

MEMORANDUM FOR RECORD

SUBJECT: Pre-Application Site Visit, NAP-2013-00623-101, New Hope Crushed Stone BU

1. **Site Location:** 40.379058, -74.978533; 6970 Phillips Mill Road, New Hope, Bucks County, Pennsylvania 18938.

2. **Discussion Items:**

- a. **Project Background:** Mining operations on-site have occurred since approximately the 1930s. New Hope Crushed Stone, a mining entity, is the most current operator of the site. Prior to the late 1990s, Primrose Creek flowed through the quarry pit, but mining operations and the karst geology that underlays the site led to subsurface conveyance of hydrology upstream and downstream of the pit. New Hope Crushed Stone relinquished the site to Pennsylvania Department of Environmental Protection's (PADEP) Bureau of District Mining Operations, Pottsville District Mining Office (the "DMO"). The DMO has assumed responsibility of completing reclamation at the site. Part of this reclamation comprises the establishment of a new streambed of Primrose Creek to exit the quarry pit with surface flow. The DMO currently ensures surface conveyance of hydrology to the downstream portion of Primrose Creek by pumping water from the quarry at an approximate cost of \$30,000 per month.

Moreover, the downstream boundary of the quarry pit includes a fill material berm of finely crushed stone, which is susceptible to erosion. The water levels in the quarry pit continue to rise, and the DMO advises that the berm may begin to act as an impoundment. Given that the berm was never intended to act as a dam, and given its predisposition to erosion, the DMO's concern is that the elevated, impounded water within the pit will eventually pose a risk to human life, property, and the aquatic environment should the berm erode/fail.

Therefore, the proposed reclamation work to re-establish a new streambed of Primrose Creek exiting the quarry pit shall accomplish the following:

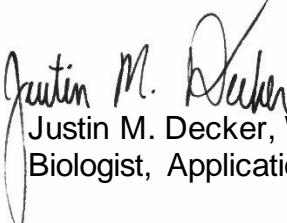
- Ecological uplift through establishing hydrologic conveyance more akin to pre-mining activities;
- Cost savings by obviating the need to operate water pumps; and
- Safeguarding human life, property, and the aquatic environment by preventing the impoundment of water within the quarry pit.

The DMO contacted the Philadelphia District's Pocono Area Field Office on 5 April 2023 to discuss the proposed work and inquire about any form of Department of the Army

(DA) authorization that such a project may require. After reviewing information and preliminary project plans the DMO provided, the undersigned advised that the work may require DA authorization and requested a site visit to understand the project better and to provide better guidance to the DMO.

- b. **Site Visit Narrative:** The on-site visit took place 24 April 2023. Mr. Richard Tallman, PE, of the DMO met with the undersigned. The undersigned observed the quarry pit, the proposed location for streambed re-establishment, the quarry pump outfall, and the portion of Primrose Creek conterminous to the downstream end of the pit. Rip rap fill was present within a part of this reach of Primrose Creek (less than 100 linear feet filled as recently as January 2023); however, the work occurred in January and in accordance with the permit venue in the proceeding section. The undersigned also observed gully erosion of the berm along the quarry's downstream end associated with a recent pump failure. Other than these two discrepancies, the site appeared as the preliminary project plans depicted.
- c. **Corps Permit Venue:** Considering the preliminary project plans and the 24 April site visit, the undersigned has determined that **the proposed work is eligible for coverage under the Pennsylvania State Programmatic General Permit-6 (PASPGP-6) as a non-reporting activity in accordance with Part III.D.20.b, activities waived at 25 PA Code § 105.12(a)(16) – Waiver 16 – Restoration Activities**. The Corps generally does not have geographic jurisdiction within pits excavated in dry land for the purpose of obtaining fill, sand, or gravel (in this case the quarry pit). Any work proposed within the quarry pit for the establishment of a new streambed is *de minimis*, and the PASPGP-6 has no impact threshold for such a surface water feature. Excavation of the new streambed does not fall under the Corps' geographic- and activity-based jurisdiction. Work within Primrose Creek proper, including the proposed placement of a sandbag cofferdam and rip rap fill, does fall under the Corps' regulatory purview. PASPGP-6 authorizes all work proposed to accomplish the reclamation activity. PASPGP-6 verification for this reclamation activity does not require any form of a Corps jurisdictional determination. Given that the proposed work requires permanent impacts of no more than 500 linear feet of streambed, the work qualifies as a non-reporting activity that the Pottsville DMO can verify without further Corps review. Should the scope of the proposed work change, such as exceedance of the reporting thresholds, the project may warrant Corps review.

