

# Pennsylvania Department of Environmental Protection (DEP) Act 13 grants, On-line Permitting and Stream Maintenance Guidelines



FEMA



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Bureau of Waterways Engineering and Wetlands



## FLOOD MITIGATION PROGRAM

Program Guidelines | November 2022



Commonwealth of Pennsylvania | Josh Shapiro, Governor  
PA Department of Community & Economic Development | [dced.pa.gov](http://dced.pa.gov)

Program Guidelines:  
[Flood Mitigation  
Program Guidelines](#)  
[pa.gov](http://pa.gov)

Act 13 FMP:  
[Flood Mitigation  
Program \(FMP\) -  
Pennsylvania DCED](#)  
[pa.gov](http://pa.gov)

# DCED ACT 13 Program

## Act 13 Programs

### Marcellus Legacy Fund

The Marcellus Legacy Fund was created by Act 13 of 2012 to provide for the distribution of unconventional gas well impact fees to counties, municipalities and commonwealth agencies. Pursuant to Section 2315 (a) (6) (i) of the Act, a portion of the fee revenue will be transferred to the Commonwealth Financing Authority for statewide initiatives that will include abandoned mine drainage abatement; abandoned well plugging; sewage treatment; greenways, trails and recreation; baseline water quality data; watershed restoration; and flood control.

# DCED ACT 13 Applications

Application  
period now  
open

## Programs

Applications will be accepted annually between February 1 and May 31. Eligible applicants with questions should call 717.787.6245.

**Abandoned Mine Drainage Abatement & Treatment Program (AMDATP)**

**Baseline Water Quality Data Program (BWQDP)**

**Flood Mitigation Program (FMP)**

**Greenways, Trails and Recreation Program (GTRP)**

**Orphan or Abandoned Well Plugging Program (OAWP)**

**Sewage Facilities Program (SFP)**

**Watershed Restoration Protection Program (WRPP)**

# DCED ACT 13 Program Overview

## **Flood Mitigation:**

Projects authorized by a flood protection authority, the Department of Environmental Protection (DEP), the U.S. Army Corps of Engineers (Corps) or the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) or identified by a local government for flood mitigation are eligible for the program. Grants shall not exceed \$500,000 for any project. A 15% match of the total project cost is required.

## **Watershed Restoration:**

The overall goal of the Watershed Restoration and Protection Program is to restore, and maintain restored stream reaches impaired by the uncontrolled discharge of nonpoint source polluted runoff, and ultimately to remove these streams from the Department of Environmental Protection's Impaired Waters list. There is a maximum of \$300,000 for any project. A 15% match of the total project cost is required.

For more information and instructions on how to apply, visit the Commonwealth Financing Authority Act 13 Programs webpage. Questions should be directed to 717-787-6245.

# Eligible Use of Funds (FMP)

## C. Eligible Use of Funds

Funds may be used by the applicant to pay for any of the following project costs:

1. Acquisition of land, rights-of-way, and easements necessary to construct an eligible project.
2. Engineering studies required for levee certification and Hydrologic Engineering Center's River Analysis System (HEC-RAS) studies.
3. Construction, improvement, expansion, repair, or rehabilitation of flood control projects. Construction contingencies are limited to 5% of the actual construction costs.
4. Debris removal.
5. Installation of security measures.
6. Construction engineering costs/inspections costs. Maximum of 10% of the grant award.
7. Permit fees.
8. Costs to secure appropriate bonds and insurance.
9. Administrative costs of the applicant necessary to administer the grant. Administrative costs will include advertising, legal, and audit costs as well as documented staff expenses. Administrative costs shall not exceed 2% of the grant.

Ineligible costs include but are not limited to public relations, outreach, communications, lobbying, litigation, fees for securing other financing, interest on borrowed funds, application preparation fees and other costs incurred prior to the approval of grant funds.



