



pennsylvania

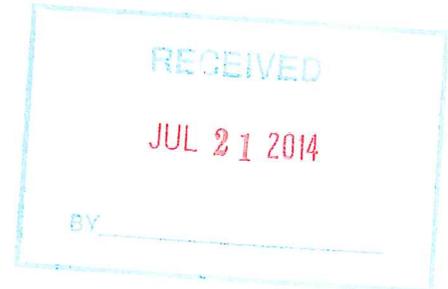
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

COPY

July 15, 2014

Louis F. Smith, Jr., Manager
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Re: DEP File No. D15-125
Hershey Mill Dam
East Goshen Township, Chester County



Dear Mr. Smith:

Enclosed is a copy of the Township's Dam Permit for the modification of Hershey Mill Dam. Please review the permit so you are aware of the extent of authorization and permit conditions.

Prior to the commencement of construction, the enclosed Acknowledgment of Permit Conditions must be completed and signed by you and the engineer responsible for the supervision or conduct of the construction work acknowledging and accepting the general and special conditions contained in the permit.

The Dam Completion Certification must be signed by a representative of the Township and the supervising engineer indicating that the work has been completed as approved. The Dam Completion Certification must be submitted to this office within 30 days of the completion of the approved project. Upon the Department's review and acceptance of the approved modification project a permit for the dam's continued operation and maintenance can then be issued.

A copy of both the Dam Permit and the Acknowledgment of Permit Conditions must be available at the work site for inspection upon request by any officer or agent of the Department or any other federal, state, county and municipal agency.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8547, Harrisburg, PA 17105-8547, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Louis F. Smith, Jr., Manager
East Goshen Township

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July 15, 2014

If you have any questions or need additional information, please contact me by email at ricreising@pa.gov or by telephone at 717.772.5957.

Sincerely,



Richard A. Reisinger, P.E.
Chief
Eastern Section
Division of Dam Safety

Enclosures: Dam Permit
PASPGP-4
Acknowledgment of Permit Conditions
Dam Completion Certification

cc: Adam Brower, P.E., Edward B. Walsh & Associates, Inc.(w/enclosures)
Chester County Conservation District (w/permit)
PA Fish & Boat Commission, Southeast Regional Office (w/permit)
U.S. Army Corps of Engineers, Philadelphia District

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ACKNOWLEDGMENT OF PERMIT CONDITIONS

DEP File No. _____

_____ Township

_____ County

Sir/Madam:

Acknowledgment is made that I, _____, and
(Permittee Name)

(Name, address and telephone of engineer responsible for supervision of work)

_____ ,
have been apprised of and are familiar with the terms and conditions of Permit No. _____
issued to _____

(Permittee)
giving its consent to _____
(Work authorized as stated on permit)

(Permittee signature)

(Date)

(Signature of engineer responsible for supervision of work)

(Date)

(Signature of Department representative attending pre-construction meeting)

(Date)

Return this completed form to DEP acknowledging permit conditions:

Department of Environmental Protection
Bureau of Waterways Engineering and Wetlands
Division of Dam Safety
P.O. Box 8460
Harrisburg, PA 17105-8460



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DAM COMPLETION CERTIFICATION

DEP File No. _____

Gentlemen:

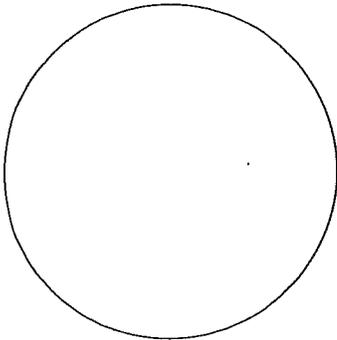
I/We hereby certify that the project at the _____ Dam,
(Dam Name)
located across _____ in _____,
(Stream Name) (Municipality)
_____ County, PA, was completed on _____, in accordance with the
(County Name) (Date Completed)
approved maps, plans, profiles, and specifications, and applicable laws.

As-built drawings (check one):

- As-built drawings required - Photographs attached
Approved plans and specifications modified
- As-built drawings not required - Photographs attached
Approved plans and specifications not modified

Costs:

Design Cost \$ _____
Construction Cost \$ _____
Construction Inspection Cost \$ _____



P.E. Seal & Signature

Percentage of Total Cost for each major feature:	
Roller Compacted Concrete (RCC)	_____ %
Articulated Concrete Block (ACB)	_____ %
Earthwork	_____ %
Filters / Drains	_____ %
Reinforced Concrete Structures	_____ %
Outlet Conduit / Valves / Gates	_____ %
Foundation Prep / Grouting	_____ %
_____	_____ %
_____	_____ %

Signature of Supervising Engineer (Required):

(Signature)

(Printed Name)

(Title)

(Firm or Agency)

Signature of Owner (Required):

(Signature)

(Printed Name)

(Title)

(Firm or Agency)

RETURN TO:

Department of Environmental Protection
Bureau of Waterways Engineering and Wetlands
Division of Dam Safety
P.O. Box 8460
Harrisburg, PA 17105-8460



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DAM CONSTRUCTION PERMIT

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

East Goshen Township

1580 Paoli Pike

West Chester, PA 19380

giving its consent to modify the Hershey Mill Dam located across Ridley Creek in East Goshen Township, Chester County.

