

**CHAPTER 105 WATER OBSTRUCTIONS AND ENCROACHMENT
 GENERAL PERMIT REGISTRATION**
SECTION A. APPLICANT INFORMATION

FERC Natural Gas Activity Docket Number _____ Type of Facility _____

Has a Water Quality Certification (WQC) request been sent to DEP? Yes No

Activity Subject to FERC approval and/or Oil & Gas Exploration, Production, Storage or Transmission if the activity is regulated by FERC and provide the FERC docket number.

Applicant's Name / Client City of Philadelphia	DEP Client ID# (if known)	Employer ID# (EIN)
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Client Information - Please select Client Type / Code from drop down box under the correct entity shown below. (or may be written in) ↓

Government	Non-Government	Individual
MUNI Municipality		

Mailing Address 1515 Arch Street, 11 th Floor	City Philadelphia	State PA	ZIP + 4 19102
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Contact Person – Last Name Valuiskij	First Valera	MI	Suffix	Telephone (215) 683-3658
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Email Address
Valera.Valuiskij@phila.gov

SECTION B. CONSULTANT INFORMATION (If applicable) N/A

Contact Person – Last Name Reigle	First Jennifer	MI L	Suffix	Consultants Title Project Manager	Consulting Firm Pennoni Associates, Inc.
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Mailing Address 1900 Market Street, Suite 300	City Philadelphia	State PA	ZIP + 4 19103
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Telephone (215) 254-7723	Fax (215) 222-3003	Employer ID# (EIN)
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Email
jreigle@pennoni.com

SECTION C. PROJECT INFORMATION

Project / Site Name Schuylkill River Wall Repairs	DEP Site ID# (if known or leave blank)
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Client Relationship - Please select Site-to-Client Relationship / Code from drop down box to the right. (or may be written in) →	Double-click on shaded area below to select correct Site-to-Client Relationship / Code ↓ OWN Owner
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County Philadelphia	Municipality Philadelphia	<input checked="" type="checkbox"/> City <input type="checkbox"/> Borough <input type="checkbox"/> Township	Note: Municipal & County Notification is Required
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Site Location / Address East Schuylkill River Wall North of Columbia Bridge	City Philadelphia	State PA	ZIP + 4 N/A
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Collection Method: EMAP HGIS GISDR* ITPMP GPS WAAS LORAN

Check the horizontal reference datum (or projection datum) employed in the collection method.

EMAP and HGIS (PNDI) have known datum and do not require checking here. NAD27 NAD83 WGS84
 (GEO84) LAT.: 39.986111 LONG.: -75.201889

NOTE: A Submerged Lands License Agreement (SLLA) with an annual fee, if applicable, may also be required for your project. You will be notified if an SLLA is required.

The Aquatic Resources Impact Table (SECTION E. PROPOSED IMPACTS) must be completed or equivalent submitted for this registration to be complete.

SECTION D. REGISTRATION CHECKLIST AND REQUIREMENTS

Please place an "X" next to each item (1-9) to ensure it is completed and/or provided.

Unless otherwise specified, all items are **required** to ensure a complete Registration package.

****Provide ONE (1) ORIGINAL and ONE (1) COPY of the Registration package****

Please provide a copy of the Registration form to the Municipality & County in which the work will be performed. Proof of receipt is not required to be provided to DEP.

1. REGISTERING A GENERAL PERMIT (GP) check all that apply

Federal, State, county or municipal agencies or municipal authorities: EXEMPT from fees

<input type="checkbox"/>	GP-1 Fish Habitat Enhancement Structures..... Per Project	\$ 50	= \$ _____
<input type="checkbox"/>	GP-2 Small Docks and Boat Launching RampsPer Dock / Ramp _____ (#) x	\$ 175	= \$ _____
<input type="checkbox"/>	GP-3 Bank Rehabilitation, Bank Protection and Gravel Bar Removal..... Per Project _____ (#) x	\$ 250	= \$ _____
<input type="checkbox"/>	GP-4 Intake and Outfall Structures.....Per Structure _____ (#) x	\$ 200	= \$ _____
<input type="checkbox"/>	GP-5 Utility Line Stream Crossings Per Individual Utility _____ (#) x _____ (#) x	\$ 250	= \$ _____
<input type="checkbox"/>	GP-6 Agricultural Crossings and RampsPer Crossing / Ramp _____ (#) x	\$ 50	= \$ _____
<input type="checkbox"/>	GP-7 Minor Road Crossings ² Per Crossing _____ (#) x	\$ 350	= \$ _____
<input type="checkbox"/>	GP-8 Temporary Road Crossings ² Per Crossing _____ (#) x	\$ 175	= \$ _____
<input type="checkbox"/>	GP-9 Agricultural Activities Per Project	\$ 50	= \$ _____
<input type="checkbox"/>	GP-10 Abandoned Mine Reclamation Per Project	\$ 500	= \$ _____
<input checked="" type="checkbox"/>	GP-11 Maintenance, Testing, Repair, Rehabilitation, or Replacement of Water Obstructions and Encroachments ¹	\$ 750	+
<input type="checkbox"/>	Temporary Disturbance (\$400/0.1ac)..... _____ acres x \$4,000 =	\$ _____	+
<input type="checkbox"/>	Permanent Disturbance (\$800/0.1ac)..... _____ acres x \$8,000 =	\$ _____	= \$ _____
<input type="checkbox"/>	GP-15 Private Residential Construction in Wetlands ¹	\$ 750	+
<input type="checkbox"/>	Temporary Disturbance (\$400/0.1ac)..... _____ acres x \$4,000 =	\$ _____	+
<input type="checkbox"/>	Permanent Disturbance (\$800/0.1ac)..... _____ acres x \$8,000 =	\$ _____	= \$ _____
GP(s) FEE subtotal (b)			\$ _____

	Applicant Entry	DEP Use Only
2. Location Map (USGS quad map) with project site marked:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Color Photographs with dates, locations, and descriptions: <input type="checkbox"/> GP-3 <input checked="" type="checkbox"/> GP-11 <input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Project Description: (Example: Linear pipeline project using multiple GP-5's and GP-8's; One GP-7 for an access road to my property) GP-11 - Linear Project - East Schuylkill River Wall repairs at the North end of the Existing Reviewing Stands extending South - approximately 1400 linear feet northward. For further details, see project description within. _____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Site Specific and/or Standard Drawings are (required for all) project's GP activities. For Activities that qualify for GP-7 or GP-11 Plans, specifications, and reports for bridges and culverts across a stream which are to be used by the general public such as an access to an industrial, commercial or residential development, etc., shall be prepared by a registered professional engineer and shall be affixed with their seal and certification which shall read as follows on the drawings: If the project includes a bridge or culvert replacement or the proposed work will change the waterway opening, please complete and provide the <u>Bridge and/or Culvert Replacement Projects or Projects That Change the Waterway Opening (3150-PM-BWEW0552B)</u> worksheet. If the project consists of similar work (replacement or change in waterway opening) on more than one structure, provide the data requested for each structure included in this Registration package. <i>"I (name) do hereby certify pursuant to the penalties of 18 Pa. C.S.A. Sec. 4904 to the best of my knowledge, information and belief, that the information contained in the accompanying plans, specifications, and reports has been prepared in accordance with accepted engineering practice, is true and correct, and is in conformance with Chapter 105 of the rules and regulations of the Department of Environmental Protection."</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6. Proposed Project Purpose depicting the site of the projects GP activities and impacts. Briefly discuss the need for the authorization.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7. Erosion & Sediment Control Plan (E&S Plan) (Required for all GP's but specifically required with submission with a registration of GP-11 or GP's for oil and gas related activities submitted to DEP.)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8. Pennsylvania Natural Diversity Inventory (PNDI): PNDI Search Receipt and clearance letters, if available. See additional requirements for submission with Avoidance Measures and/or Potential Impacts.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9. Activities which impact wetlands: (For State Regulated Impacts) Please place an "X" next to the appropriate box indicating the information provided:		
➤ N/A because no wetland impacts are proposed or no compensatory mitigation is necessary.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
➤ A wetland delineation with complete data sheets in accordance with the 1987 Corps of Engineers Wetland Delineation Manual AND the appropriate Regional Supplements to the Corps of Engineers Wetland Delineation Manual for use in Pennsylvania.....	<input type="checkbox"/>	<input type="checkbox"/>
➤ If direct or indirect wetland impacts are greater than 0.05 acre, a compensatory mitigation plan in accordance with the Department's Replacement criteria which provides compensation for both affected acreage, and functions at a minimum of one to one ratio.	<input type="checkbox"/>	<input type="checkbox"/>
➤ If compensatory mitigation onsite is determined not feasible: A check, number _____, in the amount of \$ _____ payable to the National Fish and Wildlife Foundation, N.A. 1237, as compensatory mitigation for _____ acres of impact in wetlands, in accordance with the Pennsylvania Wetland Replacement Project.....	<input type="checkbox"/>	<input type="checkbox"/>
(Additional Mitigation May Be Required by U.S. Army Corps)	<input type="checkbox"/>	<input type="checkbox"/>
NOTE: If the Pennsylvania Wetland Replacement Fund is proposed to be used as compensatory mitigation for waters of the Commonwealth the U.S. Army Corps of Engineers may also require additional mitigation if the proposed activity impacts waters of the United States.		

SECTION F. CERTIFICATION

I certify under penalty of law that the information provided in this permit registration is true and correct to the best of my knowledge and information and that I possess the authority to undertake the proposed action. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. (If any of the information and/or plans is found to be in error, falsified, and/or incomplete, this authorization/verification may be subject to modification, suspension, or revocation in accordance with applicable regulations.) I further certify that this project complies with all the conditions of the general permit.



