

Commonwealth of Pennsylvania
Department of Environmental Protection
Southcentral Regional Office
Waterways and Wetlands 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 Steams 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:

FR&S Inc.
727 Redlane Road
Birdsboro, PA 19508

giving its consent to: 1) place and maintain fill in 0.61 acre of emergent wetlands; 2) place and maintain fill in 1.67 acres of emergent/scrub-shrub wetlands; 3) place and maintain fill in 0.29 acre of emergent/forested wetlands; 4) place and maintain fill in 1.65 acres of emergent/scrub-shrub/forested wetlands; and 5) place and maintain fill in 0.15 acre of scrub-shrub/forested wetlands; resulting in a total of 4.64 acres of permanent wetland impacts; 6) place and maintain fill in and along 6,555 linear feet (0.93 acre) of intermittent and perennial streams (Unnamed Tributary (UNT) 01775 to Schuylkill River, (WWF, MF), UNT 2 to Schuylkill River (WWF, MF), UNT 3 to 01780 Schuylkill River (WWF, MF), UNT 4 to 01780 to Schuylkill River (WWF, MF), UNT 5 to 01780 to Schuylkill River (WWF, MF), UNT 7 to 01780 to Schuylkill River (WWF, MF), 7) construct and maintain 2,029 linear feet (0.19 acre) of stream relocation and 3.12 acres of floodway of UNT 01775 to Schuylkill River (WWF, MF); 8) construct and maintain 227 linear feet (0.03 acre) of stream and floodway (0.12 acres) restoration along UNT5 to 01780 to Schuylkill River (WWF, MF); 9) construct and maintain a 352-foot long, 7-foot wide, and 4-foot, 5-inch high, open bottom arch culvert stream enclosure; all for the purpose of expanding existing landfill operations and completing grading modifications for additional soil and borrow needs for the facility for daily cover. To meet compensatory mitigation requirements of 77.04 wetland credits and 12.43 stream credits for impacts to regulated waters of the Commonwealth, the Permittee purchased 77.04 wetland credits and 12.43 stream credits from PADEP’s Pennsylvania Integrated Ecological Services, Capacity Enhancement and Support Program approved for use in Compensation Service Area 03 North. The Permittee provided a payment amount of \$1,468,940 to the National Fish and Wildlife Foundation and was accepted by the Department. The project is located at the Pioneer Crossing Landfill and adjacent Western Borrow Area located along Red Lane Road in Exeter Township, Berks County (Latitude: 40.277585, Longitude: -75.819093).

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)].

Permit No. E0603225-007

This permit is issued in response to an application filed with DEP on the 29th day of April A.D. 2025, 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 the 12th day of June A.D. 2025, the 2nd day of July A.D. 2025, the 15th day of October A.D. 2025, the 16th day of October A.D. 2025, the 8th day of November A.D. 2025, the 14th day of November A.D. 2025, the 3rd day of December A.D. 2025, the 26th day of January A.D. 2026, The 20th day of February A.D. 2026, the 3rd day of March A.D. 2026, the 1st day of June A.D. 2026, and 29th day of September A.D. 2026 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. If the work authorized by this permit is not completed on or before the 31st day of December A.D. 2031, this permit, if not previously revoked or specifically extended by DEP in writing, shall become void without further notification.

1. The permittee shall sign the Acknowledgement of Appraisal of Permit Conditions thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return a signed copy of the Acknowledgement of Appraisal of Permit Conditions to DEP. Unless the Acknowledgement of Appraisal of Permit Conditions form is completed and filed with DEP, this permit is void;
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 "Commonwealth"; 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 to assure compliance with the Dam Safety and Encroachments Act and other laws administered by DEP, the Pennsylvania Fish Commission and any river basin commission created by interstate compact. DEP further reserves the right to suspend or revoke this permit for failure to comply with a provision of 25 Pa. Code Chapter 105, an administrative order of DEP or a term or condition of this permit;
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;

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6. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by DEP;
7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction;
8. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of DEP, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice, remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth, 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 on account of any such removal or alteration;
9. The permittee shall provide to DEP, in writing, advanced notice of commencement of work;
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 this 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 this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this 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 for 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

