



Pennsylvania Department of Environmental Protection

2 Public Square
Wilkes-Barre, PA 18711-0790
August 23, 2005

Northeast Regional Office

570-826-2511
Fax 570-830-3016

Mr. Stephen A. Urban
Chairman
Luzerne County Flood Protection Authority
200 North River Street
Wilkes-Barre, PA 18711-1001

Re: Acknowledgment of Receipt of Permit
DEP Permit No. E40-640
APS No. 533984
Wyoming Valley Levee System - Operation and Maintenance
Various Municipalities, Luzerne County

Dear Mr. Urban:

We are pleased to acknowledge receipt of your signed copy of your State Water Obstruction and Encroachment Permit that was received in this office on August 23, 2005. We appreciate your prompt return of this signed document.

If you have any questions, please contact me at the above telephone number.

Sincerely,

Mary E. Hastings, P.E.
Senior Civil Engineer
Water Management Program

cc: James Brozena, P.E./Luzerne County Engineers Office
Dennis DuBreuil, P.E./U.S. Army Corps Of Engineers





Pennsylvania Department of Environmental Protection

2 Public Square
Wilkes-Barre, PA 18711-0790
July 27, 2005

Northeast Regional Office

570-826-2511
Fax 570-830-3016

Mr. Stephen A. Urban
Chairman
Luzerne County Flood Protection Authority
200 North River Street
Wilkes-Barre, PA 18711-1001

Re: Water Obstruction & Encroachment Permit
DEP Application No. E40-640
APS No. 533984
Wyoming Valley Levee System - Operation and Maintenance
Various Municipalities, Luzerne County

Dear Mr. Urban:

Enclosed are duplicate copies of your Water Obstruction and Encroachment Permit. Please review the permit so that you are aware of the extent of the authorization and conditions. **PLEASE SIGN BOTH COPIES OF THE WATER OBSTRUCTION & ENCROACHMENT PERMIT, RETURN THE FILE COPY TO THIS OFFICE WITHIN 15 DAYS AND KEEP THE OTHER COPY FOR YOUR RECORDS.** A self-addressed envelope is enclosed for your convenience. The Department will provide you with an acknowledgment letter upon receipt of the fully-signed permit.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S., Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.



Mr. Stephen A. Urban

-2-

July 27, 2005

Should you have any questions about this permit, please contact Mary E. Hastings, P.E., Senior Civil Engineer, Soils and Waterways Section, at the above telephone number.

Sincerely,



William J. Manner
Acting Environmental Program Manager
Watershed Management Program

Enclosures

cc: James Brozena, P.E./Luzerne County Engineers Office
Dennis DuBreuil, P.E./U.S. Army Corps Of Engineers

Commonwealth of Pennsylvania
Department of Environmental Protection
Watershed Management Program – Permitting and Technical Services Section
Northeast Regional Office

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:

**Luzerne County Flood Protection Authority
200 North River Street, Wilkes-Barre, PA 18711-1001**

giving its consent to:

operate and maintain the Wyoming Valley Levee System, within the floodplain along the Susquehanna River and its tributaries. The flood control protection system includes approximately 16 miles of levee/floodwall, 14 stormwater pump stations, and several gravity storm sewer gates. Maintenance will include channel cleaning/sediment removal to maintain design capacity along tributaries upstream and downstream of pump stations and at gravity outfall structures. The project is located along the Susquehanna River (Wilkes-Barre West, PA Quadrangle N: 22.5 inches; W: 1.3 inches) in Edwardsville Borough, Exeter Borough, Forty Fort Borough, Hanover Township, Kingston Borough, Luzerne Borough, Plymouth Borough, Pringle Borough, Wilkes-Barre City, and Wyoming Borough, Luzerne County.

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)].

If this work is not completed on or before the N/A day of N/A A.D., this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.