21 Jan, 2021

Signature of Applicant / Owner

Date

Aparna Palantino

Typed / Printed Name

Deputy Commissioner - Philadelphia Parks & Recreation

Typed / Printed Title

This General Permit shall not be effective until the owner has had their E&S Plan reviewed by the appropriate Regional Office or District, and, where required, obtained an SLLA from DEP.

THIS ACKNOWLEDGED COPY OF THIS GENERAL PERMIT REGISTRATION PACKAGE AND THE E&S PLAN MUST BE AVAILABLE AT THE PROJECT SITE DURING CONSTRUCTION.

SECTION G. DECISION / DISPOSITION – COMPLETED BY DEP

Decision Review:



GP 115101221-002

DEP District Reviewer Signature

Andy Flambert

GP

Reviewer's Typed / Printed Name

NOTE: See Aquatic Resource Impact Table for any additional authorizations.

Disposition Status

Comments

- | | | | | |
|-------------------------------------|--------------------------------|---------------------------------------|-----------------------------|--|
| <input checked="" type="checkbox"/> | ACKNOWLEDGED | Date | <u>04/09/2021</u> | |
| | SLLA Required | <input type="checkbox"/> Yes Attached | <input type="checkbox"/> No | |
| <input type="checkbox"/> | INCOMPLETE / DEFICIENCY | Date | _____ | |
| <input type="checkbox"/> | EXTENSION REQUEST | Date | _____ | |
| <input type="checkbox"/> | WITHDRAWN | Date | _____ | |

NOTE: If the GP registration information is incomplete a copy of this registration form and requested additional information will be sent to the applicant. A copy of the returned registration form and additional information must be re-submitted within 60 calendar days unless extended by the extension date listed above.

FEDERAL AUTHORIZATION

- Non-reporting PASPGP verification / authorization attached.
- Reporting – A copy of this General Permit registration package has been sent to the U.S. Army Corps of Engineers. Separate federal authorization may be required

NOTE: Please be advised that if the reporting box is checked you do not have Federal authorization for this project and such authorization may be required prior to starting your project. In accordance with Section 404 of the Clean Water Act, a Department of the Army authorization is required for the discharge of dredged and/or fill material into waters of the United States, including jurisdictional wetlands. Section 10 of the Rivers and Harbors Act also requires Department of the Army authorization for any work in, over, or under a navigable water of the United States. In accordance with procedures established with the U.S. Army Corps of Engineers, you will be contacted directly by the Corps regarding Federal Authorization.



FOR REFERENCE ONLY

U.S. Army Corps of Engineers

Acknowledgment and Agreement for Compliance with Terms & Conditions of PASPGP-5

Project Number: GP115101221-002

Project Location: 39.986765, -75.201020

I hereby accept and agree to comply with the terms and conditions, of the PASPGP-5 authorizations, as stated.

Applicant's Signature

Date

I hereby accept and agree to comply with the terms and conditions, of the PASPGP-5 authorizations, as stated.

Applicant's Contractor's Signature

Date

Contractor Name (please print)

AREA CODE/TELEPHONE NO.

ADDRESS

Please return form to:

■ **Philadelphia**
U.S. Army Corps of Engineers
Philadelphia District
Regulatory Branch
Wanamaker Building 1631
100 Penn Square East
Philadelphia, PA 19107-3390

■ **Baltimore**
U.S. Army Corps of Engineers
Baltimore District
Regulatory Branch
South Atherton Street
Suite 101
State College, PA 16801-6260

■ **Pittsburgh**
U.S. Army Corps of Engineers
Pittsburgh District
Regulatory Branch
Federal Building, 20th floor
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Enclosure _____

PASPGP-5 PERMIT COMPLIANCE, SELF-CERTIFICATION FORM

Project Name: Schuylkill River Wall Repairs County: Philadelphia
PADEP Permit No: GP115101221-002 Date of Issuance: 04/09/2021
Corps Permit Number: Date of Issuance:

In accordance with the compliance certification condition of your PASPGP-5 authorization, you are required to complete and sign this certification form and return it to the appropriate Corps of Engineers District in which the work is located. This can be done either by mailing to the below address, or through electronic submission to the e-mail address below.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> U.S. Army Corps of Engineers
Philadelphia District
Regulatory Branch
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
or
NAPREGULATORY@usace.army.mil | <input type="checkbox"/> U.S. Army Corps of Engineers
Baltimore District
1631 South Atherton Street
Suite 101
State College, PA 16801-6260
or
NAB-Regulatory@usace.army.mil | <input type="checkbox"/> U.S. Army Corps of Engineers
Pittsburgh District
Regulatory Branch
Federal Building, 20 th Floor
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
or
Regulatory.permits@usace.army.mil |
|---|--|---|

Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

1. Date authorized work commenced: _____
2. Date authorized work completed: _____
3. Was all work, including any required mitigation, completed in accordance with your PASPGP-5 authorization?
 YES NO
4. Explain any deviations (use additional sheets if necessary)

5. Was compensatory wetland/stream mitigation accomplished through an approved Mitigation Bank and/or In-Lieu fee program?
 YES NO (if **YES**, attach proof of transaction, if **NO** complete Number 6 and 7 below).
6. Was permittee compensatory wetland and/or stream mitigation required? YES NO If **YES**, was the required compensatory mitigation completed in accordance with the permit and mitigation plan requirements? YES NO
7. Attach labeled color photographs showing completed work including any mitigation area(s).

I hereby certify that, except as noted above, that all work, including mitigation, has been completed in accordance with the terms and conditions, including special conditions of the above referenced permit.

(Permittee Signature): _____ (Telephone Number): _____
(Address): _____ (Email): _____

PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT – 5
(PASPGP-5)
July 1, 2018
Revised July 30, 2018

Please note: the full text of the PASPGP-5 may be viewed on the Baltimore District web site at <http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx> or by calling the Corps at 814-235-0570

Permittee: City of Philadelphia
Date of PASPGP-5 Verification: April 9, 2021
State Authorization(s): GP115101221-002

Corps District:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Philadelphia
U.S. Army Corps of Engineers,
Philadelphia District
Regulatory Branch
Wanamaker Building
100 Penn Square East
<i>Philadelphia, PA 19107-3390</i> | <input type="checkbox"/> Baltimore
U.S. Army Corps of Engineers,
Baltimore District
Regulatory Branch
1631 South Atherton Street
Suite 101
<i>State College, PA 16801-6260</i> | <input type="checkbox"/> Pittsburgh
U.S. Army Corps of Engineers,
Pittsburgh District
Regulatory Branch
Federal Building, 20 th floor
1000 Liberty Avenue
<i>Pittsburgh, PA 15222-4186</i> |
|--|---|--|

It has been determined that your proposed project, which includes the discharge of dredged and/or fill material and/or the placement of structures into waters of the United States, including wetlands, qualifies for Federal authorization under the provisions of Section 404 of the Clean Water Act and /or Section 10 of the River and Harbor Act of 1899, under the terms and conditions of the PASPGP-5.

All activities authorized under PASPGP-5 must comply with all conditions of the authorization, including General, Procedural, and Special Conditions. Failure to comply with all the conditions of the authorization, including project special conditions, will constitute a permit violation and may be subject to criminal, civil, or administrative penalties, and /or restoration.

The authorized activity must be performed in compliance with the following General Conditions to be authorized under PASPGP-5:

General Conditions:

1. **Permit Conditions:** The permittee shall comply with all terms and conditions set forth in the PADEP authorization, including all conditions of the State Water Quality Certification as required by Section 401 of the CWA, and any subsequent amendments or modifications to such authorizations. The permittee shall conduct all work and activities in strict compliance with all approved maps, plans, profiles, and specifications used by PADEP and/or the Corps in issuing their authorization/verification.
2. **Aquatic Life Movements:** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be appropriately depressed to maintain aquatic life movement and low flow conditions.
3. **Threatened and Endangered Species:** By signing the PNDI receipt, the permittee has agreed to comply with all avoidance measures identified by the PNDI receipt. As such, those avoidance

measures associated with Federally-listed threatened or endangered species are a condition of the PASPGP-5 verification, unless modified by the Corps.

If an activity is verified under the PASPGP-5, and a Federally-listed threatened or endangered species, or proposed species, is subsequently found to be present, all work must cease, and the Corps and USFWS (or NMFS) must be notified. The PASPGP-5 verification is suspended and will not be re-issued until consultation pursuant to Section 7 of the ESA is concluded and adverse effects to Federally-listed threatened, endangered and proposed species are avoided.

Furthermore, persons have an independent responsibility under Section 9 of the ESA to not engage in any activity that could result in the “take” of a Federally-listed species.