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should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 595 East Rolling Ridge Drive, Bellefonte, PA 16823-9685, telephone 814.359.5140;

16. Permittee shall implement and monitor an Erosion and Sediment 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, Box 8, Elm, PA 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 Berks County Conservation District, PO Box 520, 1238 County Welfare Road, Leesport, PA 19533; telephone 610.372.4657;
19. **Work may not commence until a signed copy of the Acknowledgement of Appraisal of Permit Conditions is received by DEP.** Any work authorized by this permit conducted prior to DEP's receipt of a signed copy of the Acknowledgement of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachments Act and The Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts;

20. SPECIAL CONDITIONS

1. Notice shall be given to the Pottstown Borough Water Authority at least 10 days prior construction, at Pottstown Borough Public Works, 100 E High St, Pottstown, PA 19464; 610-970-6527. This notification shall include expected starting and completion dates for the construction activities. Permittee must notify the Department and the Pottstown Borough Water Authority immediately and no longer than 1 hour after the occurrence at the site which results in the release of suspended solids and turbidity to the stream.
2. The causeway and/or cofferdam must be constructed of rock, free of fines and silts, or other non-erodible material.
3. Water pumped from the construction area shall be diverted into a pumped water filter bag, sediment trap or basin, or into an appropriate vegetated filter area to prevent sediment from being discharged into any waters of the Commonwealth unless a more stringent Best Management Practice method is approved in the Erosion and Sediment control plan.
4. Demolition or excavated materials shall not be deposited in any wetland, watercourse, floodway, floodplain or other body of water without applying for and receiving the written permit of DEP.
5. Project in-stream construction shall take place when the stream is at normal low flow.

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6. The Trib 01775 to Schuylkill River channel shall be in smooth transition between existing and proposed sections of the relocation.
7. The UNT5 to Trib 01780 to Schuylkill River channel shall be in smooth transition between existing and proposed sections of the relocation.
8. Stream relocation construction for Trib 01775 to Schuylkill River and UNT5 to Trib 01780 to Schuylkill River shall occur prior to or concurrently with placement of fill authorized by this permit.
9. All wetlands within the project area shall be accurately field-definable prior to the start of construction activities and up to the time that earth disturbance activities are completed and the site has been stabilized. An acceptable means of field-identification is the use of an orange construction safety fence.
10. The Permittee shall fully implement all avoidance, minimization, mitigation, monitoring, and other measures in accordance with the Biological Opinion and Special Permit, as approved by the PA Fish and Boat Commission on July 8, 2025.
11. The permittee shall schedule an on-site pre-construction meeting with the PADEP prior to the commencement of the approved stream relocation work on Trib 01775 to Schuylkill River and UNT5 to Trib 01780 to Schuylkill River.
12. The stream relocation project of Trib 01775 to Schuylkill River and UNT5 to Trib 01780 to Schuylkill River shall be performed and/or supervised by an environmental professional with documented success in stream restoration projects, and in accordance with the DEP approved plans and application materials. The environmental professional shall be present on site at all times during construction to supervise and monitor. This includes all plantings. The permittee shall notify the DEP Southcentral Regional Office, Dam Safety Waterways and Wetlands Section, of who will perform the oversight/work at least 10 days prior to the commencement of the approved work and at that time shall provide their documentation of success in stream restoration projects. A log of site visits and coordination shall be maintained by the supervising environmental professional demonstrating control and oversight of the construction and plantings and will be provided to the PADEP Southcentral Regional Office, Waterways and Wetlands Section.
13. Within 30 days of completing construction of the stream relocation projects, the permittee shall submit "as-built" plans and color photographs depicting the completed stream relocation projects and the log of site visits and coordination that was maintained by the supervising environmental professional demonstrating control and oversight of the construction, to the DEP Southcentral Regional Office, Waterways and Wetland Section.
14. The Permittee shall monitor the stream relocation project of Trib 01775 to Schuylkill River as well as all riparian plantings for at least 5 years. Reports shall be submitted to PADEP every six months for the first two years after construction and annually for three years thereafter. The reports shall contain information in accordance with the monitoring and maintenance plan included in the application and shall describe the success of the site at the time of inspection, stability of the stream and low flow channel, stability of the streambanks, floodplain stability, surveyed stream and floodplain cross sections of the project reach, a surveyed profile of the relocated stream channel, photographs of the stream, floodplain, and riparian area with plans showing location and orientation of the photographs,

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an inventory of surviving plantings, and a written plan to correct any deficiencies identified during the monitoring.

