



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building  
P.O. Box 8554  
Harrisburg, PA 17105-8554  
November 14, 2007

Bureau of Waterways Engineering

717-783-3515

Louis F. Smith, Jr.  
East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380-6199

CERTIFIED MAIL NO. 7004 1160 0003 8195 0775

NOV 16 2007

Re: Administrative Completeness Review  
Application No. D15-125  
Hershey's Mill Dam  
East Goshen Township  
Chester County

Dear Mr. Smith:

We have reviewed your application to determine whether it contains the information, maps, fees and other documents to be administratively complete. Your application has been determined to be administratively incomplete and must be revised.

Due to the Department's Money-Back Guarantee Permit Review Program, we are unable to initiate our review of this Dam Permit Application until the application is considered to be complete. If it is your desire for us to start our technical review prior to the submission of information needed to complete the application, please request this action in writing. Your Dam Permit Application will then be removed from the Department's Money-Back Guarantee Permit Review Program. Be aware that, as stipulated in Chapter 105 of the Department's rules and regulations, information required by this office must be received within 60 days of the receipt of our request for additional information or we must consider this permit application withdrawn. If additional time is required to submit the requested information, an extension can be granted in writing.

Enclosed is the payment East Goshen Township submitted for the Dam Permit Application fee. Under the Pennsylvania Code, Title 25, Chapter 105, §105.13(b), an application for a permit submitted by a municipal authority is hereby exempt from paying a Dam Permit Application fee.

If you or your engineer has any questions concerning this completeness review, please contact Kirk Kreider and refer to Application No. D15-125.

Sincerely,

  
Cathy S. Tyson  
Division of Dam Safety

Enclosure (s)



COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 BUREAU OF WATERWAYS ENGINEERING

DEP USE ONLY	
FILE NO.	D15-125
DATE SENT	_____
DATE REC'D	9/4/07

### APPLICATION DEFICIENCY LIST

Instructions: Your application has been reviewed for administrative completeness. Items indicated by an "X" in the right column are deficient. If additional explanation of any of the items is necessary, please find this explanation on the attached sheet. Section references are to Chapter 105 of the Department's Rules and regulations as revised October 12, 1991.

	DEP USE ONLY
1. Permit application properly signed, sealed and witnessed in accordance with Section 105.13(h)	
2. Complete permit application General Information Form.	
3. Application fee in accordance with Section 105.13(b).	
4. Evidence of County and Municipal notification. (See reverse side). <b>(See Attached)</b>	X
5. Evidence of notification to Pennsylvania Historical and Museum Commission. <b>(See Attached)</b> (Cultural Resource Notice with Return Receipt)	X
6. Completed and approved Supplement No. 1 Form (PNDI Search).	
7. A Site Plan including information in accordance with Section 105.13(d)(1)(i), with a Location Map of a scale factor of 1:24,000 (standard 7.5 Minute Series U.S. Geological Survey Topographic Map).	
8. A Project Description which includes a description of the proposed/existing structure or activity, purpose of the project, the effect of the project on public health, safety or environment and a statement of water dependency of the project. <b>(See Attached)</b>	X
9. Color Photographs of the proposed site or project area with location and orientation map.	
10. Erosion and Sedimentation Control Plan and approval letter. <b>(See Attached)</b>	X
11. A hydrologic and hydraulic analysis for the appropriate design storm in accordance with Section 105.98. <b>(See Attached)</b>	X
12. Storm Water Management Analysis in accordance with Section 105.13(d)(1)(v).	
13. Floodplain Management Analysis in accordance with Section 105.13(d)(1)(vi).	
14. A Risk Assessment if the Storm Water Management Analysis or the Floodplain Management Analysis indicates increase in peak rates of runoff or flood elevations in accordance with Section 105.13(d)(1)(vii).	
15. A completed Environmental Assessment Form and attachments, including Impacts Analysis. <b>(See Attached)</b>	X
16. Alternatives Analysis.	
17. A Mitigation Plan of actions to be taken in accordance with the definition of mitigation in Chapter 105.	
18. Proof of title or adequate flowage easements for all land area below the top of the dam elevation that is subject to inundation.	
19. Data concerning subsoil and rock foundation conditions and the physical properties of the materials entering into the construction of the dam in accordance with Section 105.81(c).	
20. Design drawings, technical construction specifications and design report in sufficient detail that a determination of the adequacy of the proposed facility can be made. <b>(See Attached)</b>	X

(Continued on reverse side)