4. **Spawning Areas:** The permittee shall comply with all time-of-year-restrictions associated with spawning areas as set forth by the PFBC or other designated agency. Discharges or structures in spawning or nursery areas shall not occur during spawning seasons, unless written approval is obtained from the PFBC or other designated agency. In addition, work in areas used for other time sensitive life span activities of fish and wildlife (such as hibernation or migration) may necessitate the use of seasonal restrictions for avoidance of adverse impacts to vulnerable species. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
5. **Migratory Bird Breeding Areas:** Activities in waters of the United States, including jurisdictional wetlands, that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. Recommendations pertaining to the conservation of migratory birds can be found at the following USFWS web site: <http://www.fws.gov/northeast/pafo/>
6. **Shellfish Production:** No discharge of dredged and/or fill material and/or the placement of structures may occur in areas of concentrated shellfish production, unless the discharge is directly related to an authorized shellfish harvesting activity.
7. **Adverse Effects From Impoundment:** If the activity, including the discharge of dredged and/or fill material or the placement of a structure, creates an impoundment of water, the adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, including impacts to wetlands, shall be minimized to the maximum extent practicable.
8. **Obstruction of High Flows:** To the maximum extent practicable, the activity must be designed to maintain pre-construction downstream flow conditions (i.e., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters), and the structure or discharge of dredged and/or fill material shall be designed to withstand expected high flows.
9. **Erosion and Sediment Controls:** During construction, appropriate erosion and sedimentation controls must be used and maintained in effective operating condition in accordance with State regulations. All disturbed soil and other fill material must be permanently stabilized.
10. **Suitable Material:** No activities, including discharges of dredged and/or fill material or the placement of structures, may consist of unsuitable material (i.e., asphalt, trash, debris, car bodies, etc.). No material discharged shall contain toxic pollutants in amounts that would violate the effluent limitation standards of § 307 of the CWA.
11. **Temporary Fill:** Temporary fill (i.e., access roads and cofferdams) in waters and/or wetlands verified by the PASPGP-5 shall be properly constructed and stabilized during use to prevent erosion and accretion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade, unless such requirement is specifically waived by the Corps. Whenever possible, rubber or wooden mats should be used for equipment access through wetlands to the project area. Temporary fills shall be removed, in their entirety, to an upland site, and suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be

restored to their preconstruction contours, elevations, and hydrology, and revegetated with a wetland seed mix that contains non-invasive, native species, as soon as practicable.

12. **Equipment Working in Wetlands:** Measures must be taken to minimize soil disturbance when heavy equipment is used in wetlands. These measures include, but are not limited to, avoiding the use of such equipment, use of timber mats or geotextile fabric, and use of low pressure tire vehicles.
13. **Installation and Maintenance:** Any structure or fill verified shall be properly installed and maintained to ensure public safety.
14. **PASPGP-5 Authorization:**
 - a. The PASPGP-5 expires June 30, 2021, unless suspended or revoked.
 - b. Verifications of PASPGP-5 expire June 30, 2021, unless the PASPGP-5 permit is suspended, revoked, or the PADEP authorization expires, whichever date occurs sooner. Activities authorized under the PASPGP-5 that have commenced construction or are under contract to commence construction will remain authorized provided the activity is completed within 12 month of the date of the PASPGP-5's expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.
15. **One-Time Use:** A PASPGP-5 verification is valid to construct the project, or perform the activity, one time only, except for PASPGP-5 verification specifically issued for reoccurring maintenance activities.
16. **Water Supply Intakes:** No activity, including discharges of dredged and/or fill material and/or placement of structures, may occur in the proximity of a public water supply intake and adversely impact the public water supply.
17. **Cultural Resources:** For all activities verified under a PASPGP-5, upon the unanticipated discovery of any previously unknown historic properties (historic or archeological), all work must cease and the permittee must notify the SHPO and the Corps of Engineers. The Corps will contact the Tribes they routinely consult with within 24 hours in accordance with each District's tribal Consultation process. The PASPGP-5 verification is not valid until it is determined, through the Section 106 consultation process, whether the activity will have an effect on the historic property. The PASPGP-5 may be re-verified and special conditions added if necessary, after an effects determination on historic properties and/or Tribal resource is made, in consultation with the SHPO, the Tribes and other interested parties. The PASPGP-5 verification may be modified and/or rescinded for the specific activity if an adverse effect on the historic property cannot be avoided, minimized, or mitigated.
18. **Tribal Rights:** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting grounds.
19. **Corps Civil Works Projects:** The PASPGP-5 does not authorize any work which will interfere with an existing or proposed Corps Civil Works project (i.e., flood control projects, dams, reservoirs, and navigation projects), unless specifically waived by the Corps in writing.
20. **Navigation:** No activity verified under PASPGP-5 may cause more than minimal adverse effect on navigation. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. In addition, activities that require temporary causeways that prohibit continued navigational use of a waterway (i.e., temporary causeways extending greater than $\frac{3}{4}$ the width across the waterway) shall be removed in their entirety upon completion of their use. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulation or otherwise, must be installed and maintained at the permittee's

expense on authorized facilities in navigable waters of the United States. The permittee understands and agrees that, if further operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

- 21. **Inspections:** The permittee shall allow a District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with all the terms and conditions of the PASPGP-5. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work.
- 22. **PASPGP-5 Permit Compliance Self Certification Form:** A Self Certification Form, will be forwarded to each permittee with a PASPGP-5 verification. Every permittee, who receives a written PASPGP-5 verification, shall submit a signed Self Certification Form upon completion of the verified work and required mitigation, to the appropriate Corps District.
- 23. **Monitoring of Temporary Wetland Impacts:** For all temporary wetland impacts greater than 0.10 acre per Single and Complete Project, a monitoring report using the standard monitoring form (including preconstruction photographs as described on the monitoring form) will be submitted to the Corps, unless this requirement is specifically waived by the Corps in writing, or such monitoring is superseded by more stringent monitoring required by the Corps as a Special Condition of a PASPGP-5 verification. To obtain a waiver from the Corps the applicant must contact the appropriate Corps district with a written request to be relieved of the monitoring requirement. Such request shall include the state authorization, and the Corps permit numbers if known, and a rationale as to why the monitoring should not be required.

The permittee shall inspect the subject areas within 7 days after restoration of the temporary impact is completed, and again at the end of the first full growing season (no later than October 31) after the site has been restored. The standard monitoring form is available on the Baltimore District web site at:

<http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx> or by contacting the applicable Corps District office. When more than one temporary wetland impact is authorized as part of a Single and Complete Project, separate monitoring forms shall be filled out for each temporarily impacted wetland.

The completed report shall be submitted to the appropriate Corps District within two weeks of the final inspection of the temporarily impacted wetland. If the initial monitoring event reveals that the temporarily impacted area is not restored to preconstruction contours, the permittee shall take corrective measures to return the area back to preconstruction grades. The permittee shall document the actions taken to restore the area back to preconstruction grades on the monitoring form.

This condition is not applicable to any project authorized as a grandfathered PASPGP-4 (see Part IV A. 30. "Grandfathered Activities")

- 24. **Permit Modifications:** Any proposed modification of a verified Single and Complete Project that results in a change in the verified impact to, or use of waters of the United States, including jurisdictional wetlands, must be approved by PADEP. Corps approval is also required if the Single and Complete Project had been previously reviewed by the Corps, or if the proposed modification is a reporting activity under PASPGP-5. Project modifications that cause a Single and Complete Project to exceed 1.0 acre of waters of the United States, including jurisdictional wetlands, or greater than 1,000 linear feet of permanent stream loss will not be eligible for PASPGP-5 and will be forwarded to the Corps for review.

25. **Recorded Conservation Instruments:** As per Part IV.A.28 and Part IV.B.9 of this permit, proposed Draft Conservation Instruments may be submitted by the applicant as part of the permit application package for review and approval. When such proposed Conservation Instruments are submitted by the applicant, proof of the recorded deed restriction, conservation easement, or deed restricted open space area shall be forwarded to the appropriate Corps District and appropriate PADEP offices, prior to the initiation of any permitted work, unless specifically waived by the Corps in writing. Conservation Instrument templates can be found at:
<http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx>
26. **Property Rights:** The PASPGP-5 does not obviate the need to obtain other Federal, state, or local authorizations required by law, nor does the permit grant any property rights or exclusive privileges, or authorize any injury to the property or rights of others.
27. **Navigable Waters of the United States (Section 10 Waters):**
- a. The PASPGP-5 may be used to authorize work in the following navigable waters of the United States:
 - i. Codorus Creek – from the confluence with the Susquehanna River 11.4 miles upstream to the Richland Avenue Bridge in York, Pennsylvania;
 - ii. Main Stem Susquehanna River – from the confluence with the Chesapeake Bay upstream to Athens , Pennsylvania (approximately 4 miles south from the New York State line);
 - iii. West Branch of the Susquehanna River – from the confluence with the main stem Susquehanna River upstream to the dam at Lock Haven, Pennsylvania;
 - iv. Chester Creek – from the confluence with the Delaware River 2 miles upstream;
 - v. Crum Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Dam at Eddystone;
 - vi. Darby Creek – from the confluence with the Delaware River 5 miles upstream to the upstream side of the 84th Street Bridge in Philadelphia, Pennsylvania;
 - vii. Delaware River – from U.S. Route 202 Bridged in New Hope, Pennsylvania, including the West Branch of the Delaware River, upstream to the Pennsylvania/New York border at the 42nd parallel;
 - viii. Lehigh River – from the confluence with the Delaware River 72 miles upstream to the downstream side of the PA Route 940 Bridge;
 - ix. Neshaminy Creek – the confluence with the Delaware River, including Neshaminy State Park Harbor Project at the mouth of Neshaminy Creek, 4 miles upstream to the downstream side of the Newportville Bridge;
 - x. Pennypack Creek – from the confluence with the Delaware River 2 miles upstream to the downstream side of the Frankford Avenue Bridge in Philadelphia, Pennsylvania;
 - xi. Ridley Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Baltimore and Ohio Railroad Bridge in Chester, Pennsylvania;
 - xii. Schuylkill River – from the Fairmont Dam, 104 miles upstream to Port Carbon, Pennsylvania;

