



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

DAM CONSTRUCTION PERMIT

The Department of Environmental Protection (Department), empowered to exercise certain powers and perform certain duties under and by virtue of the Administrative Code, Act of April 9, 1929 (P.L. 177), as amended, 71 P.S. §§ 510.1 et seq., and The Dam Safety and Encroachments Act, Act of November 26, 1978 (P.L. 1375) as amended, 32 P.S. § 693.1 et seq., and the rules and regulations promulgated thereunder, hereby issues this permit to:

Sunbury Generation LP
PO Box 517
Old Trail Road
Shamokin Dam, PA 17876

Giving its consent to modify the Sunbury Ash Basin No. 1 Dam located within the watershed of the Susquehanna River in Monroe Township, Snyder 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)).

This permit is issued in response to an application filed with the Department of Environmental Protection on the Fifth day of July, 2014, and with the understanding that the work shall be performed in accordance with the approved maps, plans, profiles, and specifications filed with this application, subject, however, to the provisions of the Dam Safety and Encroachments Act, the Administrative Code, and the following conditions, regulations, and restrictions:

1. This permit does not give real or personal property rights nor grant exclusive privileges. It does not grant or confer any right, title, easement or interest in, to or over lands belonging to the Commonwealth of Pennsylvania. It does not authorize any injury to private property or invasion of private rights, or any infringement of federal, state, or local laws or regulations. It does not obviate the necessity of obtaining federal assent when necessary.
2. All work shall be conducted under the oversight and supervision of a professional engineer. The permittee or owner shall file with the Department, at least 15 days prior to the commencement of construction, a statement setting forth the name and employer, including contact information of the professional engineer responsible for oversight and supervision of construction, representatives of the professional engineer, and the contractor conducting the work. The professional engineer or a representative of the professional engineer shall be on the work site during significant construction activities until completion of the dam.
3. Prior to commencement of work, the permittee or owner shall schedule a preconstruction meeting between the permittee or owner, the Department, the contractor, and the engineer responsible for construction supervision. The preconstruction meeting must be conducted at least 15 days, but not more than 30 days, prior to the commencement of construction unless a different time is established by the Department. To schedule this meeting, please contact:

Heath Maines

P.O. Box 8460

Harrisburg, PA 17105-8460

717.772.5960

hemaines@pa.gov

4. A detailed report on the status of construction must be submitted monthly to the Department of Environmental Protection, Division of Dam Safety, until construction has been completed. The Department may require submissions of additional reports, as it deems necessary, on the status of construction.
5. 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 an acknowledgment form provided by the Department, signed by the permittee and other project personnel, as specified on the form, acknowledging the terms, conditions, restrictions, and covenants of this permit. Unless the acknowledgment form has been completed and filed, the permit is void. A copy of the permit and

acknowledgment form must 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.

6. The project site shall at all times be subject to inspection by representatives of the Department, and the permittee or owner shall allow representatives of the Department to enter a property, premises, or place associated with the project for purposes of the inspection.
7. No changes shall be made to the approved maps, plans, profiles, and specifications, 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 it may determine are necessary and proper to protect public health, public safety, and the environment.
8. The permittee shall implement and monitor the Erosion and Sedimentation Control Plan prepared in accordance with the Department's Chapter 102 regulations so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water.
9. The project site shall at all times be available for inspection by authorized officers and employees of the Snyder County Conservation District at:

Snyder County Conservation District

10541 Route 522

Middleburg, PA 17842

570-837-3000

10. 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 Northcentral Regional Office at:

PFBC Northcentral Regional Office

P.O. Box 5306

Pleasant Gap, PA 16823

814.359.5250


11. 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, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823, Telephone: 814-359-5147.
12. All trees of no value and brush cleared from the area under this permit shall be disposed of in accordance with applicable laws and regulations.
13. No material shall be placed on any portion of the foundation until a representative of the Department has approved, in writing, such portion of the foundation. No earth or other embankment material may be covered, placed compacted, or graded when in a frozen condition. Masonry and concrete may not be placed in freezing weather except under conditions approved by the Department.
14. **All work authorized by this permit must commence on or before December 31, 2020.** If the work authorized by this permit has not commenced by this date, the permittee or owner shall notify the Department 6 months prior to the anticipated commencement of work so that the project design can be reassessed and reauthorized in writing. During the design reassessment, the permittee or owner may be required to make revisions due to changes in site conditions, dam classification, new technology, or revisions to this chapter. At any time if the permittee or owner does not intend to perform the work, the Department shall be notified in writing and the permit will become void without further notification by the Department.
15. **Construction must be completed within the time frame as specified in the Special Conditions.** If construction work has not been completed within the time specified and the time limit specified has not been extended in writing by the Department or if a permit has been revoked for any reason, the permittee or owner shall, at their 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 regulated waters of this Commonwealth to their former condition.