# Eligible Use of Funds (FMP)

## Section III – Program Requirements

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### A. Applicant Cost Share Requirements

A 15% cash match of the total project cost is required or cash equivalents for the appraised value of real estate. Eligible match contributions will be permitted for up to one year prior to the grant submittal deadline date through the life of the grant agreement as long as the eligible match expenditures are directly related to the project. If using the value of real estate as match, **an appraisal not older than 1 year will be required**. Match commitment documentation is required to be provided along with the application (see Appendix 1, Exhibit 7).

## Section IV – Grants

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1. Grants shall not exceed \$500,000 for any project.
2. Commencement of work prior to receiving Authority approval will result in the project being ineligible for funding consideration.
3. To be eligible for reimbursement, project costs must be incurred within the time frame established by the grant agreement, except for costs related to engineering design.

# ▶ Act 13 (FMP) – examples of recent awards

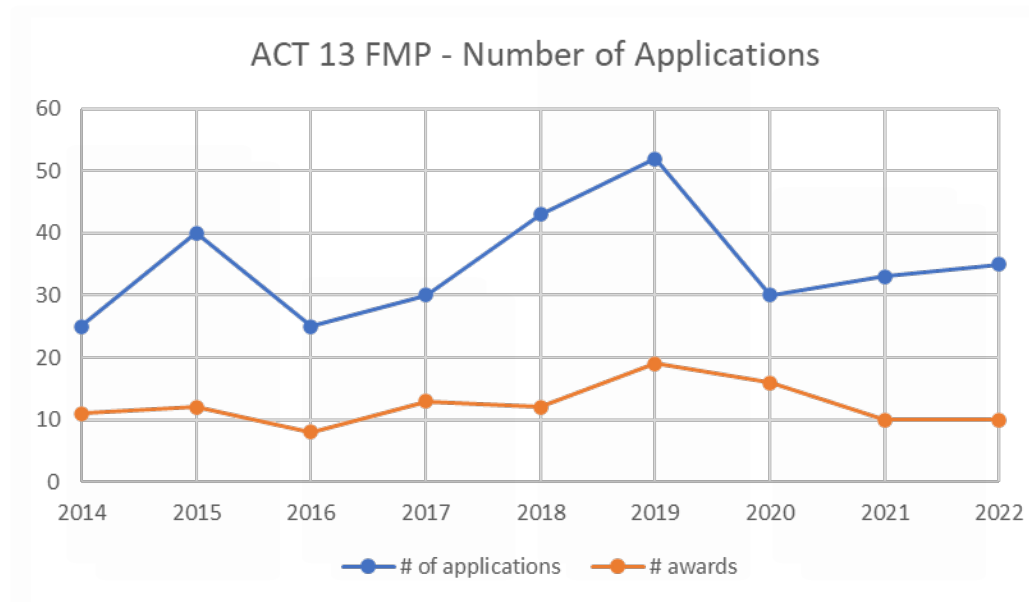
## 2022 Grant Award List:

99	Lycoming Biology Field Station, Inc.	Loyalsock Creek Restoration Project FMP	Lycoming	\$325,089	
100	Lower Gwynedd Township	Brookside Avenue Flood Study	Montgomery	\$44,200	
101	Municipality of Norristown	Sawmill Run Creek Culvert Rehab / Replacement Phase 2	Montgomery	\$250,000	
102	Upper Gwynedd Township	Haines Run Hydrologic and Hydraulic Study	Montgomery	\$76,181	
103	Mount Pleasant Township	Slope Hill Rd Culvert Replacement Project	Westmoreland	\$112,000	
104	Borough of Pottstown	Borough of Pottstown Stormwater Arch Rehabilitation - 1200 High Street	Montgomery	\$140,000	9/20/2022
105	Boswell Borough	Boswell Stormsewer System Replacement	Somerset	\$205,000	9/20/2022
106	Catasauqua Borough	Main Street/Airport Drainage Project	Lehigh	\$250,000	9/20/2022
107	City of Sunbury	WPA Wall Repair	Northumberland	\$414,671	9/20/2022
108	GMH Runnymede Farms Property,LLC	Sawgrass Stream Valley Flood Mitigation Improvements	Delaware	\$308,250	9/20/2022
109	Kittanning Borough	Allegheny River Floodwall Maintenance Phase 1	Armstrong	\$47,000	9/20/2022
110	Lower Alsace Township	Stony Creek Streambank Rehabilitation	Berks	\$200,000	9/20/2022
111	Pittston Township	Lincoln Street Stormwater Mitigation Project	Luzerne	\$220,000	9/20/2022
112	Upper Dublin Township Municipal Authority	GFW District, Bodenstein Channel (Sandy Run) Project	Montgomery	\$500,000	9/20/2022
113	Upper Moreland Hatboro Joint Sewer Authority	WWTP Flood Protection	Montgomery	\$116,360	9/20/2022