- xiii. Schuylkill Navigation Channel (Manayunk Canal) – along the Schuylkill River for 2 miles from the Flat Rock Dam to Lock Street in the Manayunk Section of Philadelphia, Pennsylvania;
 - xiv. Delaware Canal;
 - xv. Lehigh Canal; and
 - xvi. All other waters not specifically exempted in the PASPGP-5, Part III, A, 5, that are subject to the ebb and flow of the tide. Such waters are considered navigable waters of the United States to the head of tidal influence.
- b. In addition to the other general conditions, the following conditions are applicable for navigable waters of the United States eligible for PASPGP-5.
- i. For aerial transmission lines, the following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by the existing fixed bridges, or the clearances which would be required by the United States Coast Guard (USCG) for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlines in the National Electric Safety Code:

Nominal System Voltage (kV)	Minimum Additional Clearance (ft.) Above Clearance Required for Bridges
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

- a. Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.
 - b. Corps of Engineers regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both regulation and ER 1110-2-4401 apply, the greater minimum clearance is required.
- ii. Encasement: The top of the cable, encasement, or pipeline shall be located a minimum of three feet below the existing bottom elevation of the streambed and shall be backfilled with suitable heavy material to the preconstruction bottom elevation. Where the cable, encasement, or pipeline is placed in rock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. When crossing a maintained navigation channel, the requirements are a minimum of eight feet between the top of the cable, encasement, or pipeline and the authorized depth of the navigation channel. For maintained navigational channels, where the utility line is placed in rock, a minimum depth of two feet from the authorized depth of the navigation channel shall be maintained.

- iii. **As-Built Drawings:** Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), where the permittee shall furnish the Corps and the National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910 with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the MHWL at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.
 - iv. **Aids to Navigation:** The permittee must prepare and provide for USCG approval, a Private Aids to Navigation Application (CG-2554). The form can be found at: http://www.uscg.mil/forms/cg/CG_2554.pdf. Within 30 days of the date of receipt of the USCG approval, the permittee must provide a copy to the applicable Corps District.
28. **PADEP Waiver:** If the Corps determines a specific activity, which is eligible for a PADEP Non-reporting Waiver, has a significant adverse impact on life, property or important aquatic resources, the Corps may require the owner to modify the activity to eliminate the adverse condition or to obtain an Individual Permit.
29. **Corps Water Releases:** For projects located downstream of a Corps dam, the permittee should contact the appropriate Corps of Engineers, Area Engineer Office, to obtain information on potential water releases and to provide contact information for notification of unscheduled water releases. It is recommended that no in-water work be performed during periods of high water flow velocities. Any work performed at the project site is at the permittee's own risk.
30. **State Authorization:** The activity must receive State authorization. For the purpose of this requirement, any one of the following would be considered as a State authorization:
- a. A PADEP Chapter 105 Water Obstruction and Encroachment Permit, including PADEP approved Environmental Assessment pursuant to 25 Pa. Code § 105.15; or
 - b. A PADEP GP issued pursuant to 25 Pa. Code § 105.441-105.449; or
 - c. A PADEP approved Environmental Assessment for activities not otherwise requiring a PADEP permit pursuant to 25 Pa. Code § 105.12; or
 - d. A State Water Quality Certification issued by PADEP consistent with Section 401 of the CWA for activities which qualify for waiver of PADEP permit requirement per 25 Pa. Code §105.12; or
 - e. A PADEP Dam Permit, including maintenance or repairs of existing authorized dams, including maintenance dredging; or
 - f. A PADEP Emergency Permit issued pursuant to 25 Pa. Code § 105.64; or
 - g. A PADEP permit for the construction of a bridge or culvert (including bridges and culverts authorized by PADEP prior to implementations of the PASPGP-1 in March 1995), which allows for maintenance activities of bridges and culvert; or
 - h. A PADEP Chapter 105 Dam Safety and Encroachment Enforcement Action; or

- i. A programmatic/project specific State Water Quality Certification issued by PADEP consistent with Section 401 of the CWA where no other State authorization, as listed above, is required.
31. **Other Authorizations:** Additional Federal, State, and/or local authorizations or approvals may be required and where applicable must be secured by the applicant, prior to initiating any discharge of dredged and/or fill material, and/or the placement of structures into waters of the United States, including jurisdictional wetlands. These approvals include, but are not limited to:
- a. A State Water Quality Certification issued by PADEP consistent with Section 401 of the CWA;
 - b. A Consistency Determination issued by PADEP pursuant to Section 307 of the Federal Coastal Zone Management Act for activities located within the designated Coastal Zone Management Area; and
 - c. Fills within the 100-year floodplains. This activity must comply with applicable FEMA approved State or local floodplain management requirements.
32. **Federal Liability:** In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to permitted project or users, thereof, as a result of other permitted or unpermitted activities or from natural causes;
 - b. Damages to the permitted project or uses, thereof, as a result of current or future activities undertaken by or on behalf of the United States in the public interest;
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;
 - d. Design or construction deficiencies associated with the permitted work; and
 - e. Damage claims associated with any future modification, suspension, or revocation of the PASPGP-5.
33. **False and Incomplete Information:** The Corps may modify or rescind a previously issued project specific verification, if determined that the original verification was issued based on false, incomplete and/or inaccurate information; or other information becomes available whereby such action is necessary to ensure compliance with other federal laws and regulations.
34. **Essential Fish Habitat:** No work can take place in the following waterways from March 15th to June 30th unless approved in writing by the Corps. Questions on the applicability of this condition should be directed to the Corps of Engineers, Philadelphia District.
- a. Delaware River (within Pennsylvania, upstream from the U.S. Route 202 Bridge in New Hope, Pennsylvania,); and
 - b. Lehigh River (from the mouth to Francis E. Walter Dam, located in Carbon and Luzerne County, Pennsylvania)
35. **Conservation Measures for Atlantic and Shortnose Sturgeon:** All work proposed in the following listed waters must comply with the below Conservation Measures, unless specifically waived by the Corps in writing. Questions on the applicability of this condition should be directed to the Corps of Engineers, Philadelphia District.

Waterway	Action Area (From Point Specified to the Confluence with the Delaware River)	Latitude	Longitude
Marcus Hook Creek	US Route 13 Bridge	39.822054	-75.409873
Stoney Creek	US Route 13 Bridge	39.828408	-75.400953
Chester Creek	Kerlin Street Bridge	39.855846	-75.37641
Ridley Creek	McDade Boulevard	39.869522	-75.356692
Crum Creek	US Route 13 Bridge	39.866799	-75.340677
Darby Creek	Pine Street Bridge	39.914006	-75.259994
Frankford Creek	Frankford Avenue/US 13 Bridge	40.005314	-75.070173
Frankford Creek (Original Mouth)	End of Channel	40.004912	-75.070173
Pennypack Creek	Route 13 Bridge	40.043421	-75.020638
Poquessing Creek	Mill Road Bridge	40.043421	-75.982076
Neshaminy Creek	Rapids just below Hulmeville Road Bridge (SR 513), Bucks County	40.141393	-74.911899
Unnamed Tributary 1, located in Croydon, PA	River Road crossing	40.085774	-74.8856
Otter/Mill Creek	US 13 (Bristol Pike) Bridge	40.100424	-74.866976
Unnamed Tributary 2, located in Bristol, PA	Wood Street Bridge	40.102044	-74.845682
Martins Creek	Main Street (Tulleytown)	40.141975	-74.812026
Scott's Creek	End of creek	40.12921	-74.793879
Scott's Creek Relocated Channel, located at Money Island, Bucks County, PA	First culvert crossing	40.125578	-74.776886
Non-Tidal Tributaries			
Buck Creek	Delaware Canal	40.243699	-74.838279
Dyers Creek	Delaware Canal	40.267098	-74.858495
Houghs Creek	Delaware Canal	40.28148	-74.865783
Jericho Creek	Delaware Canal	40.313984	-74.902899
Pidcock Creek	Delaware Canal	40.331508	-74.935788

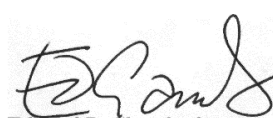
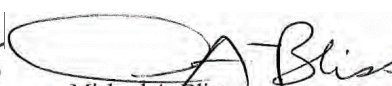
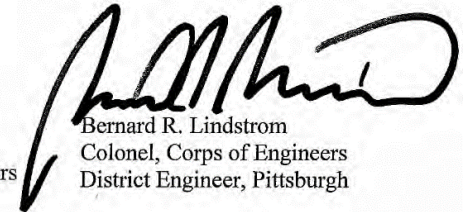
Conservation Measures:

- a. No work shall occur from March 15 to November 15, of any given year.
- b. All Dredging shall be performed by a mechanical dredge and/or techniques (clamshell bucket etc.).
- c. All work, including the installation of turbidity curtains and dewatering cofferdams, shall be performed during low tide or when the tide is waterward of the proposed work in all tidal waterbodies listed, or during periods of low or no flow in the non-tidal waterbodies listed.
- d. Blasting is not authorized by the PASPGP-5 within the listed waterbodies.
- e. Pile Driving:
 - i. Piles shall not be greater than 12 inches in diameter;
 - ii. Piles shall be installed using a vibratory hammer or an impact hammer provided noise attenuation devices (cushion blocks, etc.) are used, and a “soft start” is performed each day of pile driving. A “soft start” is the building up of power slowly during pile driving activities to allow for fish and other wildlife to leave the area; and
 - iii. Pile driving activities shall be limited to no more than 12 hours per day.

Any activity that cannot meet these conditions will be sent to the Corps as a Reporting Activity at which time the Corps will conduct project specific Section 7 Endangered Species Act consultation with NMFS.