15. The Permittee shall monitor the stream relocation project of UNT5 to Trib 01780 to Schuylkill River as well as all riparian plantings for at least 5 years. Reports shall be submitted to PADEP every six months for the first two years after construction and annually for three years thereafter. The reports shall contain information in accordance with the monitoring and maintenance plan included in the application and shall describe the success of the site at the time of inspection, stability of the stream and low flow channel, stability of the streambanks, floodplain stability, surveyed stream and floodplain cross sections of the project reach, a surveyed profile of the relocated stream channel, photographs of the stream, floodplain, and riparian area with plans showing location and orientation of the photographs, an inventory of surviving plantings, and a written plan to correct any deficiencies identified during the monitoring.
16. The Permittee shall monitor Wetland 0102241109, Wetland 0102241201, Wetland 0102241139, Wetland 1129231339 (Pond 3), and Wetland 0103240948 for a minimum of five (5) years after construction. During years 1, 3, and 5 of monitoring, the onsite boundaries of Wetland 0102241109, Wetland 0102241201, Wetland 0102241139, Wetland 1129231339 (Pond 3), and Wetland 0103240948 shall be delineated during the growing season and surveyed, unless otherwise requested by PADEP. The boundaries shall be compared to the boundaries identified by the approved Chapter 105 plans. Copies of the monitoring report shall be submitted to PADEP by December 31st each year that a delineation is performed. The monitoring reports shall contain information describing the wetlands at the site at the time of inspection and including, but not limited to, evaluation of hydric soils, hydrology, an inventory of the plant species, percent areal coverage, photographs of the wetlands with plans showing the location and orientation of each of the photographs and a discussion of the visual observations of the flow of water through the wetland. If a reduction in size of the wetland is observed, a written report shall be provided, which will identify the reduction of wetland acreage.
17. The Permittee shall monitor wetland vegetation in Wetland 0102241109, Wetland 0102241201, Wetland 0102241139, Wetland 1129231339 (Pond 3), and Wetland 0103240948 annually for a minimum of five (5) years after construction. The Permittee shall establish vegetative sampling monitoring locations in Wetland 0102241109, Wetland 0102241201, Wetland 0102241139, Wetland 1129231339 (Pond 3), and Wetland 0103240948, and the locations shall be proposed and presented to PADEP for review and approval prior to monitoring. Sampling points will be located near the outer perimeter of the wetlands and be distributed as follows:
 - Wetland 0102241109 - 2 sampling points;
 - Wetland 0102241201 - 1 sampling point;
 - Wetland 0102241139 - 2 sampling points;
 - Wetland 1129231339 (Pond 3) - 3 sampling points;
 - Wetland 0103240948 - 2 sampling pointsSampling events will occur during the growing season and identify the vegetation as prescribed in the Army Corps of Engineers' (ACOE) 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0) or official subsequent versions released by the ACOE thereafter. Reports identifying the results of the monitoring shall be submitted to DEP once yearly after construction for a minimum of five years. The monitoring points shall be located at the same locations throughout the monitoring

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period to ensure the comparison of any change in the resources are as representative and accurate as possible. Any observed reduction in the number of different plant species having a wetland indicator status of OBL or FACW shall be clearly identified in the report and a discussion of the likely cause of the change in wetland vegetation community shall be provided.

