



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT
1650 ARCH STREET
PHILADELPHIA, PENNSYLVANIA 19103-2004

CENAP-OPR

24 April 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (8 September 2023) ,¹ 2025-00030-105 8800 Tinicum Blvd PH.²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule"). On September 8, 2023, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) ("*Sackett*").

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the 2023 Rule as amended,

¹ While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).
 - i. VP-1 (bound by flags F1 through F24), non-jurisdictional.
 - ii. Existing Stormwater Basin, non-jurisdictional.

2. REFERENCES.

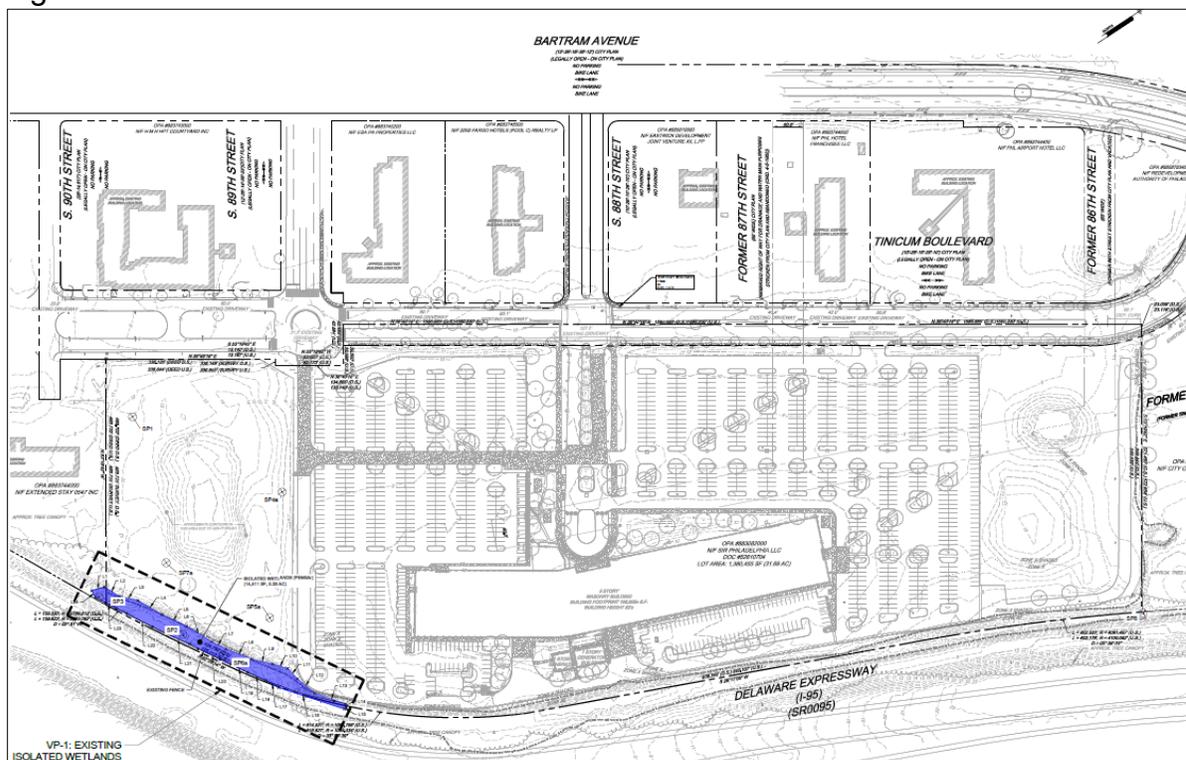
- a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")
- b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023)
- c. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The review area is inclusive of the property located at 8800 Tinicum Boulevard, City of Philadelphia, Philadelphia County Pennsylvania. The review area encompasses the parcel identified from the Office of Property Assessments number 883082000 totaling 31.69 acres. The review area is comprised of commercial building, parking lot, successional scrub shrub habitat, and maintained herbaceous habitat.

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Figure 1. Review Area for 8800 Tincum Blvd



4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The nearest TNW is Darby Creek, however, according to United States Geological Survey (USGS) the property resides within the City of Philadelphia – Schuylkill River watershed (HUC 12 020402031008).⁶
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. The identified aquatic resources on site are isolated features and do not have a continuous surface connection to a 33 CFR Section 328.3 (a)(1) to (a)(3) water.