16. Within 10 days after the completion of work, the permittee or owner shall schedule a final project inspection with the Department. The final inspection must include the permittee or owner, the permittee or owner's supervising engineer, and the Department's field representative.
17. Within 30 days after the final inspection, the permittee or owner shall file with the Department a completion certification provided by the Department stating that work has been performed in accordance with the terms and conditions of the permit; the approved maps, plans, profiles, and specifications; and applicable laws. The completion certification must contain the original signature of the permittee or owner, seal and original signature of the supervising engineer, design cost, construction cost, construction inspection cost, and the estimated percentage of the total cost for each major feature of the project.
18. Within 90 days after the final inspection, the permittee or owner shall file with the Department "as built" plans for the project, indicating revisions from the original plans and specifications.
19. For newly constructed or modified dams, the Department will issue an operation and maintenance permit after Conditions 16, 17 and 18 have been met and the construction or modification has been accepted by the Department.
20. The permittee shall notify the Department, in writing, at least 7 days in advance of the date proposed for the commencement of storage of water, fluid, or semifluid in the reservoir created by the dam for which the permit is issued. The Department may require that a reservoir filling plan be developed and approved by the Department prior to commencement of storage of water, fluid, or semifluid. This plan will provide the acceptable rate of rise of the reservoir and, if necessary, elevations and durations for constant reservoir levels within the filling period. This plan may also require lowering of the reservoir level if the prescribed rate of rise is not controlled or attained. The plan may also require monitoring of instrumentation of the dam. The Department may require that a representative of the Department be at the site before or during the filling of the reservoir. The initial storage in the reservoir of new dams and refilling of reservoirs of rehabilitated dams may not commence prior to the submission of the information required in Condition 17.
21. During the period of construction, modification, enlargement, or repair and during the period that the reservoir is being filled, the permittee shall allow sufficient flow of water, as determined by the Department, into the stream below the dam to support fish and other aquatic life and to preserve the water quality in the stream.
22. The permittee agrees to give the Department at least 30 days advance written notice of any actual or anticipated changes in the ownership of the dam, or the lake formed by the dam, or of any portion of the dam or lake, and shall furnish the Division of Dam Safety, P.O. Box 8460, Harrisburg, PA 17105-8460 with name(s) and address(es), and further agrees to execute an assignment of this permit to the new owner(s).
23. The permittee agrees to install, upon the request of the Pennsylvania Fish and Boat Commission, such fishway or fishways as the said Commission may require. (See Section 185, of the Act of May 2, 1925, P.L. 448, as amended by the Act of April 22, 1929, P.L. 621). Attention is also called to Section 191 of the Act of May 2, 1925, P.L. 448, as amended by Act No.113, approved May 29, 1935, which provides that no person owning, leasing, or maintaining a dam, holding back waters inhabited by fish, shall draw off such waters without first receiving written permission from the Pennsylvania Fish and Boat Commission.
24. The Department reserves the right to suspend or revoke this permit if, in its opinion, the best interest of the Commonwealth will be served.

SEE ATTACHED PAGE FOR SPECIAL CONDITIONS.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Roger P. Adams, P.E.
Chief
Division of Dam Safety
Bureau of Waterways Engineering and Wetlands

Attest: 

(Signature)

12/31/2015

(Issue Date)

SPECIAL CONDITIONS

The permittee is required to submit an annual report for Sunbury Ash Basin No. 1, regarding the condition of the dam, certified by a registered professional engineer, to the Division of Dam Safety on or before December 31st of each year until the Department deems that the dam can be deregulated.

The Emergency Action Plan and Inundation Map(s) for this dam must be reviewed and updated by the permittee every fifth year beginning five years from the final approval date. The updated plan and map(s) must be submitted to the Division of Dam Safety and the local County Emergency Management Agency by December 31st of the appropriate years for review and be revised as necessary for approval by the Department of Environmental Protection and the Pennsylvania Emergency Management Agency.

The permittee shall post notices in public places in any area that might be affected by failure of this dam as required by Act 32 of May 16, 1985. In order to comply with this notice requirement, such notices should be posted in the following public places within each political subdivision situated within the inundation area downstream of this dam: 1) the City, Borough or Township Building; 2) police department offices; 3) fire company halls; and 4) tax collector's office. The Notice should state where a copy of the Emergency Action Plan for this dam is available for inspection. The permittee shall provide the Division of Dam Safety within sixty (60) days of the date of completion of construction, a statement certifying compliance with this requirement. Failure to comply will be cause for the Department to revoke or suspend this permit and may expose the permittee to criminal or civil penalties for violation of the Dam Safety and Encroachment Act.

The permittee and his agents will be watchful for archaeological artifacts and will assure that ground disturbance activities will cease immediately upon discovery of archaeological artifacts, and will immediately notify the Department of Environmental Protection and the Pennsylvania Historical and Museum Commission by phone and in writing.

The Permittee in order for the Division of Dam Safety to consider a reclaimed or closed impoundment to be abandoned and to eliminate the need to continue with inspections and reporting requirements for the operation and maintenance of the dam, must submit information required by the Department of Environmental Protection Technical Guidance Document, Criteria for Deregulation of Tailings Impoundments as Dams.

An Annual Registration Fee of \$1500 is required for this dam in accordance with Sections 105.131a. & 105.13(c)(1)(viii). Payment of this fee is due by July 1 of each year and subject to interest accrual if late. Failure to remit this fee may result in a temporary suspension of the dam permit and require that the reservoir be drained. This fee is subject to change upon revision of the pertinent regulations.