This permit is issued in response to an application filed with the Department of Environmental Protection on the 4th day of September 2007, and with the understanding that the work shall be performed in accordance with the approved maps, plans, profiles, and specifications filed with this application, subject, however, to the provisions of the Dam Safety and Encroachments Act, the Administrative Code, and the following conditions, regulations, and restrictions:

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

PADEP – Division Dam Safety

P.O. Box 8460

Harrisburg, PA 17105-8460

Attn: Joel Sipe 717.772.5956

4. A detailed report on the status of construction must be submitted monthly to the Department of Environmental Protection, Division of Dam Safety, until construction has been completed. The Department may require submissions of additional reports, as it deems necessary, on the status of construction.
5. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of work, of the terms, conditions, restrictions, and covenants of this permit. Prior to the commencement of construction, the permittee shall file an acknowledgment form provided by the Department, signed by the permittee and other project personnel, as specified on the form, acknowledging the terms, conditions, restrictions, and covenants of this permit. Unless the acknowledgment form has been completed and filed, the permit is void. A copy of the permit and acknowledgment form must be available at the work site for inspection upon request by an officer or agent of the Department or another federal, state, county, or municipal agency.
6. The project site shall at all times be subject to inspection by representatives of the Department, and the permittee or owner shall allow representatives of the Department to enter a property, premises, or place associated with the project for purposes of the inspection.

7. No changes shall be made to the approved maps, plans, profiles, and specifications, except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications it may determine are necessary and proper to protect public health, public safety, and the environment.
8. The permittee shall implement and monitor the Erosion and Sedimentation Control Plan prepared in accordance with the Department's Chapter 102 regulations so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water.
9. The project site shall at all times be available for inspection by authorized officers and employees of the Chester County Conservation District at:

Chester County Conservation District
Willowdale Town Center
688 Unionville Road, Suite 200
Kennett Square, PA 19348
610.925.4920

10. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Southeast Regional Office at:

PFBC Southeast Regional Office
P.O. Box 9
Elm, PA 17521
717.626.0228

11. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823, Telephone: 814-359-5147.
12. All trees of no value and brush cleared from the area under this permit shall be disposed of in accordance with applicable laws and regulations.
13. No material shall be placed on any portion of the foundation until a representative of the Department has approved, in writing, such portion of the foundation. No earth or other embankment material may be covered, placed compacted, or graded when in a frozen condition. Masonry and concrete may not be placed in freezing weather except under conditions approved by the Department.
14. **All work authorized by this permit must commence on or before December 31, 2018.** If the work authorized by this permit has not commenced by this date, the permittee or owner shall notify the Department 6 months prior to the anticipated commencement of work so that the project design can be reassessed and reauthorized in writing. During the design reassessment, the permittee or owner may be required to make revisions due to changes in site conditions, dam classification, new technology, or revisions to this chapter. At any time if the permittee or owner does not intend to perform the work, the Department shall be notified in writing and the permit will become void without further notification by the Department.
15. **Construction must be completed within the time frame as specified in the Special Conditions.** If construction work has not been completed within the time specified and the time limit specified has not been extended in writing by the Department or if a permit has been revoked for any reason, the permittee or owner shall, at their own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the regulated waters of this Commonwealth to their former condition.
16. Within 10 days after the completion of work, the permittee or owner shall schedule a final project inspection with the Department. The final inspection must include the permittee or owner, the permittee or owner's supervising engineer, and the Department's field representative.

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

SEE ATTACHED PAGE FOR SPECIAL CONDITIONS.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



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

Attest: 
(Signature)


(Issue Date)

SPECIAL CONDITIONS

Construction must be completed within two (2) years of the commencement date.

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

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

PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT – 4
(PASPGP-4)
July 1, 2011

Please note: the full text of the PASPGP-4 may be viewed on the Baltimore District web site at <http://www.nab.usace.army.mil/Wetlands%20Permits/> or by calling the Corps at 814-235-0570

Applicant: Louis S. Smith Jr., Manager
State Authorization(s): Modification of Hershey Mill Dam (D15-125)

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-4.

