



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

June 5, 2012

CERTIFIED MAIL NO. 7004 1160 0003 8195 3868

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

Dear Mr. Seib:

This letter is in response to the U.S. Army Corps of Engineers (Corps), Special Public Notice #12-32, dated March 19, 2012. This Notice concerns the reissuance of Corps Nationwide Permits (NWP). The Commonwealth of Pennsylvania hereby certifies under Section 401 of the CWA, 33 U.S.C. Section 1341, subject to the conditions listed below, that the activities authorized by the Army Corps of Engineers (Corps) in its *Federal Register* notice of February 21, 2012 (77 FR 10184) (Public Notice for Federal Register Notice Announcing New Nationwide Permits), corrected March 19, 2012 (77FR16021), which may result in a discharge into waters of the United States in Pennsylvania will comply with the applicable provisions of Sections 301, 302, 303, 306 and 307 of the CWA, 33 U.S.C. Sections 1311, 1312, 1313, 1316 and 1317. In addition, the Commonwealth of Pennsylvania certifies, subject to the conditions below, that there is a reasonable assurance that the construction and operation of the NWPs set forth in the February 21, 2012 notice will comply with applicable federal and state water quality standards.

Pennsylvania Conditions

1. Pennsylvania reserves the right to modify or revoke this 401 Water Quality Certification for any and all final regional conditions to the NWPs, for up to 90 days, following the Corps notice of final regional conditions.
2. Prior to commencing any activity covered by a NWP, the applicant must obtain all necessary permits and approvals from the Pennsylvania Department of Environmental Protection (DEP), including, but not limited to, those required by The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Dam Safety and Encroachments Act, the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the 2012 Oil and Gas Act (58 Pa. C.S. §§ 3201-3274), the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305), the Land Recycling and Remediation Standards Act (35 P. S. §§ 6026.101—6026.908), the

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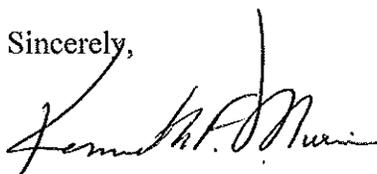
Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.31) and the regulations promulgated thereunder including 25 Pa. Code Chapters 78, 86, 87, 91—93, 95, 96, 102, 105 and 260—299. Additionally, all environmental assessments required under these regulations, in addition to other regulatory requirements, must be complied with as a condition of Section 401 Water Quality Certification for the NWP.

3. Fill material cannot contain wastes as defined in the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq.
4. For activities which impact on wetlands, a delineation shall be conducted in accordance with DEP's procedures for wetland delineation. The present procedure is published at 25 Pa. Code Chapter 105.451.
5. Pennsylvania retains the right, on an individual activity basis, to withdraw or modify 401 Water Quality Certification for an activity subject to a NWP which it determines may adversely impact water quality.

Except in waters or other instances where the Pennsylvania Statewide Programmatic General Permits (PASPGP-4) issued by the Corps in June 2011 is ineligible or does not apply, these NWP's will be suspended for use in Pennsylvania by the Corps. This suspension will preserve the one-stop state and federal permitting process we presently offer under PASPGP-4 while maintaining the current level of protection provided to our wetlands and water resources.

If you have any questions or need additional information, please contact Sidney J. Freyermuth or me at 717-787-3411.

Sincerely,



Kenneth F. Murin

Chief

Division of Wetlands, Encroachments and Training

bcc: Means
Murin
Freyermuth
Reisinger, S
Goerman
Oyler
Reading File
W69:10-2 w/ encl.

SER/gs