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) 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.

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6. SECTION 10 JURISDICTIONAL WATERS⁷: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁸ N/A

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
 - a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A
 - b. The Territorial Seas (a)(1)(ii): N/A
 - c. Interstate Waters (a)(1)(iii): N/A
 - d. Impoundments (a)(2): N/A
 - e. Tributaries (a)(3): N/A
 - f. Adjacent Wetlands (a)(4): N/A
 - g. Additional Waters (a)(5): N/A

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

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8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁹
- b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).
 - i) The existing, isolated, storm water basin is located at the northern portion of the parcel within a maintained upland field, which is dominated by non-hydrophytic vegetation, mostly bristle grass (*Setaria* sp.). Water from the basin enters the onsite underground stormwater management system. The existing stormwater basin does not meet the definition of Waters of the United States under 33 CFR 328.3.
 - ii) VP-1 (approximately 0.33-acres) is a depressional, palustrine emergent wetland that is dominated by common reed (*Phragmites australis*). Water from precipitation and runoff accumulates in the depression that is formed between the toe of two fill slopes. The feature is isolated with upland habitat both upslope and downslope. The valley created by the two fill slopes continues along the exit ramp for I-95 before it terminates in uplands, northeast of the intersection at Bartram Avenue and Interstate 95’s exit ramp 12B. VP-1 does not meet the definition of Waters of the United States under 33 CFR 328.3.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

- a. USACE Site Visit. February 10, 2025.

⁹ 88 FR 3004 (January 18, 2023)

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- b. Mott MacDonald. Wetland Delineation Report and appendices titled “8800 Tinicum Blvd Wetland Delineation Identification of Potentially Regulated Areas”; dated December 2024.
- c. Pennoni Associates Inc. Site Plan titled “Preliminary Jurisdictional Determination Map” CS3001, Sheet 1 of 2; dated July 31, 2024.
- d. Pennoni Associates Inc. Site Plan titled “Proposed Impact Map” CS3002, Sheet 2 of 2; dated July 31, 2024.
- e. USGS. 2024. The National Map Viewer. Available at: <https://apps.nationalmap.gov/viewer/>. Accessed March 6, 2025.

10. OTHER SUPPORTING INFORMATION. N/A

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR’s structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
 DISCREPANCIES BEFORE PROCEEDING WITH WORK

GENERAL NOTES:
 SITE ADDRESS:
 8800 TINICUM BOULEVARD
 PHILADELPHIA, PA 19153
 OWNER/APPLICANT:
 SIR PHILADELPHIA LLC
 C/O THE RMR GROUP LLC
 255 WASHINGTON STREET, SUITE 300
 NEWTON, MA 02458
 ENGINEER:
 PENNONI ASSOCIATES INC.
 1900 MARKET STREET, SUITE 300
 PHILADELPHIA, PA 19103
 ELIZABETH K. NORTON, PE
 (215) 254-1791

PRELIMINARY JURISDICTIONAL DETERMINATION MAP
 8800 TINICUM BOULEVARD
 PHILADELPHIA, PA 19153
 THE RMR GROUP
 255 WASHINGTON STREET, SUITE 300
 NEWTON, MA 02458

REVISIONS

NO.	DATE	BY

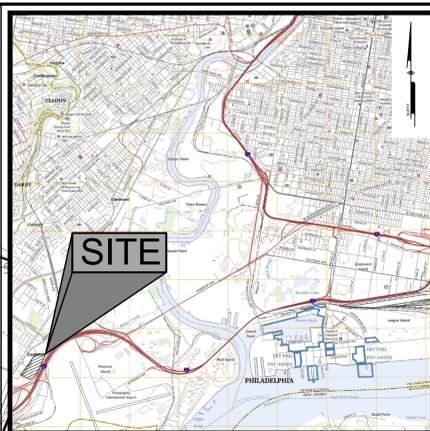
PROJECT: RMRGR22001
 DATE: 2024-07-31
 DRAWING SCALE: AS NOTED
 DRAWN BY: KJD
 APPROVED BY: EKN
 CS3001