# Act 13 (FMP)

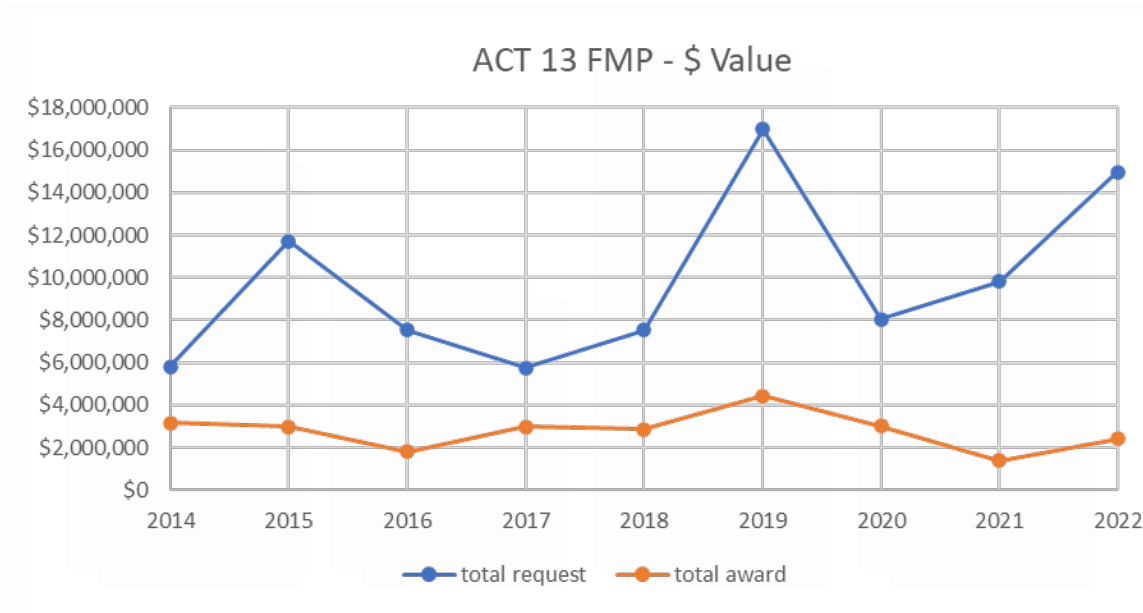
## Act 13 Application and Funding Trends (2014-2022)



	2014	2015	2016	2017	2018	2019	2020	2021	2022
# of applications	25	40	25	30	43	52	30	33	35
# awards	11	12	8	13	12	19	16	10	10
%	44%	30%	32%	43%	28%	37%	53%	30%	29%

# Act 13 (FMP)

## Act 13 Application and Funding Trends (2014-2022)



	2014	2015	2016	2017	2018	2019	2020	2021	2022
total request	\$5,802,199	\$11,722,563	\$7,542,121	\$5,756,808	\$7,517,110	\$16,984,961	\$8,025,058	\$9,817,569	\$14,977,468
total award	\$3,147,779	\$2,975,847	\$1,821,325	\$2,994,551	\$2,866,069	\$4,434,112	\$3,015,222	\$1,379,295	\$2,401,281
%	54%	25%	24%	52%	38%	26%	38%	14%	16%