36. **Migratory Birds and Bald and Golden Eagles:** The permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulation governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity. Information on the conservation of migratory birds and Bald and Golden Eagles can be found at the following USFWS web site: <http://www.fws.gov/northeast/pafo/>

By Authority of the Secretary of the Army:

 Edward P. Chamberlayne Colonel, Corps of Engineers District Engineer, Baltimore	 Michael A. Bliss Lieutenant Colonel, Corps of Engineers District Engineer, Philadelphia	 Bernard R. Lindstrom Colonel, Corps of Engineers District Engineer, Pittsburgh
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SEP 16 2019

**CHAPTER 105 WATER OBSTRUCTIONS AND ENCROACHMENT
GENERAL PERMIT REGISTRATION**

SOUTHEAST REGION

SECTION A. APPLICANT INFORMATION

FERC Natural Gas Activity Docket Number _____ Type of Facility _____
 Has a Water Quality Certification (WQC) request been sent to DEP? Yes No
 Activity Subject to FERC approval and/or Oil & Gas Exploration, Production, Storage or Transmission if the activity is regulated by FERC and provide the FERC docket number.

Applicant's Name / Client City of Philadelphia	DEP Client ID# (if known)	Employer ID# (EIN)
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Client Information - Please select Client Type / Code from drop down box under the correct entity shown below. (or may be written in) ↓

Government	Non-Government	Individual
MUNI Municipality		

Mailing Address 1515 Arch Street, 11 th Floor	City Philadelphia	State PA	ZIP + 4 19102
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Contact Person – Last Name McFadden	First Bernie	MI	Suffix	Telephone (215) 683-4465
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Email Address
bernard.mcfadden@phila.gov

SECTION B. CONSULTANT INFORMATION (if applicable) N/A

Contact Person – Last Name Reigle	First Jennifer	MI L	Suffix	Consultants Title Project Manager	Consulting Firm Pennoni Associates, Inc.
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Mailing Address 1900 Market Street, Suite 300	City Philadelphia	State PA	ZIP + 4 19103
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Telephone (215) 254-7723	Fax (215) 222-3003	Employer ID# (EIN)
------------------------------------	------------------------------	---------------------------

Email
jreigle@pennoni.com

SECTION C. PROJECT INFORMATION

Project / Site Name Schuylkill River Wall Repairs	DEP Site ID# (if known or leave blank)
---	---

Client Relationship - Please select Site-to-Client Relationship / Code from drop down box to the right. (or may be written in) →	Double-click on shaded area below to select correct Site-to-Client Relationship / Code ↓ OWN Owner
---	---

County Philadelphia	Municipality Philadelphia	<input checked="" type="checkbox"/> City <input type="checkbox"/> Borough <input type="checkbox"/> Township	Note: Municipal & County Notification is Required
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Site Location / Address East Schuylkill River Wall North of Columbia Bridge	City Philadelphia	State PA	ZIP + 4 N/A
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Collection Method: EMAP HGIS GISDR* ITPMP GPS WAAS LORAN

Check the horizontal reference datum (or projection datum) employed in the collection method.

EMAP and HGIS (PNDI) have known datum and do not require checking here. NAD27 NAD83 WGS84 (GEO84)

LAT.: 39.986219 LONG.: -75.201747

NOTE: A Submerged Lands License Agreement (SLLA) with an annual fee, if applicable, may also be required for your project. You will be notified if an SLLA is required.

The Aquatic Resources Impact Table (SECTION E. PROPOSED IMPACTS) must be completed or equivalent submitted for this registration to be complete.

SECTION D. REGISTRATION CHECKLIST AND REQUIREMENTS

Please place an "X" next to each item (1-9) to ensure it is completed and/or provided.

Unless otherwise specified, all items are **required** to ensure a complete Registration package.

****Provide ONE (1) ORIGINAL and ONE (1) COPY of the Registration package****

Please provide a copy of the Registration form to the Municipality & County in which the work will be performed. Proof of receipt is not required to be provided to DEP.

1. REGISTERING A GENERAL PERMIT (GP) check all that apply

Federal, State, county or municipal agencies or municipal authorities: EXEMPT from fees

<input type="checkbox"/>	GP-1 Fish Habitat Enhancement Structures.....	Per Project	\$ 50	= \$	
<input type="checkbox"/>	GP-2 Small Docks and Boat Launching Ramps	Per Dock / Ramp _____ (#) x	\$ 175	= \$	
<input type="checkbox"/>	GP-3 Bank Rehabilitation, Bank Protection and Gravel Bar Removal.....	Per Project _____ (#) x	\$ 250	= \$	
<input type="checkbox"/>	GP-4 Intake and Outfall Structures.....	Per Structure _____ (#) x	\$ 200	= \$	
<input type="checkbox"/>	GP-5 Utility Line Stream Crossings	Per Individual Utility _____ (#) x _____ (#) x	\$ 250	= \$	
<input type="checkbox"/>	GP-6 Agricultural Crossings and Ramps	Per Crossing / Ramp _____ (#) x	\$ 50	= \$	
<input type="checkbox"/>	GP-7 Minor Road Crossings ²	Per Crossing _____ (#) x	\$ 350	= \$	
<input type="checkbox"/>	GP-8 Temporary Road Crossings ²	Per Crossing _____ (#) x	\$ 175	= \$	
<input type="checkbox"/>	GP-9 Agricultural Activities	Per Project	\$ 50	= \$	
<input type="checkbox"/>	GP-10 Abandoned Mine Reclamation	Per Project	\$ 500	= \$	
<input checked="" type="checkbox"/>	GP-11 Maintenance, Testing, Repair, Rehabilitation, or Replacement of Water Obstructions and Encroachments ¹		\$ 750	+	
<input type="checkbox"/>	Temporary Disturbance (\$400/0.1ac).....	_____ acres x \$4,000 =	\$ _____	+	
<input type="checkbox"/>	Permanent Disturbance (\$800/0.1ac).....	_____ acres x \$8,000 =	\$ _____	= \$	
<input type="checkbox"/>	GP-15 Private Residential Construction in Wetlands ¹		\$ 750	+	
<input type="checkbox"/>	Temporary Disturbance (\$400/0.1ac).....	_____ acres x \$4,000 =	\$ _____	+	
<input type="checkbox"/>	Permanent Disturbance (\$800/0.1ac).....	_____ acres x \$8,000 =	\$ _____	= \$	
GP(s) FEE subtotal (b)			\$		

	Applicant Entry	DEP Use Only
2. Location Map (USGS quad map) with project site marked:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Color Photographs with dates, locations, and descriptions: <input type="checkbox"/> GP-3 <input checked="" type="checkbox"/> GP-11 <input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Project Description: (Example: Linear pipeline project using multiple GP-5's and GP-8's; One GP-7 for an access road to my property) GP-11 - Linear Project - East Schuylkill River Wall repairs at the North end of the Existing Reviewing Stands extending South - approximately 100 linear feet to the Columbia Bridge. Further description is shown in the permit application. _____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Site Specific and/or Standard Drawings are (required for all) project's GP activities. For Activities that qualify for GP-7 or GP-11 Plans, specifications, and reports for bridges and culverts across a stream which are to be used by the general public such as an access to an industrial, commercial or residential development, etc., shall be prepared by a registered professional engineer and shall be affixed with their seal and certification which shall read as follows on the drawings: If the project includes a bridge or culvert replacement or the proposed work will change the waterway opening, please complete and provide the <u>Bridge and/or Culvert Replacement Projects or Projects That Change the Waterway Opening (3150-PM-BWEW0552B)</u> worksheet. If the project consists of similar work (replacement or change in waterway opening) on more than one structure, provide the data requested for each structure included in this Registration package. <i>"I (name) do hereby certify pursuant to the penalties of 18 Pa. C.S.A. Sec. 4904 to the best of my knowledge, information and belief, that the information contained in the accompanying plans, specifications, and reports has been prepared in accordance with accepted engineering practice, is true and correct, and is in conformance with Chapter 105 of the rules and regulations of the Department of Environmental Protection."</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Proposed Project Purpose depicting the site of the projects GP activities and impacts. Briefly discuss the need for the authorization.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7. Erosion & Sediment Control Plan (E&S Plan) (Required for all GP's but specifically required with submission with a registration of GP-11 or GP's for oil and gas related activities submitted to DEP.)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8. Pennsylvania Natural Diversity Inventory (PNDI): PNDI Search Receipt and clearance letters, if available. See additional requirements for submission with Avoidance Measures and/or Potential Impacts.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9. Activities which impact wetlands: (For State Regulated Impacts) Please place an "X" next to the appropriate box indicating the information provided: ➤ N/A because no wetland impacts are proposed or no compensatory mitigation is necessary. <input checked="" type="checkbox"/> ➤ A wetland delineation with complete data sheets in accordance with the 1987 Corps of Engineers Wetland Delineation Manual AND the appropriate Regional Supplements to the Corps of Engineers Wetland Delineation Manual for use in Pennsylvania..... <input type="checkbox"/> ➤ If direct or indirect wetland impacts are greater than 0.05 acre, a compensatory mitigation plan in accordance with the Department's Replacement criteria which provides compensation for both affected acreage, and functions at a minimum of one to one ratio. <input type="checkbox"/> ➤ If compensatory mitigation onsite is determined not feasible: A check, number _____, in the amount of \$ _____ payable to the National Fish and Wildlife Foundation, N.A. 1237, as compensatory mitigation for _____ acres of impact in wetlands, in accordance with the Pennsylvania Wetland Replacement Project..... <input type="checkbox"/> (Additional Mitigation May Be Required by U.S. Army Corps) <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
NOTE: If the Pennsylvania Wetland Replacement Fund is proposed to be used as compensatory mitigation for waters of the Commonwealth the U.S. Army Corps of Engineers may also require additional mitigation if the proposed activity impacts waters of the United States.		