All activities authorized under PASPGP-4 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-4:

General Conditions:

1. **Permit Conditions:** The permittee shall comply with all terms and conditions set forth in the PADEP authorization for use of this permit, including all conditions of Section 401 Water Quality Certification, and any subsequent amendment or modification to such authorization. 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 as the basis for its authorization or subsequent modification of authorization.
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:** If an activity is authorized under the PASPGP-4, and a Federally listed threatened or endangered species, or proposed species or critical habitat, is subsequently found to be present, all work must cease, and the Corps and USFWS (or NMFS) must be notified. The PASPGP-4 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 and critical habitat are avoided.

Furthermore, persons have an independent responsibility under Section 9 of 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 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 by 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. **Waterfowl Breeding and Wintering Areas:** Activities including discharges of dredged or fill material or the placement of structures in breeding and wintering areas of migratory waterfowl must be avoided to the maximum extent practicable.

6. **Shellfish Production:** No discharge of dredged 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 Impoundments:** If the activity, including the discharge of dredged 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 siltation controls must be used and maintained in effective operating condition in accordance with State regulations. All exposed soil and other fill material must be permanently stabilized.

10. **Suitable Material:** No activity, 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 in waters and wetlands authorized by the PASPGP-4 (i.e., access roads and cofferdams) 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. 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 non-invasive, native species.

12. **Equipment Working in Wetlands:** Measures must be taken to minimize soil disturbance when heavy equipment is used in wetland areas. These measures include, but are not limited to, avoiding the use of such equipment, use of timber mats or geotextile fabric, and the use of low pressure tire vehicles.

13. **Installation and Maintenance:** Any structure or fill authorized shall be properly installed and maintained to ensure public safety.

14. **PASPGP-4 Verification:**

- a. The PASPGP-4 expires June 30, 2016, unless suspended or revoked.

b. Activities authorized under a project specific PASPGP-4 expire June 30, 2016, unless suspended, revoked, or the PADEP authorization expires, whichever date occurs sooner. Activities authorized under the project specific PASPGP-4 that have commenced construction or are under contract to commence construction will remain authorized provided the activity is completed within 12 months of the date of the PASPGP-4's expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.

15. **One-Time Use:** A PASPGP-4 authorization is valid to construct the project, or perform the activity, one time only, except for PASPGP-4 authorizations specifically issued for reoccurring maintenance activities.

16. **Water Supply Intakes:** No activity, including discharges of dredged and/or fill material and/or the 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-4, upon the discovery of the presence of previously unknown Historic Properties (historic or archaeological), all work must cease and the permittee must notify the SHPO and the Corps of Engineers. The PASPGP-4 authorization 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-4 may be reverified and special conditions added if necessary, after an effects determination on the Historic Property is made. The PASPGP-4 authorization may be suspended and/or revoked in accordance with 33 CFR 325.7 for the specific activity if an adverse affect on the Historic Property cannot be avoided 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 rights.

19. **Corps Civil Works Projects:** The PASPGP-4 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). The permittee understands and agrees that, if future operations by the United States require 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, relocation, or alteration.

20. **Navigation:** No activity authorized under PASPGP-4 may cause more than a minimal adverse affect 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 regulations 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 future 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-4. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work.

22. PASPGP-4 Permit Compliance Self Certification Form: A Self Certification Form, regarding the PASPGP-4 authorized work and required mitigation, will be forwarded to each permittee with the PASPGP-4 verification. Every permittee, who receives a written PASPGP-4 verification, shall submit the signed Self Certification Form upon completion of the authorized work and required mitigation. The completed form shall be returned to the appropriate Corps District.

23. Permit Modifications: Any proposed modification of the authorized overall project that results in a change in the authorized 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 overall project had been previously reviewed by the Corps as a Category III activity, or the proposed modification causes the overall project impacts to exceed 1.0 acre of waters of the United States, including jurisdictional wetlands, or 250 linear feet of streams, rivers, other watercourses and open water areas. Project modifications that cause the overall project impacts to exceed 1.0 acre of waters of the United States, including wetlands, may not be eligible for PASPGP-4 and will be forwarded to the Corps for review.

24. Recorded Conservation Instruments: As per Part IV.A.26 and Part IV.B.4 and Part IV.C.8 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, verification 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.**

25. Property Rights: This PASPGP-4 does not convey any property rights, either in real estate or material, or any exclusive privileges; nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