# DEP Electronic Permitting

**\*\*DEP has launched an Online Electronic permitting (ePermit) for Chapter 105 Wetland and Waterway Obstruction and Encroachment General Permits and PAG-02 NPDES Construction Stormwater General Permits. Before Registering, It is strongly recommended to view the Walkthrough Videos and guides found on our website: <https://www.dep.pa.gov/Business/Water/Waterways/Pages/ePermitting.aspx> E-PERMITTING IS THE PREFERRED MEANS OF SUBMITTAL FOR ALL GENERAL PERMIT APPLICATIONS**

**\*\*DEP is now accepting permit and authorization applications electronically through the OnBase Electronic Forms Upload tool. This provides the public with a streamlined and expedient process for the submission of permit applications and documents for which ePermitting options do not currently exist. Please use this link to access the feature: <https://www.dep.pa.gov/DataandTools/Pages/Application-Form-Upload.aspx> Guidance for the new permit application tool and instructions for applicants to submit permit fees are also found on this page.**



## Guidelines for Maintaining Streams in Your Community

The Pennsylvania Department of Environmental Protection (DEP) understands the severe damage and disruption that flooding can cause to residents, businesses, and municipal governments, and the importance of prevention when possible, and rapid recovery when necessary. DEP strives to assist Pennsylvania communities by ensuring that stream work is done in an environmentally responsible manner, and in a way that reduces the likelihood of future problems.

This booklet is a simple guide to understanding what DEP requires of those who want to work in or adjacent to streams. Stream work that is not properly designed and permitted can cause conditions to worsen in the next flood event, also impacting downstream neighbors.

Whether you are a municipal official well versed in regulations or a resident experiencing flooding for the first time, this will help you figure out your next steps.

When in doubt, the first step should always be to contact your regional DEP office. DEP staff are ready and willing to assist in several ways.

## Guidelines for Maintaining Streams in Your Community



Bureau of Waterways Engineering and Wetlands





## Green Light—Go!

Proceed—These actions do not require DEP notification, pre-approval, or permits:

- Removing non-native (manmade) material, such as litter and construction debris, from the stream, banks, and riparian areas
- Removing woody debris, such as trees, logs, or brush, from the stream while you are standing in the stream (this includes the use of hand-held equipment, such as chainsaws, but not heavy equipment)
- Removing woody debris from the stream while you are standing on the bank (this includes the use of heavy equipment, so long as it remains on the bank and is "picking out" the material and not digging into the streambed)
- Chaining or winching large woody debris and dragging it from the streambank
- Cutting trees off at the stump (keeping the stumps helps stabilize the bank)
- Cleaning out culverts
- Removing gravel and flood debris from around bridges and culverts according to the terms of your permit (contact DEP or your County Conservation District to review your permit conditions)
- Planting trees and other plants on streambanks and in riparian areas, especially native species
- Adopting or implementing stormwater management ordinances and best management practices
- Crossing the stream to access your property immediately after a flood emergency (but only if the conditions are safe)

## Yellow Light—Slow Down!

Contact DEP—These actions likely require DEP notification, verbal pre-approval, emergency permits, or other permits. For projects that pose an imminent threat to life, property, or the environment, such permissions are usually readily obtained.

**Call DEP before you begin:**

- Rebuilding roads and bridges across streams
- Streambank stabilization projects
- Armoring streambanks with an engineered riprap design in emergency situations
- Removing gravel bars from the stream channel using heavy equipment (gravel must be safely relocated out of the floodplain to an upland area that is not a wetland)
- Repairing a bridge or culvert
- Removing a bridge or culvert in danger of failure, or in partial or complete collapse (if a bridge or culvert is no longer serviceable, it can be considered debris and removed)



## Red Light—Stop!

Contact DEP—These actions definitely require permits, if allowed at all, and may require involvement of the U.S. Army Corps of Engineers or other agencies.

**Call DEP before you begin:**

- Redirecting the flow of a stream by reshaping gravel bars, or moving gravel to the streambank
- Armoring streambanks with concrete, construction debris, and other impervious materials
- Moving (relocating) a stream
- Dredging streams
- Creating dikes
- Damming streams
- Building a new bridge or culvert





## Myth vs. Reality

**Myth:** DEP will arrest me if I do anything in the stream.

**Reality:** DEP does not arrest people. DEP can issue violations and fines. However, DEP's goal is to work with you to achieve your goals in a way that follows regulations. If ever in doubt, call DEP first to start the conversation. We can help you figure out your next steps.

