endangered species
- Public Water supply intake located downstream
  - If they maintain the quality of the drinking water
- Wetlands located in or along the floodplain of the reach of a wild trout stream or a tributary thereto
- Wetlands within the corridor of a National wild or scenic river
- Wetlands located in wild or natural areas in a state park, or in Federal wilderness areas





# Questions?