26. Navigable Waters of the United States (Section 10 Waters): In addition to the conditions referenced above, the following conditions are applicable for navigable waters of the United States eligible for the PASPGP-4. The PASPGP-4 may be used to authorize work in the following navigable waters of the United States:

a. Codorus Creek – from the confluence with the Susquehanna River 11.4 miles upstream to the Indian Rock Dam in York, Pennsylvania;

b. 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);

c. West Branch of the Susquehanna River – from the confluence with the main stem Susquehanna River upstream to the dam at Lock Haven, Pennsylvania;

d. Chester Creek – from the confluence with the Delaware River 2 miles upstream;

e. Crum Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the dam at Eddystone;

f. Darby Creek – from the confluence with the Delaware River 5 miles upstream to the upstream side of 84th Street Bridge in Philadelphia;

g. Delaware River – from the Morrisville-Trenton Railroad Bridge in Morrisville, Pennsylvania, including the West Branch of the Delaware River, upstream to the Pennsylvania/New York border at the 42nd parallel;

h. Lehigh River – from the confluence with the Delaware River 72 miles upstream to the downstream side of PA Route 940 Bridge;

i. Neshaminy Creek – from the confluence with the Delaware River, including the Neshaminy State Park Harbor Project at the mouth of Neshaminy creek, 4 miles upstream to the downstream side of the Newportville Bridge;

j. Pennypack Creek – from the confluence with the Delaware River 2 miles upstream to the downstream side of Frankford Avenue Bridge in Philadelphia;

k. 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;

l. Schuylkill River – from the Fairmont Dam, 104 miles upstream to Port Carbon, Pennsylvania; and

m. Schuylkill Navigation Channel (Manayunk Canal) – along the Schuylkill River for two miles from the Flat Rock Dam to Lock Street in the Manayunk Section of Philadelphia, Pennsylvania.

27. For Aerial Transmission Lines Across Navigable Waters:

a. 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 existing fixed bridges, or the clearances which would be required by the United States Coast Guard 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 outlined in the National Electrical 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

i. 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.

ii. Corps of Engineer regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both this regulation and ER 1110-2-4401 apply, the greater minimum clearance is required.

b. **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.

c. **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), 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 mean high water line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.

d. **Aids to Navigation:** The permittee must prepare and provide for United States Coast Guard (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.

By Authority of the Secretary of the Army:

David E. Anderson
Colonel, Corps of Engineers
District Engineer, Baltimore

Philip M. Secrist, III
Lieutenant Colonel, Corps of Engineers
District Engineer, Philadelphia

William H. Graham
Colonel, Corps of Engineers
District Engineer, Pittsburgh

PASPGP-4 PERMIT COMPLIANCE, SELF-CERTIFICATION FORM

Project Name: Modification of Hershey Mill Dam Applicant Name: Louis S. Smith, Manager
PADEP Permit No.: D15-125 Date of Issuance: July 15, 2014
Corps Permit No. (if available): _____ Date of Issuance: _____
Waterway: _____ County: Chester

Dear Permittee:

In accordance with the compliance certification condition of your PASPGP-4 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 type="checkbox"/> U.S. Army Corps of Engineers,
Philadelphia District
Regulatory Branch
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390 | <input checked="" 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-4 authorization?
 YES NO
4. Explain any deviations (use additional sheets if necessary) _____

5. Was mitigation accomplished through an approved in-lieu fee program?
 YES NO (if **YES** please provide documentation, if **NO** complete Nos. 6 and 7 below).
6. Wetland Mitigation: Required? YES NO Required Completion Date _____
Completed? YES NO Mitigation Monitoring Reports Required? Yes No
7. Attach labeled photographs showing completed work including mitigation area(s) (**not required for PADEP GP's/Waivers**)

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.

<i>Applicants Signature:</i>	<i>Consultant/Agents Signature:</i>
<i>Address:</i>	<i>Address:</i>
<i>Telephone:</i>	<i>Telephone:</i>
<i>Email:</i>	<i>Email:</i>

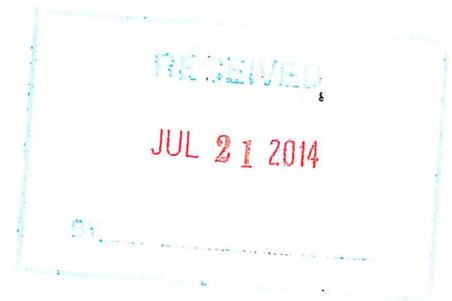


pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

July 15, 2014

Louis F. Smith, Jr., Manager
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380



Re: DEP File No. D15-125
Hershey Mill Dam
East Goshen Township, Chester County

Dear Mr. Smith:

Enclosed is a copy of the Township's Dam Permit for the modification of Hershey Mill Dam. Please review the permit so you are aware of the extent of authorization and permit conditions.

Prior to the commencement of construction, the enclosed Acknowledgment of Permit Conditions must be signed by you and the engineer responsible for the supervision or conduct

The Department requests a preconstruction meeting be scheduled prior to the commencement of work. Attending this meeting should be the permittee or owner, the Department, the contractor, and the engineer responsible for construction supervision. The preconstruction meeting should be conducted at least 15 days, but not more than 30 days, prior to the commencement of construction unless a different time is established by the Department. To schedule this meeting, please contact Joel Sipe within the Division of Dam Safety at 717-772-5956.