**Myth:** Dredging the stream will eliminate flooding.

**Reality:** Dredging destabilizes the stream channel and alters the volume, speed, and direction of the stream flow, often in unpredictable ways. Unintended consequences of dredging can include: rapid sediment deposition in the channel, causing more damage and flooding immediately downstream; destroying streambanks and accelerating erosion and sedimentation; and disrupting or destroying the aquatic habitat and food chain.

**Myth:** The stream used to be over there, so that's where it belongs. The flood moved it. We should put it back.

**Reality:** Streams naturally move over time and will always seek to reconnect with their floodplains, no matter how much we alter them. The natural shape of a stream channel is often braided or meandering. All streams move sediment during storm events. A stream that is straight and channelized will move faster, causing increased erosion and damage; this is an unhealthy stream and will not stay that way in the long-term.

**Myth:** DEP won't let us do routine maintenance.

**Reality:** Conducting routine maintenance is required under

many DEP permits for structures in the stream, such as bridges and culverts. If done properly, routine maintenance will reduce the buildup of debris after large storm events.

**Myth:** DEP won't give me a permit, it will take too long, or it will cost too much.

**Reality:** The activities in the "Green" category do not require any DEP involvement. Most of the activities in the "Yellow" category can be approved or permitted quickly with little cost. Following flooding events, DEP, working with our federal counterparts, has issued numerous Emergency Permits to alleviate an imminent threat to life, property, or the environment. Work done under these permits includes bank stabilization and debris and sediment removal from stream channels at bridges, culverts, and other infrastructure.

**Myth:** DEP just doesn't want anyone to touch the streams.

**Reality:** DEP recognizes that well-designed stream restoration projects can improve the stream channel's ability to transport sediment and maintain its natural capacity, making the stream more resilient to future flooding and less likely to cause property damage. DEP has funded more than 1,000 stream improvement projects through its Stream Improvement Program, and has permitted thousands more that have been carried out by others, such as Conservation Districts, non-profit organizations, municipal governments, and landowners. DEP also has one of the most extensive flood protection and flood control programs in the nation.



## Good Rules of Thumb

- You are not alone! Your County Conservation District is a tremendous resource for guidance when working in the stream. Watershed organizations and other non-profit groups in your community may have access to technical assistance, grants, and loans to finance your stream stabilization project.
- Maintain bridges and culverts so that they work as planned when flooding occurs. Proper operation and maintenance of existing, permitted structures may reduce flooding damage. Without periodic operation and maintenance of these structures to maintain free-flowing passage, conditions often worsen.
- Removing debris from the stream channel should generally be done in a way that avoids altering the stream channel or banks, including vegetation.
- Root systems hold soil in place and keep it from eroding. Riparian buffers (trees and vegetation) in the floodplain help to absorb and slow down flood waters. Keeping vegetation intact and increasing vegetative cover, especially trees, is the best way to reduce erosion of streambanks and loss of property in the long term. A simple first step is to stop mowing streambanks.
- If your home is in the floodplain and you've experienced repeated flooding, contact your municipal or county government for assistance. Money for mitigation activities, such as elevating utilities or your home, or for floodplain buy-outs may be available.
- When a bridge or culvert is repeatedly washed out, it may be too small or improperly placed. Consider working with an engineer to design a structure that will be resilient to future flooding events, which may occur more frequently as land in your watershed is developed (which reduces stormwater infiltration) and as climate and weather patterns change.
- Keep structures/materials away from the top of the streambank, including the materials you remove from the stream. These all can become debris during a flood event.
- Never drive through standing or flowing water.



**Remember:  
When in Doubt,  
Call DEP!**



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**Find your DEP Regional Office here:**

<http://www.dep.pa.gov/About/Regional/Pages/default.aspx>

**Visit the DEP website at <http://www.dep.pa.gov>**

for more information about relevant permits and programs.