18. The DEP will review the monitoring information submitted by the Permittee for Wetland 0102241109, Wetland 0102241201, Wetland 0102241139, Wetland 1129231339 (Pond 3), and Wetland 0103240948 and if the DEP determines that wetlands have been impacted, the Permittee shall submit to the DEP for review and approval a narrative identifying the cause(s) of the impact(s) and plans to correct it within 3 months after DEP has determined that the wetlands have been impacted. If the cause(s) cannot be identified or if correction of the impact is deemed infeasible by the DEP, the Permittee shall submit to the DEP for review and approval, a wetland and/or stream compensation plan, as appropriate, for compensatory mitigation. If permittee responsible mitigation is proposed by the permittee and approved by DEP, construction of the compensatory mitigation project shall begin no later than 1 year after DEP's determination of a wetland and/or watercourse impact, unless an alternate deadline is established in writing by DEP, and shall include a 5-year monitoring plan to be reviewed and approved by DEP.
19. The DEP may require the monitoring period to be extended for Wetland 0102241109, Wetland 0102241201, Wetland 0102241139, Wetland 1129231339 (Pond 3), and Wetland 0103240948 to confirm or disprove potential impacts and/or significant adverse impacts to all Wetland Areas within the property boundary.
20. For the wetland monitoring, the Permittee shall utilize the Army Corps of Engineers' (ACOE) 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0) or official subsequent versions released by the ACOE thereafter.
21. Clearance for the Northern Long-eared Bat and Indiana Bat was provided through the determination keys in IPaC. Based on the project proponent answers, this project will have a seasonal time of year restriction for tree cutting. No tree cutting shall be conducted between April 1 and September 30 (summer occupancy season).
22. Clearance for the Northern Long-eared Bat and Indiana Bat was provided through the determination keys in IPaC. Based on the project proponent answers, this project will have a seasonal time of year restriction for tree cutting. No tree cutting shall be conducted between May 15 and July 31st (pup season).
23. This permit is not to be considered an approval of the structural analysis, the engineering specifications or the construction methods utilized during construction of this stream enclosure.
24. The permittee shall maintain the structure(s) herein authorized free of flood debris and silt deposits. When removal of silt and debris is necessary, it shall be accomplished in accordance with DEP's "Standards for Channel Cleaning at Bridges and Culverts," a copy of which is attached and made part of this permit.

Future bridge and culvert rehabilitation and maintenance work is subject to the following conditions:

- (1) No reduction of span, underclearance or waterway opening of the structure will occur.
- (2) No roadway grade will be altered, other than that required for normal resurfacing.
- (3) No substantial modification of the structure from its original specifications will be permitted.
- (4) When work involves repairs to piers, footers or wingwalls, the construction area should be enclosed wherever possible within a cofferdam of sandbags or other nonpollution material.
- (5) The placement of riprap, where necessary, shall not constrict the normal channel width nor shall it interfere with any navigation on the stream or migration of fish.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Scott R.
Williamson**

Digitally signed by Scott
R. Williamson
Date: 2026.10.02 19:52:18
-04'00'

October 2, 2026

Scott R. Williamson
Program Manager

Issue Date

Commonwealth of Pennsylvania
Department of Environmental Protection
Southcentral Regional Office
Waterways and Wetlands Program

ACKNOWLEDGMENT OF APPRISAL OF PERMIT CONDITIONS

Project Location:

County _____

Township _____

Ladies and Gentlemen:

Acknowledgment is made that I, _____
(permittee name)

and _____
(name, address and telephone of individual responsible for supr. of work)

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

issued to _____ giving its consent to _____
(permittee) (work authorized as stated on permit)

APPROXIMATE WORK START DATE _____

RETURN TO:

Clerical Support
DEP – Waterways & Wetlands Program
Permits Section
Southcentral Regional Office
909 Elmerton Avenue, 2nd Floor
Harrisburg, PA 17110

(permittee signature)

(date)

(signature of individual responsible
for supervision of work)

(date)

Commonwealth of Pennsylvania
Department of Environmental Protection
Southcentral Regional Office
Waterways and Wetlands Program

**WATER OBSTRUCTION & ENCROACHMENT PERMIT
COMPLETION REPORT**

Project Location:

County _____

Township _____

Ladies and Gentlemen:

I (We) hereby certify that the _____
(work authorized by permit)

was completed on _____, in accordance with the plans approved and that all
unauthorized obstruction have been removed.

Name: _____
(typed or printed)

Signature: _____

Title: _____

Firm: _____

Date: _____

RETURN TO:

Clerical Support
DEP – Waterways & Wetlands Program
Permits Section
Southcentral Regional Office
909 Elmerton Avenue, 2nd Floor
Harrisburg, PA 17110

(permittee signature)

(date)

(signature of individual responsible
for supervision of work)

(date)