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES INC. ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED TO BE REPRODUCED OR TO BE SUITABLE FOR REUSE BY OTHERS OR OTHERS TO THE EXTENT OF THE PROJECT. CLAIMS OR OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ASSUMPTION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS RISK AND WITHOUT LIABILITY ON LOCAL EXPOSURE TO PENNONI ASSOCIATES AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PA ACT 287 OF 1974 REQUIRES THREE WORKING DAYS NOTICE TO UTILITIES BEFORE YOU EXCAVATE, DRILL OR BLAST PENNSYLVANIA ONE-CALL SYSTEM, INC. SERIAL NUMBER(S): 20240160381

CALL BEFORE YOU DIG
 BEFORE YOU DIG ANYWHERE IN PENNSYLVANIA
CALL 1-800-242-1776
 PA ACT 287 OF 1974 REQUIRES THREE WORKING DAYS NOTICE TO UTILITIES BEFORE YOU EXCAVATE, DRILL OR BLAST PENNSYLVANIA ONE-CALL SYSTEM, INC. SERIAL NUMBER(S): 20240160381

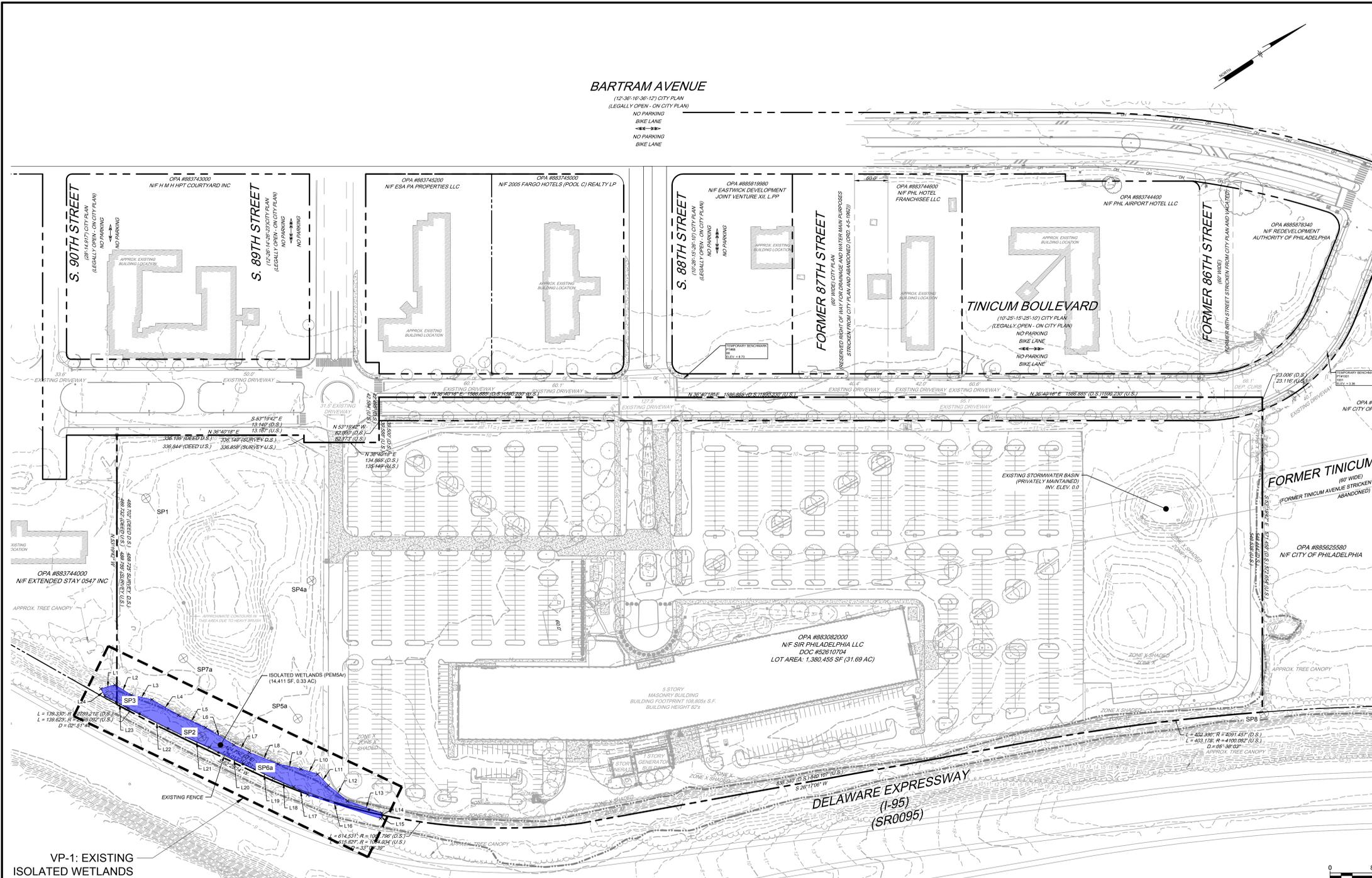
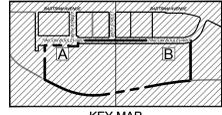
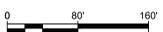
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PSD ZONING TRACKING NUMBER: SR-2024-024856
PSD BUILDING TRACKING NUMBER: SR-2024-026604
PWD TRACKING NUMBER: FY24-TINI-7693-01
DEP NPDES TRACKING NUMBER: PAC510352