# PA Department of Environmental Protection Regional Offices

## Northwest (Meadville) Regional Office

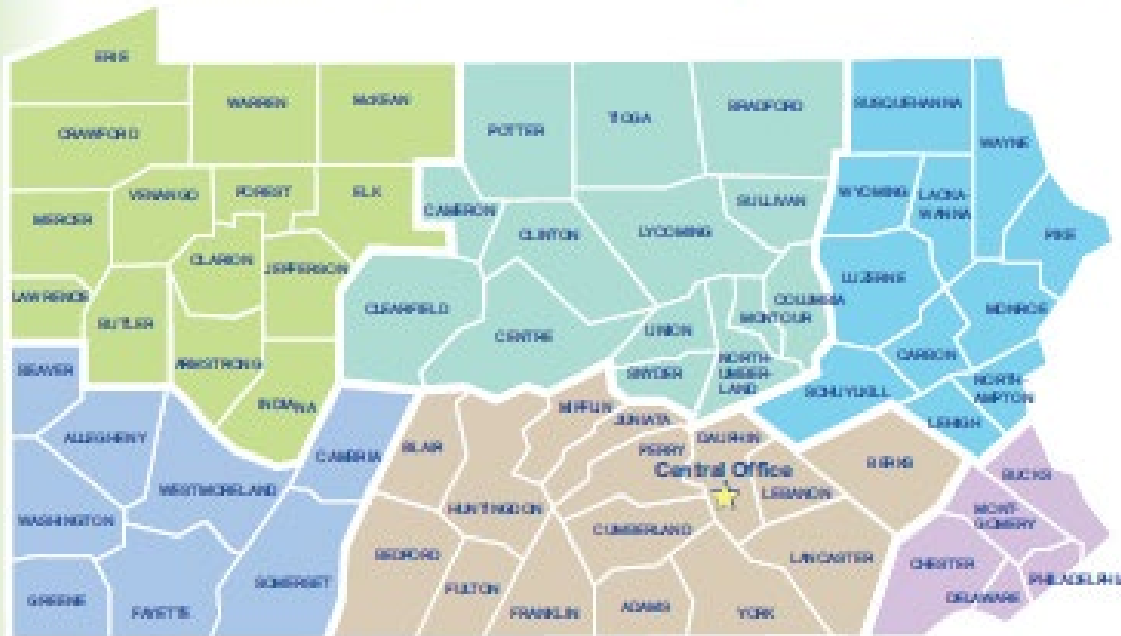
230 Chestnut St.  
Meadville, PA 16335-3481  
Telephone: 814.332.6945

## North-central (Williamsport) Regional Office

208 W. 3rd St., Suite 101  
Williamsport, PA 17701-6448  
Telephone: 570.327.3636

## Northeast (Wilkes-Barre) Regional Office

2 Public Square  
Wilkes-Barre, PA 18701-1915  
Telephone: 570.826.2511



## Southwest (Pittsburgh) Regional Office

400 Waterfront Dr.  
Pittsburgh, PA 15222-4745  
Telephone: 412.442.4000

## South-central (Harrisburg) Regional Office

909 Elmerton Ave.  
Harrisburg, PA 17110-6200  
Telephone: 717.705.4700

## Southeast (Norristown) Regional Office

2 East Main St.  
Norristown, PA 19401  
Telephone: 484.250.5900



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DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Waterways Engineering and Wetlands

## Questions?

DCED ACT 13 – [ra-dcedsitedvpt@pa.gov](mailto:ra-dcedsitedvpt@pa.gov) , 717.787.6245

[Contact Us - PA Department of Community & Economic Development](#)

DEP Flood Protection Program - Jon Conville,  
[joconville@pa.gov](mailto:joconville@pa.gov) , 717.787.7433

DEP- Chapter 105 Permitting – Sid Freyermuth,  
[sfreyermut@pa.gov](mailto:sfreyermut@pa.gov) , 717.772.5977