



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

January 29, 2015

Mr. Duayne Bumb
Deputy Director of Commerce
City of Philadelphia - Streets Department
830 Municipal Services Building
1401 JFK Boulevard
Philadelphia, PA 19102

Re: Permit Extension and Amendment to Permit No. E51-246
Schuylkill River Park Trail - Phase IIIB
APS No. 741143, AUTH No. 866290
City of Philadelphia
Philadelphia County

Dear Mr. Bumb:

This is in reference to your request for an amendment and a time extension to address issues associated with the time needed to fully complete the scope of your project modification for Permit No. E51-246 in the above-mentioned county, which was received on September 5, 2014. The original permit was for the construction and maintenance of approximately 2,000 feet long extension of the Schuylkill River Park Trail in the form of a suspended bridge over the stream. You have requested to amend the original permit by performing a set of water obstructions and encroachment activities that the Department of Environmental Protection (DEP) has incorporated with your original permit activities to form a combined amended permit attached to this letter.

Please be advised that your request has been approved, and Permit No. E51-246 is amended to reflect the changes in design. The new expiration date for this permit is December 31, 2016.

All conditions specified in the original permit remain in effect, and this document incorporates amended current Water Encroachment and Obstruction Permitting Standard conditions and specifications. Your amended permit and extension provisions comply with these conditions as part of this amendment.

DEP does not typically grant more than two time extensions for a given permit. Please be advised that if the construction is not completed by the extended date, a new application may be required to be submitted in accordance with the regulations in effect at the time.

Mr. Duayne Bumb

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January 29, 2015

Please be advised this permit extension does not have Federal authorization for this project like the original permit, and such authorization is required prior to starting your project. We encourage you to contact the U.S. Army Corps of Engineers at 215.656.6728 concerning any Federal permits or approvals you may also need.

Sincerely,

A handwritten signature in black ink, appearing to read "Domenic Rocco", with a long horizontal flourish extending to the right.

Domenic Rocco, P.E.
Regional Manager
Waterways and Wetlands

cc: Mr. Musil, Jr., P.E., PP, LEED-AP - Urban Engineers, Inc.
United States Army Corp of Engineers, Philadelphia Branch
Philadelphia City Planning Commission
Mr. Mensah - DEP
Mr. Hohenstein
Re 30 (GJS15WAW)28-4

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED MANAGEMENT PROGRAM**

WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Protection ("DEP"), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§ 510-1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§ 693.1 et seq.) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851 (32 P.S. §§ 679.101 et seq.) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987 (35 P.S. §§ 691.1 et seq.) known as the "Clean Streams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers DEP to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

**City of Philadelphia - Streets Department
830 Municipal Services Building
1401 JFK Boulevard
Philadelphia PA 19102**

giving its consent to perform the following water obstruction and encroachment activities within/along the Schuylkill River (CWF-MF) associated with the Schuylkill River Park Trail - Phase IIIB project:

- 1. To construct and maintain approximately 2,000 feet long extension of the Schuylkill River Park Trail in the form of a suspended bridge over the stream approximately 50 feet from the river banks, running parallel with the river from Walnut Street cul-de-sac to approximately 210 feet southwest of the South Street Bridge. This work includes the associated ramps.**
- 2. To temporarily install and maintain a concrete mixing plant within the floodway associated with the vehicular access and load restrictions in the project area.**
- 3. To construct and maintain streambank stabilization and trail extension on land of approximately 1,400-foot long, 12'-wide shared use trail. Two permeable paver areas adjacent to existing concrete bulkheads are proposed for river overlook areas, with a third, smaller permeable paver area located near the base of the South Street Bridge, all attached to the new trail extension.**
- 4. To construct and maintain a 60-foot long retaining wall along a 100 linear feet segment of washout areas near the South Street Bridge. The retaining wall will be landside of the Annual High Tide line. This construction will result in 0.01 acre of permanent impacts that will be mitigated through the use of rock rip-rap to create a stabilized shore and live stake plantings. (Restoration Area 1)**

5. To construct and maintain approximately 130 linear feet of rip-rap streambank stabilization and live stake plantings along Restoration Area 2. There will be 0.03 acre of permanent impacts that will be mitigated through the use of rock rip-rap to create a stabilized shore and live stake plantings.
6. To construct and maintain along Restoration Area 3 washout area approximately 120 linear feet streambank restoration. This component of the project will permanently impact approximately 0.03 acre of floodway that will be mitigated through the use of rock rip-rap to create a stabilized shore and live stake plantings.
7. The temporarily impacted stream where erosion and sedimentation controls will be installed and where the banks will be regraded to facilitate the streambank stabilization. The permanent impact will occur where the rock rip-rap is being placed to armor the regraded shoreline. Live-staked planting will be installed along the embankments down to the Annual High Tide line. Since these are tidal areas, river sediments will fill the voids in the rip-rap areas over time.

