



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply Refer to CENAB-OP-RPA

Date September 22, 2000

Pennsylvania State Programmatic General Permit (PASPGP-1)
Extension
Special Public Notice # 00-37

This Public Notice is being issued on behalf of the Baltimore, Philadelphia and Pittsburgh Districts of the U.S. Army Corps of Engineers.

The purpose of this 30 day notice is to solicit comments and recommendations from the public concerning the Baltimore District's proposal to extend the Pennsylvania State Programmatic General Permit (PASPGP-1) by reissuance, without modification, for eight months. As a result, if the Corps determines this extension is warranted, the extension will expire on June 30, 2001 or upon modification, reissuance or revocation of the PASPGP-1, whichever occurs first.

The PASPGP-1 was developed to provide comprehensive protection and a streamlined permit process that incorporates Federal Standards under the Clean Water Act with State Standards under the PADEP Chapter 105 program. Under Federal Statute, the development of General Permits is authorized under Section 404(e) of the Clean Water Act of 1977, as amended, and by the Water Quality Act of 1987.

On January 31, 2000, the Baltimore District Engineer issued Special Public Notice #00-08 advertising and requesting public comment on the proposed extension of the PASPGP-1 for one year.

On February 29, 2000 Special Public Notice # 00-011 announced that after consideration of the comments received from Public Notice # 00-008, the Baltimore, Philadelphia and Pittsburgh Districts extended the PASPGP-1 by reissuance, without modification, for eight months. As a result, this extension will expire on October 31, 2000.

In March 2000, the Corps completed its review and evaluation of the PASPGP-1 and released its findings and recommendations in the PASPGP-1 Monitoring Report (dated March 2000). The purpose of the report was to review and assess the implementation of the PASPGP-1 through a comprehensive field and office analysis of issued permits relative to the standards of the Section 404 program, in order to advise the District Engineer whether to modify, reissue, or revoke the PASPGP-1. The Report recommended that the PASPGP-1 be reissued with modifications.

On April 7, 2000, the Baltimore District Engineer issued Special Public Notice # 00-20, requesting comments on whether to: 1) reissue with modifications for a five year period, 2) reissue without modifications for a five year period or 3) not reissue the Pennsylvania State Programmatic General Permit (PASPGP-1). The Public Notice included the proposed modifications that would be incorporated into a new Pennsylvania State Programmatic General Permit-2 (PASPGP-2).

On May 8, 2000, a Public Hearing was held in Harrisburg Pennsylvania to receive oral and written comments to enable the District Engineers to evaluate the proposed PASPGP-2's impacts on the public interest.

As a result of the findings compiled in the PASPGP-1 Monitoring Report, comments received in response to Special Public Notice # 00-20 and comments received at the Public Hearing held on May 8, 2000, the Corps has determined that additional time is needed in order to review and assess all the recommendations received from the Federal and State agencies and the general public. This information is being used to develop a final PASPGP-2 proposal, which will be presented to the public for comment in November 2000, through a Special Public Notice. In addition, the November 2000 notice will advertise the date, time and location for another public hearing to receive comments regarding whether to: 1) reissue with modifications for a five year period, 2) reissue without modifications for a five year period or 3) not reissue the PASPGP-1. The purpose of this eight-month extension is to provide adequate time for this evaluation period while insuring continued protection of Pennsylvania's aquatic resources and continuity in the permitting process.

The extension of the PASPGP-1 requires an extension of the Water Quality Certification in accordance with Section 401 of the Clean Water Act and an extension of the Pennsylvania Coastal Zone Management Act Consistency Determination.

The decision whether to extend this permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed extension on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the general public, Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed extension. Any comments received will be considered by the Corps of Engineers to determine whether to extend this permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment, or a Statement of Findings and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity.

The evaluation of the impact of this general permit on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

It is requested that you communicate the foregoing information concerning the proposed

extension to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

Questions and comments may be directed to Ms. Patricia Strong, Baltimore District Corps of Engineers, P.O. Box 1715 CENAB-OP-RPA, Baltimore, Maryland 21203 or via email at pat.strong@usace.army.mil. Comments are requested within 30 days of the date of this Public Notice.

For the District Engineer:

/s/
LINDA MORRISON
Chief, Regulatory Branch