USGS MAP
 Scale: 1" = 2000'

LEGEND

- EXISTING PROPERTY LINE
- EXISTING RIGHT-OF-WAY LINE
- EXISTING EASEMENT LINE
- EXISTING PROPERTY SETBACK
- 100 YEAR FLOODPLAIN
- 500 YEAR FLOODPLAIN
- EXISTING BUILDING
- EXISTING CURB
- EXISTING CONCRETE PAVEMENT
- EXISTING ASPHALT
- EXISTING EDGE OF PAVEMENT GRAVEL
- EXISTING TRAFFIC MARKING
- EXISTING FENCE
- EXISTING TREE
- EXISTING TREE LINE
- EXISTING SOIL BOUNDARY
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING SPOT ELEVATION
- EXISTING SIGN
- EXISTING BOLLARD
- EXISTING UTILITY POLE
- EXISTING PEDESTRIAN/STREET LIGHT
- EXISTING FLAG POLE
- EXISTING LIGHT POLE
- EXISTING UTILITY STRUCTURES
- SOIL DATA POINT
- EXISTING ISOLATED WETLANDS



VP-1: EXISTING ISOLATED WETLANDS

SOIL DATA POINTS

POINT	LATITUDE	LONGITUDE
SP1	39.8845	-75.2480
SP2	39.8841	-75.2466
SP3	39.8838	-75.2470
SP4a	39.8850	-75.2469
SP5a	39.8845	-75.2462
SP6a	39.8842	-75.2462
SP7a	39.8842	-75.2470
SP8	39.8885	-75.2427

NOTE: THE HORIZONTAL DATUM FOR THE PLANIMETRIC FEATURES AND COORDINATE VALUES INDICATED ON THIS PLAN REFERENCE THE "PENNSYLVANIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE AS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83).

FLOOD ELEVATIONS	
BASE FLOOD ELEVATION (NGVD29)	10'
**CONVERSION FACTOR (NGVD29 TO CITY DATUM)	5.62'
BASE FLOOD ELEVATION (CITY DATUM)	4.38'
**REGULATORY FLOOD ELEVATION (CITY DATUM)	5.88'

**THE CONVERSION FACTOR FOR THE SITE WAS DETERMINED BY THE SURVEYOR TO BE IN LINE WITH THE PH. INT. 80% CONVERSION FACTOR OF 5.62 ON THE CITY OF PHILADELPHIA'S FLOODPLAIN CONVERSION MAP. THIS CONVERSION FACTOR WAS PRESENTED TO AND ACKNOWLEDGED BY L&I AT THE FLOODPLAIN SCOPING MEETING HELD ON MARCH 28, 2024.