SECTION F. CERTIFICATION

I certify under penalty of law that the information provided in this permit registration is true and correct to the best of my knowledge and information and that I possess the authority to undertake the proposed action. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. (If any of the information and/or plans is found to be in error, falsified, and/or incomplete, this authorization/verification may be subject to modification, suspension, or revocation in accordance with applicable regulations.) I further certify that this project complies with all the conditions of the general permit.

	8/19/2019 Date
Signature of Applicant / Owner	
APARNA PALANTINO	
Typed / Printed Name	
DEPUTY COMMISSIONER	
Typed / Printed Title	

This General Permit shall not be effective until the owner has had their E&S Plan reviewed by the appropriate Regional Office or District, and, where required, obtained an SLLA from DEP.

THIS ACKNOWLEDGED COPY OF THIS GENERAL PERMIT REGISTRATION PACKAGE AND THE E&S PLAN MUST BE AVAILABLE AT THE PROJECT SITE DURING CONSTRUCTION.

SECTION G. DECISION / DISPOSITION – COMPLETED BY DEP

Decision Review:

	GP 115101219-506
DEP / District Reviewer Signature	
G. DARYANI	
Reviewer's Typed / Printed Name	

NOTE: See Aquatic Resource Impact Table for any additional authorizations.

Disposition Status	Comments
<input checked="" type="checkbox"/> ACKNOWLEDGED Date <u>12/10/19</u> SLLA Required <input type="checkbox"/> Yes Attached <input checked="" type="checkbox"/> No	
<input type="checkbox"/> INCOMPLETE / DEFICIENCY Date _____	
<input type="checkbox"/> EXTENSION REQUEST Date _____	
<input type="checkbox"/> WITHDRAWN Date _____	

NOTE: If the GP registration information is incomplete a copy of this registration form and requested additional information will be sent to the applicant. A copy of the returned registration form and additional information must be re-submitted within 60 calendar days unless extended by the extension date listed above.

FEDERAL AUTHORIZATION

- Non-reporting PASPGP verification / authorization attached.
- Reporting – A copy of this General Permit registration package has been sent to the U.S. Army Corps of Engineers. Separate federal authorization may be required

NOTE: Please be advised that if the reporting box is checked you do not have Federal authorization for this project and such authorization may be required prior to starting your project. In accordance with Section 404 of the Clean Water Act, a Department of the Army authorization is required for the discharge of dredged and/or fill material into waters of the United States, including jurisdictional wetlands. Section 10 of the Rivers and Harbors Act also requires Department of the Army authorization for any work in, over, or under a navigable water of the United States. In accordance with procedures established with the U.S. Army Corps of Engineers, you will be contacted directly by the Corps regarding Federal Authorization.

PASPGP-5 PERMIT COMPLIANCE, SELF-CERTIFICATION FORM

Project Name: **East Schuylkill Wall Renovation** Applicant Name: **City of Philadelphia**

PADEP Permit No: **GP115101219-506** Date of Issuance: **12/10/19**

Corps Permit Number: _____ Date of Issuance: _____

Waterway: **Schuylkill River** County: **Philadelphia**

In accordance with the compliance certification condition of your PASPGP-5 authorization, you are required to complete and sign this certification form and return it to the appropriate Corps of Engineers District in which the work is located.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> U.S. Army Corps of Engineers
Philadelphia District
Regulatory Branch
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390 | <input type="checkbox"/> U.S. Army Corps of Engineers
Baltimore District
1631 South Atherton Street
Suite 101
State College, PA 16801-6260 | <input type="checkbox"/> U.S. Army Corps of Engineers
Pittsburgh District
Regulatory Branch
Federal Building, 20 th Floor
1000 Liberty Avenue
Pittsburgh, PA 15222-4186 |
|---|--|---|

Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

1. Date authorized work commenced: _____
2. Date authorized work completed: _____
3. Was all work, including any required mitigation, completed in accordance with your PASPGP-5 authorization?
 YES NO
4. Explain any deviations (use additional sheets if necessary)

5. Was compensatory wetland/stream mitigation accomplished through an approved Mitigation Bank and/or In-Lieu fee program?
 YES NO (if **YES**, attach proof of transaction, if **NO** complete Number 6 and 7 below).
6. Was permittee compensatory wetland and/or stream mitigation required? YES NO If YES, was the required compensatory mitigation completed in accordance with the permit and mitigation plan requirements? YES NO
7. Attach labeled color photographs showing completed work including any mitigation area(s).

I hereby certify that, except as noted above, that all work, including mitigation, has been completed in accordance with the terms and conditions, including special conditions of the above referenced permit.

(Permittee Signature): _____ (Telephone Number): _____
(Address): _____ (Email): _____

PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT – 5
(PASPGP-5)
July 1, 2016

Please note: the full text of the PASPGP-5 may be viewed on the Baltimore District web site at <http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx> or by calling the Corps at 814-235-0570

Permittee: City of Philadelphia
Date of PASPGP-5 Verification: 12/10/19
State Authorization(s): GP115101219-506

Corps District:

Philadelphia
U.S. Army Corps of Engineers,
Philadelphia District
Regulatory Branch
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

Baltimore
U.S. Army Corps of Engineers,
Baltimore District
Regulatory Branch
1631 South Atherton Street
Suite 101
State College, PA 16801-6260

Pittsburgh
U.S. Army Corps of Engineers,
Pittsburgh District
Regulatory Branch
Federal Building, 20th floor
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

It has been determined that your proposed project, which includes the discharge of dredged and/or fill material and/or the placement of structures into waters of the United States, including wetlands, qualifies for Federal authorization under the provisions of Section 404 of the Clean Water Act and /or Section 10 of the River and Harbor Act of 1899, under the terms and conditions of the PASPGP-5.

All activities authorized under PASPGP-5 must comply with all conditions of the authorization, including General, Procedural, and Special Conditions. Failure to comply with all the conditions of the authorization, including project special conditions, will constitute a permit violation and may be subject to criminal, civil, or administrative penalties, and /or restoration.

The authorized activity must be performed in compliance with the following General Conditions to be authorized under PASPGP-5:

General Conditions:

1. **Permit Conditions:** The permittee shall comply with all terms and conditions set forth in the PADEP authorization, including all conditions of the State Water Quality Certification as required by Section 401 of the CWA, and any subsequent amendments or modifications to such authorizations. The permittee shall conduct all work and activities in strict compliance with all approved maps, plans, profiles, and specifications used by PADEP and/or the Corps in issuing their authorization/verification.
2. **Aquatic Life Movements:** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be appropriately depressed to maintain aquatic life movement and low flow conditions.
3. **Threatened and Endangered Species:** By signing the PNDI receipt, the permittee has agreed to comply with all avoidance measures identified by the PNDI receipt. As such, those avoidance measures associated with Federally-listed threatened or endangered species are a condition of the PASPGP-5 verification, unless modified by the Corps.

If an activity is verified under the PASPGP-5, and a Federally-listed threatened or endangered species, or proposed species, is subsequently found to be present, all work must cease, and the Corps and USFWS (or NMFS) must be notified. The PASPGP-5 verification is suspended and will not be re-issued until consultation pursuant to Section 7 of the ESA is concluded and adverse effects to Federally-listed threatened, endangered and proposed species are avoided.

Furthermore, persons have an independent responsibility under Section 9 of the ESA to not engage in any activity that could result in the “take” of a Federally-listed species.

4. **Spawning Areas:** The permittee shall comply with all time-of-year-restrictions associated with spawning areas as set forth by the PFBC or other designated agency. Discharges or structures in spawning or nursery areas shall not occur during spawning seasons, unless written approval is obtained from the PFBC or other designated agency. In addition, work in areas used for other time sensitive life span activities of fish and wildlife (such as hibernation or migration) may necessitate the use of seasonal restrictions for avoidance of adverse impacts to vulnerable species. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
5. **Migratory Bird Breeding Areas:** Activities in waters of the United States, including jurisdictional wetlands, that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. Recommendations pertaining to the conservation of migratory birds can be found at the following USFWS web site: <http://www.fws.gov/northeast/pafo/>
6. **Shellfish Production:** No discharge of dredged and/or fill material and/or the placement of structures may occur in areas of concentrated shellfish production, unless the discharge is directly related to an authorized shellfish harvesting activity.
7. **Adverse Effects From Impoundment:** If the activity, including the discharge of dredged and/or fill material or the placement of a structure, creates an impoundment of water, the adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, including impacts to wetlands, shall be minimized to the maximum extent practicable.
8. **Obstruction of High Flows:** To the maximum extent practicable, the activity must be designed to maintain pre-construction downstream flow conditions (i.e., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters), and the structure or discharge of dredged and/or fill material shall be designed to withstand expected high flows.
9. **Erosion and Sediment Controls:** During construction, appropriate erosion and sedimentation controls must be used and maintained in effective operating condition in accordance with State regulations. All disturbed soil and other fill material must be permanently stabilized.
10. **Suitable Material:** No activities, including discharges of dredged and/or fill material or the placement of structures, may consist of unsuitable material (i.e., asphalt, trash, debris, car bodies, etc.). No material discharged shall contain toxic pollutants in amounts that would violate the effluent limitation standards of § 307 of the CWA.
11. **Temporary Fill:** Temporary fill (i.e., access roads and cofferdams) in waters and/or wetlands verified by the PASPGP-5 shall be properly constructed and stabilized during use to prevent erosion and accretion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade, unless such requirement is specifically waived by the Corps. Whenever possible, rubber or wooden mats should be used for equipment access through wetlands to the project area. Temporary fills shall be removed, in their entirety, to an upland site, and suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their preconstruction contours, elevations, and hydrology, and revegetated with a wetland seed mix that contains non-invasive, native species, as soon as practicable.