DEP USE ONLY
X
X

- \_\_\_\_\_ 21. An Emergency Action Plan in accordance with Section 105.134. (If required.)
- \_\_\_\_\_ 22. A plan for monitoring performance of the dam by instrument installations in accordance with Section 105.81(a)(5). (If required.)
- \_\_\_\_\_ 23. Proof of financial responsibility in accordance with Section 105.20. **(See Attached)**
- \_\_\_\_\_ 24. For projects involving storage of fluids other than water, information concerning the chemical content, viscosity and other pertinent physical characteristic of the fluid or semifluid.
- \_\_\_\_\_ 25. An Operation and Maintenance Manual/Document indicating normal operation and maintenance procedures and parties responsible for these procedures.
- \_\_\_\_\_ 26. The most recent inspection reports if the application pertains to an existing dam.
- \_\_\_\_\_ 27. Professional Engineer's Seal and Certification **(See Attached)**
- \_\_\_\_\_ 28. The proposed time for commencement and anticipate start of construction.
- \_\_\_\_\_ 29. Two additional sets of properly sealed plans and specifications, and permit application should be submitted to this office for review and approval.

I have reviewed the application submission material and confirm that the above checked items have been provided.

\_\_\_\_\_  
(Signature – Applicant or Engineer)

\_\_\_\_\_  
(Date)

**MUNICIPAL AND COUNTY NOTIFICATION OF PERMIT APPLICATION**

Act 14, P.L. 834, enacted February 17, 1984, requires that each applicant for a permit under the Dam Safety and Encroachments Act must give written notice to the municipality(ies) and the county(ies) in which the permitted activity is located. The written notice shall be received by the municipality(ies) and the county(ies) at least 30 days before the Department of Environmental Protection may issue or deny the permit.

You may notify the municipality(ies) and the county(ies) by providing a copy of the application to each municipality and county by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, or by personally delivering a copy to and obtaining a written acknowledgement of receipt from each municipality and county. Letters should be addressed to the office of the Secretary or the Clerk of the municipality and county OR to the Supervisors, Manager or Commissioners as appropriate.

The submission of your application to the Department must include evidence that municipal and county notification has occurred. Acceptable forms of evidence include:

- (1) Certified mail receipt and copy of letter sent to each municipality and county, or
- (2) Written acknowledgment form each municipality and county.

Failure to provide evidence of municipal and county notification will delay processing of your application.

**401 WATER QUALITY CERTIFICATION**

Applications submitted to the Bureau of Waterways Engineering for projects requiring a Dam Permit will also be considered a request for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)) for either a U.S. Army Corps of Engineers' (ACOE) individual permit, nationwide permit or Pennsylvania State Programmatic General Permit.

APPLICATION DEFICIENCY LIST ATTACHMENT

4. The Act 14 notifications will have to be revised and resent once the scope of work for resolving the spillway capacity issues is determined.
5. The Cultural Resource Notice will have to be revised and resent once the scope of work for resolving the spillway capacity issues is determined.
8. A revised project description will have to be provided once the scope of work for resolving the spillway capacity issues is determined.
10. An approval letter for the Erosion and Sedimentation Control Plan will be needed from the Chester County Conservation District for proposed work to resolve the spillway capacity issues.
11. The Department's hydrologic and hydraulic review of the dam shows that it can pass only a two-year design storm. The required design storm for the dam is the 100-year storm. The dam must therefore be modified to pass the 100-year storm, either by increasing the spillway capacity or providing overtopping protection. As discussed with Rick Smith during a telephone conversation on October 25, 2007, the addition of a secondary spillway or the installation of Articulated Concrete Blocks (ACB's) over the embankment appear to be the most feasible alternatives for meeting the required design storm. Hydrologic and hydraulic analyses will be required for proposed work to resolve the spillway capacity issues.
15. The Environmental Assessment must address the existing dam's potential impacts on aquatic resources (specifically, the dam's effects on fish passage and Chapter 93 Designated Use). If the modifications required for the spillway capacity issues include any environmental impacts, an alternatives analysis and mitigation plan may be required.
20. Design drawings including a solution to the spillway capacity issue must be submitted.
23. The Operation and Maintenance Document must contain information such as: frequency of inspections, items to be inspected, where inspection reports will be kept, removal of debris, grass mowing, repair work to the concrete structure, and who will perform the above activities. The Department's complimentary guide, "*Inspection, Operation, and Maintenance of Dams in Pennsylvania*", which was provided to you with our May 14, 2007 correspondence, can be used to assist in your development of the Operation and Maintenance Manual.
27. The Engineer's **original** signature, seal, and certification must be placed on the **first** page of all design documents, plans and specifications, and the Engineer's seal must be placed on each subsequent sheet of the plans. Provide the Engineer's certification, to read, "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."