This permit is issued in response to an application filed with the Department of Environmental Protection on the 22nd day of September A.D. 2004, 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 December 8, 2003, 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 and regulations promulgated thereunder and the following conditions and restrictions:

1. The permittee shall sign the permit thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of the permit. The permittee shall return a signed copy of the permit to the Department. The permit will not be effective and the work herein authorized may not commence until the signed copy of the permit 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 terms 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. Waste materials, scrap, or excess construction materials may not be disposed of in any watercourse, floodway or body of water but shall be collected, stored, and disposed of in accordance with the Solid Waste Management Act (35 P.S. §§6018.101-6018.1003), the Municipal Waste, Planning, Recycling and Waste Reduction Act (53 P.S. §§4000.101-4000.1904), the Clean Streams Law (35 P.S. §§691.1-691.1001) and related rules and regulations.
7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction.
8. If, in the future, the Department determines that the water obstruction or encroachment causes unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice remove or alter the structural 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 the permit and the time limit specified in the permit has not been extended in writing by the Department or if a 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 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 construction work acknowledging and accepting the general and special conditions contained in the permit. Unless the acknowledgment and acceptance have been filed, the permit is void. A copy of the 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 for 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, Bureau of Administration, P.O. Box 67000, Harrisburg, PA 17106-7000, Telephone 717-657-4522.
16. Permittee shall implement and monitor the 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 Northeast Regional Office, P. O. Box 88, Sweet Valley, PA 18656, Telephone 570-477-5717.
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 Luzerne Conservation District, 485 Smith Pond Road, Shavertown, PA 18708, Telephone 570-674-7991.
19. SPECIAL CONDITIONS:
 - A. When removal of silt and debris from a stream channel is necessary, it shall be accomplished in accordance with the Department's "Standards for Channel Cleaning at Bridges and Culverts," a copy of which is attached and made part of this permit.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.




Permittee (signature)

8/19/05

Date

DEPARTMENT OF ENVIRONMENTAL PROTECTION



William J. Manner
Acting Environmental Program Manager
Watershed Management Program

8/27/05

Issue Date

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERSHED MANAGEMENT
DIVISION OF WATERWAYS, WETLANDS AND EROSION CONTROL

STANDARDS FOR CHANNEL CLEANING AT BRIDGES AND CULVERTS

1. A work schedule which includes a written description of each structure, a description of the proposed work and a map showing each project location shall be submitted concurrently to the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, and the Conservation District of the county in which the project is located not less than 30 days in advance of initiating work. The work schedules shall be submitted to the appropriate Department of Environmental Protection Regional Office listed on Exhibit B and to the appropriate Pennsylvania Fish and Boat Commission Regional Headquarters listed on Exhibit A.

Addresses for County Conservation Districts may be obtained from the Department of Environmental Protection or may be found in local telephone directories.

2. The owner shall notify the appropriate Pennsylvania Fish and Boat Commission's Regional Headquarters (Exhibit A) and the appropriate County Conservation District 10 days in advance of starting work each time at any location identified in the proposed work schedule. Notification by postcard is suggested.
3. The work schedule shall be in the possession of the person in charge on the site whenever work is being performed. The project description and limits must be clearly indicated on the work schedule.
4. No work may be done in stocked trout streams between March 1 and June 15 except for emergencies. Emergency work must be approved by the Department of Environmental Protection in consultation with the Pennsylvania Fish and Boat Commission.
5. Work in the stream channel shall be limited to 50 feet upstream and 50 feet downstream from the bridge or culvert. In addition, work should be accomplished by working from the stream banks. In those cases where this is not possible, the operation of equipment in the water is to be minimized.
6. Channels may be excavated to a width no greater than the width of the normal low flow channel immediately upstream and downstream of the bridge or culvert. The remainder of the channel width shall be maintained as an elevated flood plain and may be excavated only to six inches above water level at the time of work.
7. Material removed shall be disposed of at a location which precludes re-entry into the stream and in a manner which does not obstruct flood flows in the floodway. If material removed from the stream is needed for backfill or bank restoration, it should be faced to the ordinary high water level with riprap suitably sized according to the anticipated stream velocity. All disturbed areas above the level of the riprap must be stabilized or seeded. Excess excavated material shall not be deposited in any wetland, river, lake, water course, floodway, or other regulated waters of the Commonwealth without first applying for and receiving the written permit of the Department of Environmental Protection.
8. Tree and shrub growth on stream banks shall not be disturbed unless absolutely necessary.
9. If an access road is constructed, stormwater diversion shall be provided to assure that water will not flow along the access road directly into the stream or the work area.

