



Public Notice

U.S. Army Corps
of Engineers

Date: December 15, 2010

Special Public Notice # SPN 10-73

Baltimore District

Philadelphia District

Pittsburgh District

Extension of the three year expiration date for authorization of construction under Pennsylvania State Programmatic General Permit – 3 (PASPGP-3).

This Public Notice is issued jointly by the Baltimore, Philadelphia, and Pittsburgh Districts of the U.S. Army Corps of Engineers (Corps).

On July 1, 2006, PASPGP-3 was implemented within the Commonwealth of Pennsylvania. PASPGP-3 serves as Federal authorization, under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, for specific categories of regulated work performed in federally statutory jurisdictional areas. Applicants whose work is authorized by PASPGP-3 have received verification of their authorization from a local County Conservation District, the Pennsylvania Department of Environmental Protection (PADEP), or the relevant Corps District. Under Part VII, A, of PASPGP-3, the authorization of construction for specific activities is valid so long as the project is completed within either three (3) years of the date of the project-specific verification letter, the date the associated PADEP authorization expires, or until the PASPGP-3 expires, is suspended, or revoked, whichever of these events occurs sooner. The PASPGP-3 will expire on June 30, 2011.

On July 2, 2010, the General Assembly of Pennsylvania Senate Bill Number 1042 was passed. This bill extends certain previously authorized PADEP permits that have expired or will expire after December 31, 2008, until July 2, 2013.

The PASPGP-3 3-year expiration date for authorization of construction may be extended, with prior approval by PADEP or the Corps, as appropriate, provided the permittee requests the extension in writing prior to the expiration date of the authorization letter.

Since it was anticipated that, due to the extension of their related PADEP permits, permittees would be submitting numerous requests, under Part VII, A, for extension of the authorized construction period, the Corps proposed extending the authorized construction period. This proposal was published in Special Public Notice, 10-62, dated October 11, 2010 for public comment. After a consideration of the comments received, the three year expiration date for authorization of construction under PASPGP-3 is extended as set forth below, thus eliminating the need for a permittee to submit a written request.

For PASPGP-3 Category I and II activities, the construction period is extended until June 30, 2011, without notification of the applicable Corps District, provided:

- a.) The project has a valid PADEP Authorization, or waiver thereof;
- b.) The project has a 401 valid Water Quality Certification; and
- c.) The scope of the work authorized by PADEP has not changed, including the footprint of work and construction methods.

For work that received PASPGP-3 authorization through a Category III review (Corps review of application), the construction period is extended until June 30, 2011, without further notification to the Corps, provided they meet the above mentioned requirements for Category I and II activities. For work in the Aquashicola Watershed in Carbon County, Pennsylvania, that was authorized prior to April 22, 2008, the permittee must submit an application to Philadelphia District for review and verification of a new authorization.

The above extensions only apply to the period of authorized construction. This procedural decision about the extension is not intended to otherwise alter the terms or conditions of the PASPGP-3. As a result, the extension is not applicable to any time restrictions or other date requirements of the permit, including any General and/or Special Conditions. Such conditions and date requirements remain in effect and are unchanged. General Conditions are inherent to the PASPGP-3 and cannot be modified. If the proposed work cannot meet the requirements of a General Condition, the previously verified PASPGP-3 is not valid for the proposed work. In such cases, applicants should contact the applicable Corps District for guidance on obtaining the necessary authorization.

Any necessary modification of a Special Condition requires that the previously issued project specific PASPGP-3 be modified. Such requests must be submitted to the applicable Corps District and the authorized work may not proceed until written modification of the authorization is received.

To assist in determining the PASPGP-3 category of review for your project, the PASPGP-3 can be viewed on our web site a www.nab.usace.army.mil/Regulatory/Permit/PASPGP3.pdf.

This extension of the authorized construction period only affects projects authorized by the PASPGP-3 and does not include projects authorized by the Corps through a Nationwide or Individual Permit.



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