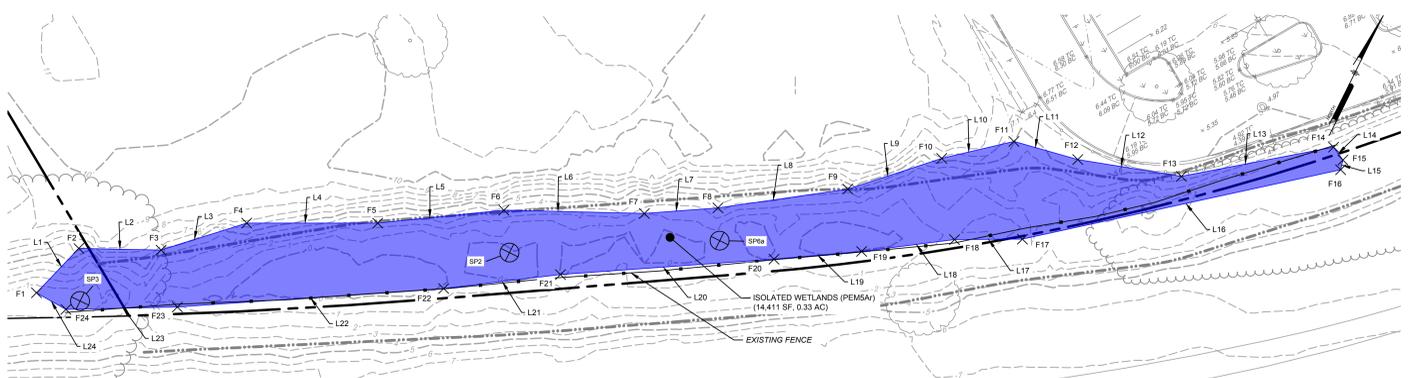
**18" ABOVE BASE FLOOD ELEVATION

WETLAND DATA POINTS

LINE	DISTANCE (FT)	BEARING
L1	26.18	N 17°10'14" E
L2	34.92	N 64°59'13" E
L3	38.14	N 46°10'19" E
L4	55.63	N 63°50'15" E
L5	53.83	N 57°53'43" E
L6	59.66	N 65°09'10" E
L7	31.31	N 59°29'30" E
L8	55.73	N 55°30'33" E
L9	41.99	N 45°31'09" E
L10	31.50	N 50°32'35" E
L11	28.15	N 79°47'34" E
L12	44.59	N 73°04'58" E
L13	65.80	N 52°51'34" E
L14	6.79	S 61°58'37" E
L15	4.28	S 12°58'40" E
L16	138.29	S 51°24'18" W
L17	28.84	S 63°23'39" W
L18	39.74	S 56°28'18" W
L19	37.36	S 58°43'40" W
L20	90.89	S 59°38'55" W
L21	49.92	S 56°55'55" W
L22	113.32	S 59°48'32" W
L23	47.31	S 62°35'03" W
L24	14.39	N 86°38'11" W

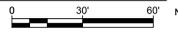
FLAG DATA POINTS

FLAG	LATITUDE	LONGITUDE
F1	39.8838	-75.2471
F2	39.8839	-75.2471
F3	39.8839	-75.2470
F4	39.8840	-75.2469
F5	39.8841	-75.2467
F6	39.8841	-75.2465
F7	39.8842	-75.2463
F8	39.8842	-75.2462
F9	39.8843	-75.2461
F10	39.8844	-75.2459
F11	39.8844	-75.2459
F12	39.8845	-75.2458
F13	39.8845	-75.2456
F14	39.8846	-75.2454
F15	39.8846	-75.2454
F16	39.8846	-75.2454
F17	39.8843	-75.2458
F18	39.8843	-75.2459
F19	39.8843	-75.2480
F20	39.8842	-75.2461
F21	39.8841	-75.2464
F22	39.8840	-75.2465
F23	39.8839	-75.2469
F24	39.8838	-75.2470



VP-1: EXISTING ISOLATED WETLANDS

SCALE: 1" = 30'



ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
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 ELIZABETH K. NORTON, PE
 (215) 254-1791

8800 TINCUM BOULEVARD
 8800 TINCUM BOULEVARD
 PHILADELPHIA, PA 19153
PROPOSED IMPACT MAP
 THE RMR GROUP
 255 WASHINGTON STREET, SUITE 300
 NEWTON, MA 02458