12. **Equipment Working in Wetlands:** Measures must be taken to minimize soil disturbance when heavy equipment is used in wetlands. These measures include, but are not limited to, avoiding the use of such equipment, use of timber mats or geotextile fabric, and use of low pressure tire vehicles.
13. **Installation and Maintenance:** Any structure or fill verified shall be properly installed and maintained to ensure public safety.
14. **PASPGP-5 Authorization:**
 - a. The PASPGP-5 expires June 30, 2021, unless suspended or revoked.
 - b. Verifications of PASPGP-5 expire June 30, 2021, unless the PASPGP-5 permit is suspended, revoked, or the PADEP authorization expires, whichever date occurs sooner. Activities authorized under the PASPGP-5 that have commenced construction or are under contract to commence construction will remain authorized provided the activity is completed within 12 month of the date of the PASPGP-5's expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.
15. **One-Time Use:** A PASPGP-5 verification is valid to construct the project, or perform the activity, one time only, except for PASPGP-5 verification specifically issued for reoccurring maintenance activities.
16. **Water Supply Intakes:** No activity, including discharges of dredged and/or fill material and/or placement of structures, may occur in the proximity of a public water supply intake and adversely impact the public water supply.
17. **Cultural Resources:** For all activities verified under a PASPGP-5, upon the unanticipated discovery of any previously unknown historic properties (historic or archeological), all work must cease and the permittee must notify the SHPO and the Corps of Engineers. The Corps will contact the Tribes they routinely consult with within 24 hours in accordance with each District's tribal Consultation process. The PASPGP-5 verification is not valid until it is determined, through the Section 106 consultation process, whether the activity will have an effect on the historic property. The PASPGP-5 may be re-verified and special conditions added if necessary, after an effects determination on historic properties and/or Tribal resource is made, in consultation with the SHPO, the Tribes and other interested parties. The PASPGP-5 verification may be modified and/or rescinded for the specific activity if an adverse effect on the historic property cannot be avoided, minimized, or mitigated.
18. **Tribal Rights:** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting grounds.
19. **Corps Civil Works Projects:** The PASPGP-5 does not authorize any work which will interfere with an existing or proposed Corps Civil Works project (i.e., flood control projects, dams, reservoirs, and navigation projects), unless specifically waived by the Corps in writing.
20. **Navigation:** No activity verified under PASPGP-5 may cause more than minimal adverse effect on navigation. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. In addition, activities that require temporary causeways that prohibit continued navigational use of a waterway (i.e., temporary causeways extending greater than ¼ the width across the waterway) shall be removed in their entirety upon completion of their use. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulation or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. The permittee understands and agrees that, if further operations by the United States require the removal,

relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

21. **Inspections:** The permittee shall allow a District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with all the terms and conditions of the PASPGP-5. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work.
22. **PASPGP-5 Permit Compliance Self Certification Form:** A Self Certification Form, will be forwarded to each permittee with a PASPGP-5 verification. Every permittee, who receives a written PASPGP-5 verification, shall submit a signed Self Certification Form upon completion of the verified work and required mitigation, to the appropriate Corps District.
23. **Monitoring of Temporary Wetland Impacts:** For all temporary wetland impacts greater than 0.10 acre per Single and Complete Project, a monitoring report using the standard monitoring form (including preconstruction photographs as described on the monitoring form) will be submitted to the Corps, unless this requirement is specifically waived by the Corps in writing, or such monitoring is superseded by more stringent monitoring required by the Corps as a Special Condition of a PASPGP-5 verification. To obtain a waiver from the Corps the applicant must contact the appropriate Corps district with a written request to be relieved of the monitoring requirement. Such request shall include the state authorization, and the Corps permit numbers if known, and a rationale as to why the monitoring should not be required.

The permittee shall inspect the subject areas within 7 days after restoration of the temporary impact is completed, and again at the end of the first full growing season (no later than October 31) after the site has been restored. The standard monitoring form is available on the Baltimore District web site at:

<http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx> or by contacting the applicable Corps District office. When more than one temporary wetland impact is authorized as part of a Single and Complete Project, separate monitoring forms shall be filled out for each temporarily impacted wetland.

The completed report shall be submitted to the appropriate Corps District within two weeks of the final inspection of the temporarily impacted wetland. If the initial monitoring event reveals that the temporarily impacted area is not restored to preconstruction contours, the permittee shall take corrective measures to return the area back to preconstruction grades. The permittee shall document the actions taken to restore the area back to preconstruction grades on the monitoring form.

This condition is not applicable to any project authorized as a grandfathered PASPGP-4 (see Part IV A. 30. "Grandfathered Activities")

24. **Permit Modifications:** Any proposed modification of a verified Single and Complete Project that results in a change in the verified impact to, or use of waters of the United States, including jurisdictional wetlands, must be approved by PADEP. Corps approval is also required if the Single and Complete Project had been previously reviewed by the Corps, or if the proposed modification is a reporting activity under PASPGP-5. Project modifications that cause a Single and Complete Project to exceed 1.0 acre of waters of the United States, including jurisdictional wetlands, or greater than 1,000 linear feet of permanent stream loss will not be eligible for PASPGP-5 and will be forwarded to the Corps for review.
25. **Recorded Conservation Instruments:** As per Part IV.A.28 and Part IV.B.9 of this permit, proposed Draft Conservation Instruments may be submitted by the applicant as part of the permit

application package for review and approval. When such proposed Conservation Instruments are submitted by the applicant, proof of the recorded deed restriction, conservation easement, or deed restricted open space area shall be forwarded to the appropriate Corps District and appropriate PADEP offices, prior to the initiation of any permitted work, unless specifically waived by the Corps in writing. Conservation Instrument templates can be found at:
<http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx>

26. **Property Rights:** The PASPGP-5 does not obviate the need to obtain other Federal, state, or local authorizations required by law, nor does the permit grant any property rights or exclusive privileges, or authorize any injury to the property or rights of others.

27. **Navigable Waters of the United States (Section 10 Waters):**

- a. The PASPGP-5 may be used to authorize work in the following navigable waters of the United States:
 - i. Codorus Creek – from the confluence with the Susquehanna River 11.4 miles upstream to the Richland Avenue Bridge in York, Pennsylvania;
 - ii. Main Stem Susquehanna River – from the confluence with the Chesapeake Bay upstream to Athens, Pennsylvania (approximately 4 miles south from the New York State line);
 - iii. West Branch of the Susquehanna River – from the confluence with the main stem Susquehanna River upstream to the dam at Lock Haven, Pennsylvania;
 - iv. Chester Creek – from the confluence with the Delaware River 2 miles upstream;
 - v. Crum Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Dam at Eddystone;
 - vi. Darby Creek – from the confluence with the Delaware River 5 miles upstream to the upstream side of the 84th Street Bridge in Philadelphia, Pennsylvania;
 - vii. Delaware River – from U.S. Route 202 Bridged in New Hope, Pennsylvania, including the West Branch of the Delaware River, upstream to the Pennsylvania/New York border at the 42nd parallel;
 - viii. Lehigh River – from the confluence with the Delaware River 72 miles upstream to the downstream side of the PA Route 940 Bridge;
 - ix. Neshaminy Creek – the confluence with the Delaware River, including Neshaminy State Park Harbor Project at the mouth of Neshaminy Creek, 4 miles upstream to the downstream side of the Newportville Bridge;
 - x. Pennypack Creek – from the confluence with the Delaware River 2 miles upstream to the downstream side of the Frankford Avenue Bridge in Philadelphia, Pennsylvania;
 - xi. Ridley Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Baltimore and Ohio Railroad Bridge in Chester, Pennsylvania;
 - xii. Schuylkill River – from the Fairmont Dam, 104 miles upstream to Port Carbon, Pennsylvania;

- xiii. Schuylkill Navigation Channel (Manayunk Canal) – along the Schuylkill River for 2 miles from the Flat Rock Dam to Lock Street in the Manayunk Section of Philadelphia, Pennsylvania;
 - xiv. Delaware Canal;
 - xv. Lehigh Canal; and
 - xvi. All other waters not specifically exempted in the PASPGP-5, Part III, A, 5, that are subject to the ebb and flow of the tide. Such waters are considered navigable waters of the United States to the head of tidal influence.
- b. In addition to the other general conditions, the following conditions are applicable for navigable waters of the United States eligible for PASPGP-5.
- i. For aerial transmission lines, the following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by the existing fixed bridges, or the clearances which would be required by the United States Coast Guard (USCG) for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlines in the National Electric Safety Code:

Nominal System Voltage (kV)	Minimum Additional Clearance (ft.) Above Clearance Required for Bridges
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

- a. Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.
 - b. Corps of Engineers regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both regulation and ER 1110-2-4401 apply, the greater minimum clearance is required.
- ii. Encasement: The top of the cable, encasement, or pipeline shall be located a minimum of three feet below the existing bottom elevation of the streambed and shall be backfilled with suitable heavy material to the preconstruction bottom elevation. Where the cable, encasement, or pipeline is placed in rock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. When crossing a maintained navigation channel, the requirements are a minimum of eight feet between the top of the cable, encasement, or pipeline and the authorized depth of the navigation channel. For maintained navigational channels, where the utility line is placed in rock, a minimum depth of two feet from the authorized depth of the navigation channel shall be maintained.

