VIRGINIA RAILWAY EXPRESS

ADDENDUM OF SOLICITATION

INVITATION FOR BID (IFB)

ADDENDUM #1

Issued: September 20, 2019

IFB No.: 020-003   Title: Benchmark Road Slope Stabilization

Contact: Ramon Paez    Email: rpaez@vre.org    Telephone/Fax: (703) 838-5447

This addendum is hereby incorporated into the solicitation documents of the above referenced IFB. The following items are clarifications, corrections, additions, deletions and/or revisions to the IFB, which shall take precedence over the original documents. **Bold and Italic** indicates additions while deletions are indicated by **strikethrough**. Bidders must acknowledge receipt of this addendum by returning a signed original with your Bid.

DESCRIPTION OF ADDENDUM

The above numbered solicitation is amended as follows:

1. **REVISIONS TO TECHNICAL SPECIFICATIONS (ATTACHMENT A)**

   Replace Existing Specification Section 31.25.05, with the updated Specification Section 31.25.05 noted Addendum #1 dated 9/20/19.

2. **REVISIONS TO DRAWINGS / PLANS (ATTACHMENT B)**

   Replace Existing Sheet TC-001, with new Sheet TC-001 noted Addendum #1 dated 9/20/19.

3. **LIST OF ADDENDUM #1 DOCUMENTS (IN PDF FORMAT)**

   A. The following Drawing noted Addendum #1, dated 9/20/19 is reissued with this Addendum:
      - TC-001
B. The following Specification noted Addendum #1, dated 9/20/19 is reissued with this Addendum:

- Section 31 25 05- Storm Water Pollution Prevention Plan

4. REVISIONS TO INSTRUCTION TO BIDDERS

A. Note the following revision to Provision 34, Submission of Financial Statements, Paragraph A:

   A. **Within two (2) business days after notification from VRE, the apparent low bidder** shall submit one (1) CD/DVD or USB memory device, containing one (1) continuous electronic copy of the financial statements in PDF format, separate from the Bid CD/DVD or USB memory device. The electronic copy shall be labeled appropriately with the IFB number and title, company’s name and date. A hard copy is not required. *Due to the sensitive nature of the financial statements, the CD/DVD or USB memory device may be enclosed in a separate envelope addressed to VRE’s Chief Financial Officer and included in the Bid package. The financial information will remain confidential and be discarded upon completion of the financial analysis.*

B. Note the following revision to Provision 44, Electronic Copy:

Bidders shall submit two (2) CD/DVD or USB memory devices, containing one (1) continuous electronic copy of the Bid package in PDF format. **Additionally, Bidders shall submit one (1) CD/DVD or USB memory device, containing one (1) continuous electronic copy of the financial statements in PDF format, separate from the Technical Proposal CD/DVD or USB memory device. Each electronic copy shall be labeled appropriately with the IFB number and title, Bidder’s name and date.**

5. ADDITION OF SPECIAL PROVISIONS

Note the following Special Provision has been issued with this Addendum:

   Section IV. – Special Provisions, Subsection 1, Protection of Petroleum Pipeline
6. **REVISIONS TO GENERAL CONDITIONS FOR CONSTRUCTION**

   Note the following revision to Provision 24, Contractor Hours of Operation, Paragraph A:

   A. The Contractor shall confine work to the areas specified and not unreasonably impact the site with materials or equipment. The Contractor shall perform all work between the hours of **7:00 A.M. and 5:00 P.M. EST, Monday through Friday** (except Federal holidays) and nights and weekends as authorized in advance, in writing, by VRE or stipulated otherwise on the drawings or specifications. **The VDOT LUP Special Provisions limit Authorized Hours and Days of Work to 9:00am to 3:30 pm Monday through Friday for all highways classified as arterial or collector. The Contractor may seek waiver of these conditions requiring VDOT, Spotsylvania County, VRE and CSXT approval.**

7. **REVISIONS TO SECTION IX. – ATTACHMENTS**

   The following Attachments are issued with this Addendum:

   - **ATTACHMENT J:** VDOT Land Use Permit Special Provisions
   - **ATTACHMENT K:** 401 Clean Water Certification (Virginia Water Protection General Permit Authorization No. WP3-13-0682)
   - **ATTACHMENT L:** Transportation Management Plan

8. Except as specifically amended herein, all other terms and conditions of this solicitation remain unchanged and in full force and effect.

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**Bidders must** acknowledge receipt of this Addendum by returning a signed original with the Bid package prior to the hour and date specified in the solicitation. Failure to acknowledge receipt of this Addendum may be grounds to declare your Bid non-responsive.

Company______________________________

Address ____________________________________________________________

City ____________________________ State __________________________ Zip Code __________

Name of Person Authorized to Sign __________________________________________

Print

Signature __________________________ Date __________________________

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Addendum #1
SECTION 31 25 05

Storm Water Pollution Prevention Plan

Addendum No. 1

September 20, 2019

PART 1 GENERAL

1.0 DESCRIPTION

The Storm Water Pollution Prevention Plan (SWPP), CSX Transportation Erosion and Sediment Control (ESC) Plan, Storm Water Management (SWM) Plan and related VDOT Road and Bridge Specifications and Standards contained within the contract documents, are required for all land-disturbing activity of 10,000 square feet or greater (2,500 square feet or greater in Tidewater Virginia).