REVISIONS

NO.	DATE	BY

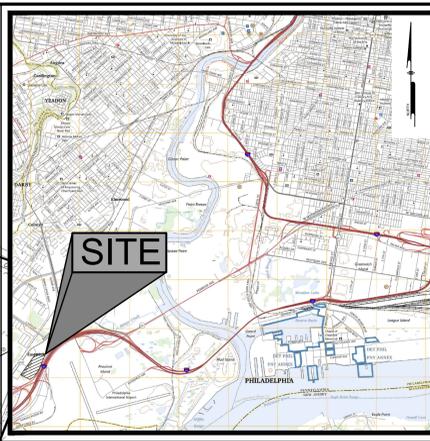
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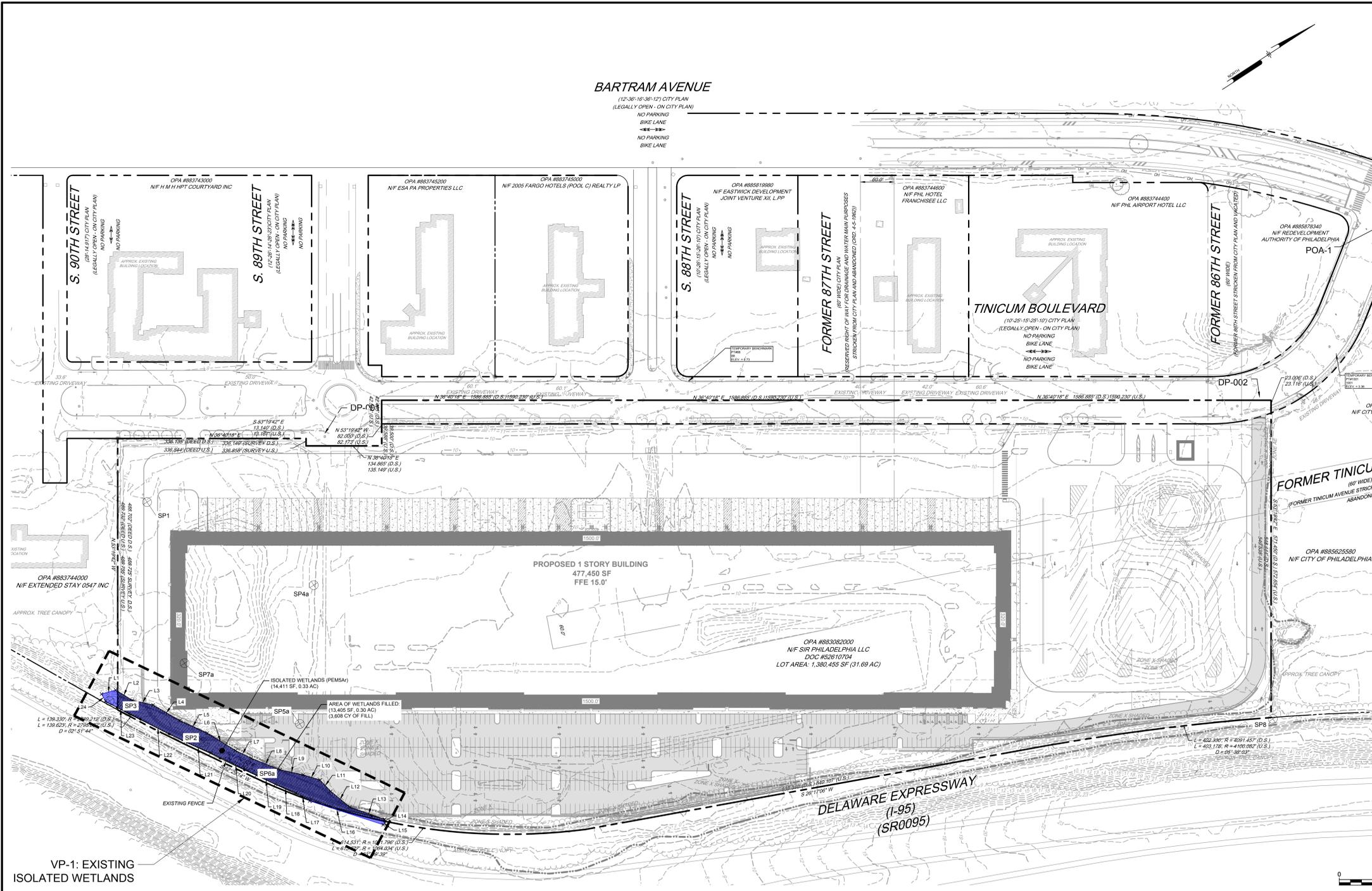
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 DRAWING SCALE: AS NOTED
 DRAWN BY: KJD
 APPROVED BY: EKN

