



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 11/20/2020

ORM Number: NAP-2020-00765-95

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Pennsylvania City: Philadelphia

County/Parish/Borough: Philadelphia

Center Coordinates of Review Area: Latitude 39.909722°N Longitude -75.201389°W

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- ☒ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
Schuylkill River	8.09 acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	The Schuylkill River is a navigable water of the United States subject to the ebb and flow of the tide as per Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
Schuylkill River	8.09 acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	The Schuylkill River is subject to Section 404 of the Clean Water Act up to the high tide line, thus meeting the definition of an (a)(1) waterway under the 22 June 2020 Navigable Waters Protection Rule.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	

Feature A	1.82	acres(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Feature A on the enclosed drawing E-1 was field-determined by USACE on 20 November 2020 to be a stormwater detention/retention basin which conveys and stores stormwater runoff.
Feature B	1.38	acres(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Feature B on the enclosed drawing E-1 was field-determined by USACE on 20 November 2020 to be a stormwater detention/retention basin which conveys and stores stormwater runoff.
Feature C	41.66	acre(s)	(b)(10) Stormwater	Feature C on the enclosed drawing E-1 was field-determined by USACE on 20 November

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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control feature  
constructed or  
excavated in  
upland or in a  
non-jurisdictional  
water to convey,  
treat, infiltrate, or  
store stormwater  
runoff.

2020 to be a stormwater detention/retention  
basin which conveys and stores stormwater  
runoff.

### III. SUPPORTING INFORMATION

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: [Drawing E-1, entitled "Overall US Army Corps of Engineers Jurisdictional Determination Plan", prepared by Dynamic Engineering, dated 07 July 2020, and last revised by USACE on 01 December 2020; and data sheets prepared on 28 August 2020.](#)

This information [is](#) sufficient for purposes of this AJD.

Rationale: [N/A](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

☒ Photographs: [Aerial and Other: Site Photos dated 28 August 2020 and 20 November 2020.](#)

☒ Corps site visit(s) conducted on: [20 November 2020 by Robert Youhas, Biologist, CENAP-Regulatory Branch, Applications Section II.](#)

☐ Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [NRCS Soil Survey Geographic Database \(SSURGO\), Philadelphia, PA.](#)

☐ USFWS NWI maps: [N/A](#)

☒ USGS topographic maps: [Camden, NJ-PA Quadrangle.](#)

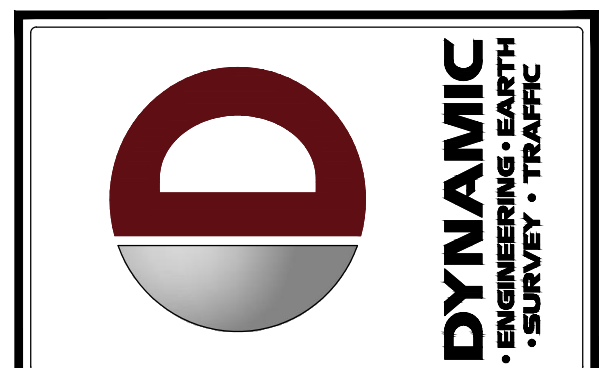
#### Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [N/A.](#)

**C. Additional comments to support AJD:** [N/A.](#)





1. THIS PLAN HAS BEEN PREPARED BASED ON REFERENCES INCLUDING

1. THIS PLAN HAS BEEN PREPARED BASED ON REFERENCES INCLUDING:
  - ALAN/PAULS AND TITLE SURVEY
  - CALIAS SURVEYING GROUP
  - 2865 US ROUTE 1
  - NORTH BRUNSWICK, NJ 08902
2. APPLICANT: PHILADELPHIA ENERGY SOLUTIONS REFINING-MARKETING LLC  
C/O HICO PHILADELPHIA HOLDINGS, LLC  
111 S. WACKER DRIVE  
CHICAGO, IL 60606
3. OWNER: PHILADELPHIA ENERGY SOLUTIONS REFINING-MARKETING LLC  
C/O HICO PHILADELPHIA HOLDINGS, LLC  
111 S. WACKER DRIVE  
CHICAGO, IL 60606
4. PARCEL DATA:  
PARCELS 88-4097046, 88-4097048, 88-4097050, 88-4097051, 88-4097052, 88-4097057, 88-4097059, 88-4097056, 88-4097064, PORTION OF 88-4097200, 88-4274115  
CITY OF PHILADELPHIA  
PHILADELPHIA COUNTY, COMMONWEALTH OF PENNSYLVANIA
5. THIS PLAN IS FOR THE PURPOSES OF OBTAINING AN ARMY CORP OF ENGINEERS JURISDICTION LETTER.

REFERS TO NAVD 1988 AS FOLLOWS:

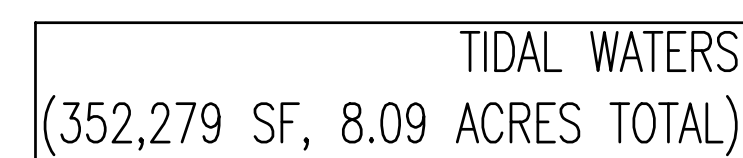
REFERS TO NAWD 1988 AS FOLLOWS:	
MEAN HIGH WATER	3.2'
NAWD 1988	0.0'

PROPERTY LINE

MAN-MADE STORMWATER BASIN

HIGH WATER LINE (ELEV. 3.5)

HIGH TIDE LINE (ELEV. 3.58)




GRAPHIC SCALE

( IN FEET )  
1 INCH = 500 FT.

THIS PLAN SET IS FOR PERMITTING PURPOSES  
ONLY AND MAY NOT BE USED FOR CONSTRUCTION

DESIGNED BY:	CHECKED BY:
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**PROJECT:** PHILADELPHIA ENERGY SOLUTIONS REFINING-MARKETING LLC,  
C/O HILCO PHILADELPHIA HOLDINGS, LLC  
 **Hilco** PHILADELPHIA ENERGY SOLUTIONS - SITE REDEVELOPMENT  
PARCELS 88-4097046, 88-4097066, 88-4096503, 88-4096507,  
88-4096509, 88-4096506, 88-4096504, PORTION OF 88-4097200, 88-4214115  
CITY OF PHILADELPHIA, PHILADELPHIA COUNTY, PENNSYLVANIA

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CHRISTOPHER R. CRANE

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PROFESSIONAL ENGINEER  
PENNSYLVANIA LICENSE No. 081078

TITLE:  
OVERALL US ARMY CORPS  
OF ENGINEERS JURISDICTIONAL  
DETERMINATION PLAN

SCALE: (H) 1"=500' (V)	DATE: 07/07/2020
PROJECT No: 2715-99-003	

SHEET No: **1**