PHOTOS & GRAPHIC LOG FOLLOW ON THE NEXT PAGES.



Justin M. Decker, WPIT
Biologist, Application Section II

PHOTO/GRAPHIC LOG

Photo 1

SW 240 W 270 NW 300 330 N 0 NE 30

☀ 316°NW (T) ● 40°22'41"N, 74°58'32"W ±9ft ▲ 70ft



24 Apr 2023, 11:18:56

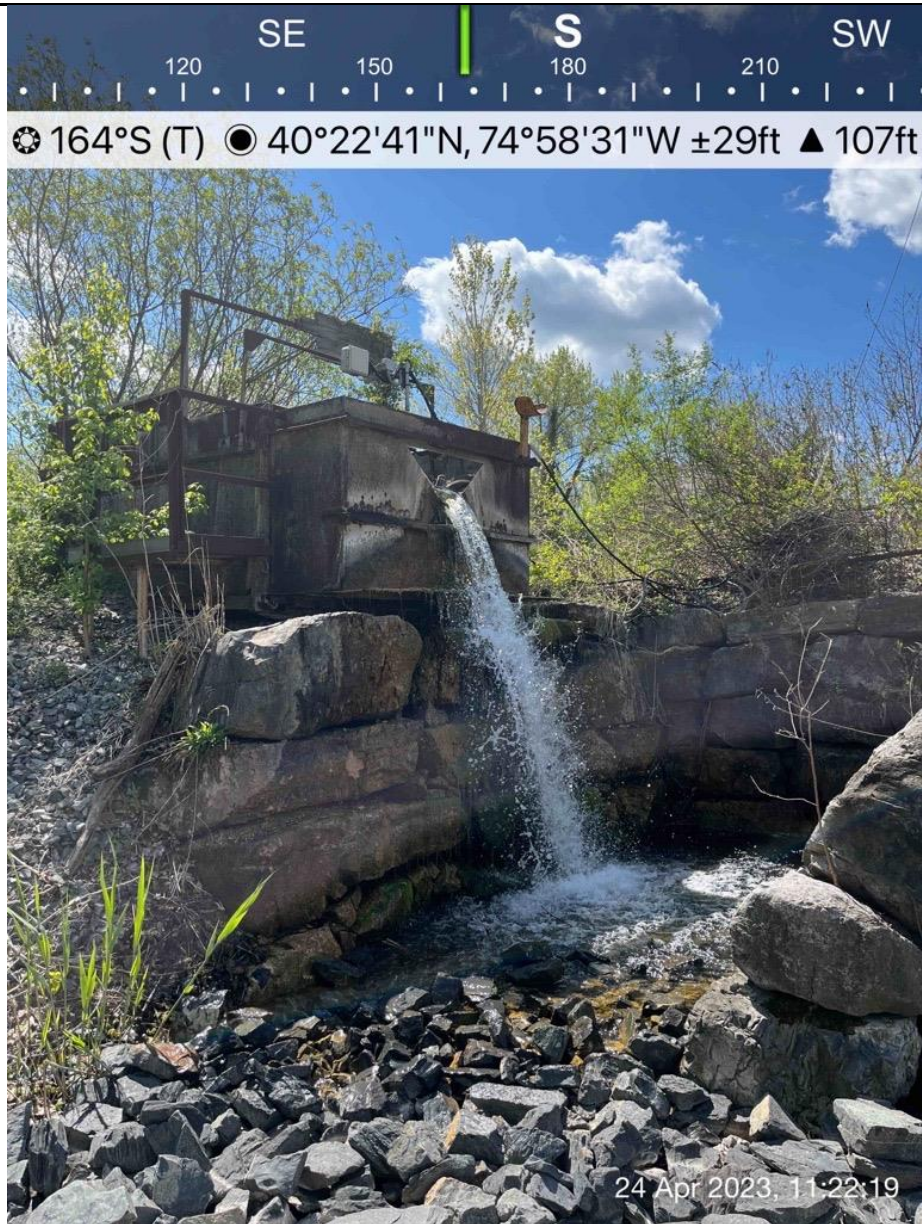
Description: The approximate location of the streambed re-establishment. The quarry pit is in the background. The foreground comprises the crushed stone berm. Gully erosion from a pump failure present.

Photo 2



Description: The downstream-most reach of Primrose Creek proper conterminous to the project site. Rip rap fills the channel for a length of streambed less than 100 linear feet.

Photo 3



Description: The pump conveying hydrology to the downstream reach of Primrose Creek.

PHOTO LOCATION GRAPHIC