The project site is located along the Schuylkill River commencing at the Walnut Street cul-de-sac running southwesterly parallel to the stream and ends at approximately 210 feet southwest of the South Street Bridge in the City and County of Philadelphia. A landside component of the project which constitutes the amendment includes an additional 1,400-foot-long pedestrian and bicycle trail segment along the east bank of the Schuylkill River from South Street to the vicinity of Christian Street. The overall site area within the project property is approximately 3.36 acres (Frankford, PA, USGS Quadrangle N:13.37 inches; W:8.17 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

If this work is not completed on or before the 31st day of December A.D. 2016, this permit, if not previously revoked or specifically extended by DEP, in writing, shall become void without further notification.

This amended permit is issued in response to an application filed with DEP on the 5th day of September A.D. 2014, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles, and specifications filed with and made a part of the application on N/A, subject, however, to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, the Clean Streams Law, the Administrative Code, the rules and regulations promulgated thereunder and the following conditions and restrictions:

1. The permittee shall complete and sign the *Acknowledgment of Appraisal of Permit Conditions* form thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of the permit. The permittee shall return a signed copy of the form to DEP. The permit will not be effective until the signed copy of the form is received by DEP.

2. DEP, in issuing this permit, has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and DEP may, in addition, institute appropriate legal proceedings.

3. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary.

4. The work shall, at all times, be subject to supervision and inspection by representatives of DEP, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of DEP. DEP, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. DEP further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby.

5. This permit authorizes the construction, operation, maintenance, and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of DEP and terms and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of DEP shall require the prior written approval and permit of DEP.

6. Waste materials, scrap, or excess construction materials may not be disposed of in any watercourse, floodway or body of water, but shall be collected, stored, and disposed of in accordance with the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003), the Municipal Waste, Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904), the Clean Streams Law (35 P.S. §§ 691.1–691.1001) and related rules and regulations.

7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction.

8. If, in the future, DEP determines that the water obstruction or encroachment causes unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice remove or alter the water obstruction or encroachment, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as DEP may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration.

9. The permittee shall notify DEP, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction.

10. If construction work has not been completed within the time specified in the permit and the time limit specified in the permit has not been extended, in writing, by DEP or if a permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that DEP may prescribe, remove all or any portion of the work as DEP requires and restore the water course and floodplain to their former condition.

11. 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 with DEP in writing, on a form

provided by DEP, a statement signed by the permittee and an individual responsible for the supervision or conduct of the construction work acknowledging and accepting the general and special conditions contained in the permit. Unless the acknowledgment and acceptance have been filed, the permit is void. A copy of the permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of DEP or another Federal, State, County, or Municipal Agency.

12. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles, and specifications.

13. This permit may not be transferred without prior written approval from DEP, such approval being considered upon receipt of the properly executed "Application of Transfer of Permit" form.

14. If and when the permittee desires to discontinue use or abandon the activity authorized herein, he must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by DEP.

15. 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, Pennsylvania 16823-9616, Telephone: 814.359.5140.

16. Permittee shall implement and monitor the Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102, so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water.

17. 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, P.O. Box 8, Elm, Pennsylvania 17521, Telephone: 717.626.0228.

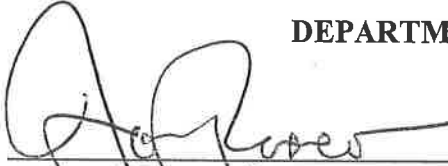
18. The project site shall, at all times, be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the following:

Philadelphia Water Department
Stormwater Plan Review
Planning & Research
1101 Market Street, Fourth Floor
Philadelphia, PA 19107

SPECIAL CONDITIONS

- A. In order to avoid impacts to anadromous fish, in-water work shall be avoided between March 15 to June 15 of any year.
- B. In-water work within the Schuylkill River should be avoided from March 15 to June 30 of any year.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Domenic Rocco, P.E.
Regional Manager
Waterways and Wetlands

Issue Date

Re 30 (GJS15WAW)28-4a