ZONING TRACKING NUMBER: ZP-2024-007098
PSD ZONING TRACKING NUMBER: SR-2024-024856
PSD BUILDING TRACKING NUMBER: SR-2024-026604
PWD TRACKING NUMBER: FY24-TINI-7693-01
DEP NPDES TRACKING NUMBER: PAC510352

CS3002
 SHEET 2 OF 2



USGS MAP
 Scale: 1" = 2000'



SOIL DATA POINTS

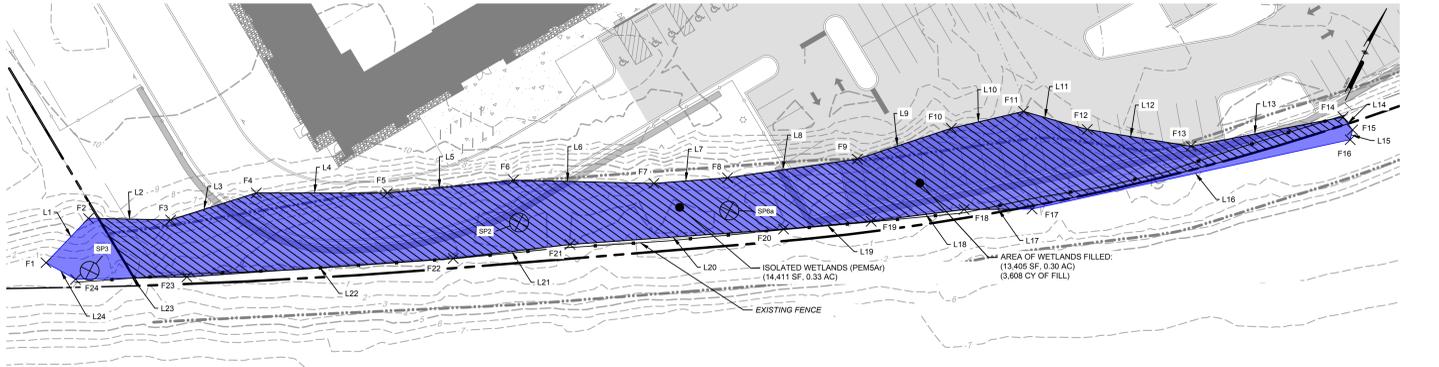
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F11	39.8844	-75.2459
F12	39.8845	-75.2458
F13	39.8845	-75.2456
F14	39.8846	-75.2454
F15	39.8846	-75.2454
F16	39.8846	-75.2454
F17	39.8843	-75.2458
F18	39.8843	-75.2459
F19	39.8843	-75.2480
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VP-1 : EXISTING ISOLATED WETLANDS
 SCALE: 1" = 30'

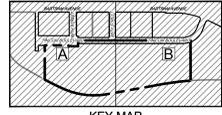
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FLOOD ELEVATIONS	
BASE FLOOD ELEVATION (VGD029)	10'
*CONVERSION FACTOR (VGD029 TO CITY DATUM)	5.62'
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**REGULATORY FLOOD ELEVATION (CITY DATUM)	5.88'

*THE CONVERSION FACTOR FOR THE SITE WAS DETERMINED BY THE SURVEYOR TO BE IN LINE WITH THE PH. INT. APT. CONVERSION FACTOR OF 5.62' ON THE CITY OF PHILADELPHIA'S FLOODPLAIN CONVERSION MAP. THIS CONVERSION FACTOR WAS PRESENTED TO AND ACKNOWLEDGED BY L&I AT THE FLOODPLAIN SCOPING MEETING HELD ON MARCH 28, 2024.
 **18" ABOVE BASE FLOOD ELEVATION



CALL BEFORE YOU DIG
 BEFORE YOU DIG ANYWHERE IN PENNSYLVANIA
CALL 1-800-242-1776
 PA ACT 287 OF 1974 REQUIRES THREE WORKING DAYS
 NOTICE TO UTILITIES BEFORE YOU EXCAVATE, DRILL OR
 BLAST PENNSYLVANIA ONE-CALL SYSTEM, INC.
 SERIAL NUMBER(S): 20240160361



ZONING TRACKING NUMBER: ZP-2024-007098
PSD ZONING TRACKING NUMBER: SR-2024-024856
PSD BUILDING TRACKING NUMBER: SR-2024-026604
PWD TRACKING NUMBER: FY24-TINI-7693-01
DEP NPDES TRACKING NUMBER: PAC510352