-
10. Erosion and sediment pollution control measures must be properly implemented and closely monitored to minimize erosion and prevent sediment from entering the stream channel.
 11. Where it is necessary for construction equipment to cross the stream, a temporary stream crossing shall be provided by the permittee for this purpose unless the stream flow is shallow and the stream bed consists of solid or nonerodible material. The temporary crossing must be authorized by and comply with the conditions of General Permit BDWM-GP-8, Temporary Road Crossings. Any fill material provided for temporary crossings shall be clean granular material and entire fill shall be kept to an absolute minimum elevation to avoid obstructing flood flows and creating backwater flooding condition upstream. The owner is responsible for any damages resulting from the obstruction of flood flows by this temporary stream crossing. Upon completion of the project, the temporary crossing shall be removed in its entirety and the disturbed areas restored to their original condition. Copies of, and authorization to use, BDWM-GP-8 are available from the Department offices listed on Exhibit B.
 12. The Department shall have the discretion to require a separate individual permit application to be submitted for any project or portion thereof, which the Department determines to have a potential significant effect on safety or protection of life, health, property, or the environment.
 13. Any repairs or maintenance involving modification of the structure from its original specifications and any repairs or reconstruction or replacement involving a substantial portion of the structure shall require the prior written permit of the Department.

EXHIBIT A

FISH AND BOAT COMMISSION'S OFFICES

Headquarters Address

County Responsibility

Regional Manager
11528 Highway 98
Meadville, PA 16335-7320
814-337-0444

NORTHWEST REGION

Butler, Clarion, Crawford, Erie,
Forest, Lawrence, Mercer, Venango
and Warren

Regional Manager
236 Lake Road
Somerset, PA 15501-1644
814-445-8974

SOUTHWEST REGION

Allegheny, Armstrong, Beaver,
Cambria, Fayette, Greene, Indiana,
Somerset, Washington and
Westmoreland

Regional Manager
P.O. Box 5308
Pleasant Gap, PA 16823
814-359-5250

NORTHCENTRAL REGION

Cameron, Centre, Clearfield,
Clinton, Elk, Jefferson, Lycoming,
McKean, Montour, Northumberland,
Potter, Snyder, Tioga and Union

Regional Manager
1704 Pine Road
Newville, PA 17241
717-486-7087

SOUTHCENTRAL REGION

Adams, Bedford, Blair, Cumberland,
Dauphin, Franklin, Fulton,
Huntingdon, Juniata, Lebanon,
Mifflin, Northumberland (Mahatango
Creek In Jordan and Lower Mahanoy
Townships only) Perry and York

Regional Manager
Box 8
Elm, PA 17521
717-826-0228

SOUTHEAST REGION

Berks, Bucks, Chester, Delaware,
Lancaster, Lehigh, Montgomery,
Northampton, Philadelphia and
Schuylkill

Regional Manager
P.O. Box 88
Sweet Valley, PA 18658
570-477-5717

NORTHEAST REGION

Bradford, Carbon, Columbia,
Lackawanna, Luzerne, Monroe,
Pike, Sullivan, Susquehanna, Wayne
and Wyoming

DIVISION OF ENVIRONMENTAL SERVICES
450 Robinson Lane, Bellefonte, PA 16823-9620
814-359-5147

EXHIBIT B

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGIONAL OFFICES
SOILS AND WATERWAYS SECTION**

<u>Regional Office</u>	<u>County Responsibility</u>
Southcentral Regional Office 909 Elmerton Avenue, Second Floor Harrisburg, PA 17110 (717) 706-4707	Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York
Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-6970	Bucks, Chester, Delaware, Montgomery and Philadelphia
Southwest Regional Office 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000	Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland
Northwest Regional Office 230 Chestnut Street Meadville, PA 16335 (814) 332-6942	Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren
Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511	Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming
Northcentral Regional Office 208 W. Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3574	Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union

**BUREAU OF WATERSHED MANAGEMENT CENTRAL OFFICE
DIVISION OF WATERWAYS, WETLANDS AND EROSION CONTROL
P.O. Box 8775
Harrisburg, PA 17105-8775
717-787-6827**