- iii. **As-Built Drawings:** Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), where the permittee shall furnish the Corps and the National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910 with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the MHWL at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.
 - iv. **Aids to Navigation:** The permittee must prepare and provide for USCG approval, a Private Aids to Navigation Application (CG-2554). The form can be found at: http://www.uscg.mil/forms/cg/CG_2554.pdf . Within 30 days of the date of receipt of the USCG approval, the permittee must provide a copy to the applicable Corps District.
28. **PADEP Waiver:** If the Corps determines a specific activity, which is eligible for a PADEP Non-reporting Waiver, has a significant adverse impact on life, property or important aquatic resources, the Corps may require the owner to modify the activity to eliminate the adverse condition or to obtain an Individual Permit.
29. **Corps Water Releases:** For projects located downstream of a Corps dam, the permittee should contact the appropriate Corps of Engineers, Area Engineer Office, to obtain information on potential water releases and to provide contact information for notification of unscheduled water releases. It is recommended that no in-water work be performed during periods of high water flow velocities. Any work performed at the project site is at the permittee's own risk.
30. **State Authorization:** The activity must receive State authorization. For the purpose of this requirement, any one of the following would be considered as a State authorization:
- a. A PADEP Chapter 105 Water Obstruction and Encroachment Permit, including PADEP approved Environmental Assessment pursuant to 25 Pa. Code § 105.15; or
 - b. A PADEP GP issued pursuant to 25 Pa. Code § 105.441-105.449; or
 - c. A PADEP approved Environmental Assessment for activities not otherwise requiring a PADEP permit pursuant to 25 Pa. Code § 105.12; or
 - d. A State Water Quality Certification issued by PADEP consistent with Section 401 of the CWA for activities which qualify for waiver of PADEP permit requirement per 25 Pa. Code §105.12; or
 - e. A PADEP Dam Permit, including maintenance or repairs of existing authorized dams, including maintenance dredging; or
 - f. A PADEP Emergency Permit issued pursuant to 25 Pa. Code § 105.64; or
 - g. A PADEP permit for the construction of a bridge or culvert (including bridges and culverts authorized by PADEP prior to implementations of the PASPGP-1 in March 1995), which allows for maintenance activities of bridges and culvert; or
 - h. A PADEP Chapter 105 Dam Safety and Encroachment Enforcement Action; or

- i. A programmatic/project specific State Water Quality Certification issued by PADEP consistent with Section 401 of the CWA where no other State authorization, as listed above, is required.
31. **Other Authorizations:** Additional Federal, State, and/or local authorizations or approvals may be required and where applicable must be secured by the applicant, prior to initiating any discharge of dredged and/or fill material, and/or the placement of structures into waters of the United States, including jurisdictional wetlands. These approvals include, but are not limited to:
- a. A State Water Quality Certification issued by PADEP consistent with Section 401 of the CWA;
 - b. A Consistency Determination issued by PADEP pursuant to Section 307 of the Federal Coastal Zone Management Act for activities located within the designated Coastal Zone Management Area; and
 - c. Fills within the 100-year floodplains. This activity must comply with applicable FEMA approved State or local floodplain management requirements.
32. **Federal Liability:** In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to permitted project or users, thereof, as a result of other permitted or unpermitted activities or from natural causes;
 - b. Damages to the permitted project or uses, thereof, as a result of current or future activities undertaken by or on behalf of the United States in the public interest;
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;
 - d. Design or construction deficiencies associated with the permitted work; and
 - e. Damage claims associated with any future modification, suspension, or revocation of the PASPGP-5.
33. **False and Incomplete Information:** The Corps may modify or rescind a previously issued project specific verification, if determined that the original verification was issued based on false, incomplete and/or inaccurate information; or other information becomes available whereby such action is necessary to ensure compliance with other federal laws and regulations.
34. **Essential Fish Habitat:** No work can take place in the following waterways from March 15th to June 30th unless approved in writing by the Corps. Questions on the applicability of this condition should be directed to the Corps of Engineers, Philadelphia District.
- a. Delaware River (within Pennsylvania, upstream from the U.S. Route 202 Bridge in New Hope, Pennsylvania,); and
 - b. Lehigh River (from the mouth to Francis E. Walter Dam, located in Carbon and Luzerne County, Pennsylvania)
35. **Conservation Measures for Atlantic and Shortnose Sturgeon:** All work proposed in the following listed waters must comply with the below Conservation Measures, unless specifically waived by the Corps in writing. Questions on the applicability of this condition should be directed to the Corps of Engineers, Philadelphia District.

Waterway	Action Area (From Point Specified to the Confluence with the Delaware River)	Latitude	Longitude
Marcus Hook Creek	US Route 13 Bridge	39.822054	-75.409873
Stoney Creek	US Route 13 Bridge	39.828408	-75.400953
Chester Creek	Kerlin Street Bridge	39.855846	-75.37641
Ridley Creek	McDade Boulevard	39.869522	-75.356692
Crum Creek	US Route 13 Bridge	39.866799	-75.340677
Darby Creek	Pine Street Bridge	39.914006	-75.259994
Frankford Creek	Frankford Avenue/US 13 Bridge	40.005314	-75.070173
Frankford Creek (Original Mouth)	End of Channel	40.004912	-75.070173
Pennypack Creek	Route 13 Bridge	40.043421	-75.020638
Poquessing Creek	Mill Road Bridge	40.043421	-75.982076
Neshaminy Creek	Rapids just below Hulmeville Road Bridge (SR 513), Bucks County	40.141393	-74.911899
Unnamed Tributary 1, located in Croydon, PA	River Road crossing	40.085774	-74.8856
Otter/Mill Creek	US 13 (Bristol Pike) Bridge	40.100424	-74.866976
Unnamed Tributary 2, located in Bristol, PA	Wood Street Bridge	40.102044	-74.845682
Martins Creek	Main Street (Tulleytown)	40.141975	-74.812026
Scott's Creek	End of creek	40.12921	-74.793879
Scott's Creek Relocated Channel, located at Money Island, Bucks County, PA	First culvert crossing	40.125578	-74.776886
Non-Tidal Tributaries			
Buck Creek	Delaware Canal	40.243699	-74.838279
Dyers Creek	Delaware Canal	40.267098	-74.858495
Houghs Creek	Delaware Canal	40.28148	-74.865783
Jericho Creek	Delaware Canal	40.313984	-74.902899
Pidcock Creek	Delaware Canal	40.331508	-74.935788

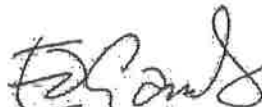
Conservation Measures:


- a. No work shall occur from March 15 to November 15, of any given year.
- b. All Dredging shall be performed by a mechanical dredge and/or techniques (clamshell bucket etc.).
- c. All work, including the installation of turbidity curtains and dewatering cofferdams, shall be performed during low tide or when the tide is waterward of the proposed work in all tidal waterbodies listed, or during periods of low or no flow in the non-tidal waterbodies listed.
- d. Blasting is not authorized by the PASPGP-5 within the listed waterbodies.
- e. Pile Driving:
 - i. Piles shall not be greater than 12 inches in diameter;
 - ii. Piles shall be installed using a vibratory hammer or an impact hammer provided noise attenuation devices (cushion blocks, etc.) are used, and a "soft start" is performed each day of pile driving. A "soft start" is the building up of power slowly during pile driving activities to allow for fish and other wildlife to leave the area; and
 - iii. Pile driving activities shall be limited to no more than 12 hours per day.


Any activity that cannot meet these conditions will be sent to the Corps as a Reporting Activity at which time the Corps will conduct project specific Section 7 Endangered Species Act consultation with NMFS.

36. **Migratory Birds and Bald and Golden Eagles:** The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulation governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity. Information on the conservation of migratory birds and Bald and Golden Eagles can be found at the following USFWS web site: <http://www.fws.gov/northeast/pafo/>

By Authority of the Secretary of the Army:


Edward P. Chamberlayne
Colonel, Corps of Engineers
District Engineer, Baltimore


Michael A. Bliss
Lieutenant Colonel, Corps of Engineers
District Engineer, Philadelphia


Bernard R. Lindstrom
Colonel, Corps of Engineers
District Engineer, Pittsburgh



FOR REFERENCE ONLY

U.S. Army Corps of Engineers

Acknowledgment and Agreement for Compliance with Terms & Conditions of PASPGP-5

Project Number: GP115101219-506

Project Location: Schuylkill River North of Columbia Bridge

I hereby accept and agree to comply with the terms and conditions, of the PASPGP-5 authorizations, as stated.

Applicant's Signature

Date

I hereby accept and agree to comply with the terms and conditions, of the PASPGP-5 authorizations, as stated.

Applicant's Contractor's Signature

Date

Contractor Name (please print)

AREA CODE/TELEPHONE NO.

ADDRESS

Please return form to:

■ **Philadelphia**
U.S. Army Corps of Engineers
Philadelphia District
Regulatory Branch
Wanamaker Building 1631
100 Penn Square East
Philadelphia, PA 19107-3390

■ **Baltimore**
U.S. Army Corps of Engineers
Baltimore District
Regulatory Branch
South Atherton Street
Suite 101
State College, PA 16801-6260

■ **Pittsburgh**
U.S. Army Corps of Engineers
Pittsburgh District
Regulatory Branch
Federal Building, 20th floor
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Enclosure _____