In addition, land-disturbing activity does not exceed 1 acre, therefore a VPDES Construction Permit is not required. The Contractor shall apply for and obtain the VPDES Construction Permit.

The Contractor and/or Subcontractor shall be responsible for reading, understanding, and complying with the terms and conditions of the SWPP Plan as follows (where identified below, Subcontractor(s) shall comply with this special provision as their duties include ESC/SWM related contract items):

1.1 Site Description

The project consists of the repair of eroded areas of the railroad embankment along Benchmark Road for a maximum distance of 1680 feet.

Total land area of the site is approximately $2.8 \times 1.1$ acres. Total area disturbed by excavation and grading is approximately $2.6 \times 0.3$ acres. Runoff coefficient of existing railroad track area is assumed to be 0.30 and of vegetated areas is 0.15. Runoff coefficients at project completion are approximately equivalent to pre-disturbance conditions.

Contractor operations will generate potential sources of pollution which may include but are not limited to storage area for materials, temporary storage of construction debris and salvaged materials, vehicle fueling area and temporary sanitary waste facilities.

Runoff from the construction site will be received by Massaponax Creek and the Rappahannock River.

Plans and drawings contain the following information:

A. Drainage patterns and cross-sections
B. Limits of construction activity
C. Seeding plans
D. Erosion control plans and details
E. Location of surface waters and wetland areas

PART 2 CONTROLS

2.0 CONTROLS

Erosion & Sediment Control shall be in accordance with CSX Transportation Erosion and Sediment Control Plan, VDOT Road and Bridge Specifications, 2016 and the plans.

If sediment escapes the construction site, offsite accumulations of sediment must be removed to minimize offsite impacts. Litter, construction debris and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for storm water discharges by removing potential pollutants, by dikes or barriers or by other approved methods.

Interim stabilization practices shall include silt fence and erosion control mulch as shown on the Plans and covered in the Specifications. Permanent stabilization practices shall include riprap cover, seeding and establishment of vegetation as shown on the Plans and covered in the Specifications.

Sanitary facilities (including portable toilets) shall meet all requirements of the State and local Board of Health and shall be located and maintained to avoid any discharge into the adjacent waterways. Storage areas for construction materials, construction debris and salvaged materials shall be located as shown on the plans. Measures (such as filter fence, dikes, geotextiles, etc.) to prevent pollutants from entering waterways shall be installed where appropriate. Vehicle fueling areas shall be located with appropriate dikes or geotextile barriers to prevent spills from entering waterways.

PART 3 PROJECT IMPLEMENTATION RESPONSIBILITIES

3.0 PROJECT IMPLEMENTATION RESPONSIBILITIES

The Contractor and/or Subcontractor is responsible for the installation, maintenance, inspection, and ensuring the functionality of all erosion and sediment control measures on a daily basis and all other stormwater and pollutant runoff control measures identified within the plans, specifications, permits, and contract documents.

The Contractor and/or Subcontractor shall take all reasonable steps to minimize or prevent any stormwater or non-stormwater discharge, which has a reasonable likelihood of adversely affecting human health, public and/or private properties.

PART 4 CERTIFICATION REQUIREMENTS

4.0 CERTIFICATION REQUIREMENTS

In addition to satisfying the personnel certification requirements contained within 107.16, the Contractor shall certify his activities by adequately completing, signing, and submitting
the attached VPDES General Permit Registration Statement. Permit Registration Statement shall be sent to:

--- Department of Environmental Quality
--- Northern Virginia Regional Office
--- 13901 Crown Court
--- Woodbridge, Virginia 22193
--- (703) 583-3800

PART 5.4 OFF SITE REQUIREMENTS

5.4.0 OFF SITE REQUIREMENTS

The Contractor and/or Subcontractor shall develop erosion and sediment control plan(s) and stormwater management plan(s) for submission and acceptance by VRE and CSXT prior to usage of any support facilities, off-site borrow and disposal areas, construction materials or equipment storage areas, and other industrial stormwater discharge directly related to the construction process. Such plans, upon acceptance, will become a part of and subject to the overall project plan, VPDES Construction Permit, and contract requirements.

PART 6.5 REPORTING PROCEDURES

6.5.0 REPORTING PROCEDURES

6.5.1 Inspection Requirements

The Contractor and/or Subcontractor are responsible for conducting inspections in accordance with the requirements of Section 107.16 of the VDOT Road and Bridge Specifications and the CSX Erosion and Sediment Control Plan.

A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken shall be made and retained as a part of the storm water pollution prevention plan. Major observations should include: the location(s) of discharges of sediment or other pollutants for the site; location(s) of settlement basins that need to be maintained; location(s) of settlement basins that failed to operate as designed of proved inadequate for a particular location; and location(s) where additional settlement basins are needed that did not exist at the time of the inspection. Such reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and permit.
6.5.2 Unauthorized Discharge Requirements

The Contractor and/or Subcontractor shall not discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances or otherwise alter the physical, or biological properties of state waters and make them detrimental to the public health, animal or aquatic life, the use of such waters for domestic or industrial consumption, for recreation, or for other uses.

Notification of discharges or non-compliance

The Contractor and/or Subcontractor shall quickly notify the Engineer upon discovery of or potential of any unauthorized, unusual, extraordinary, or non-compliant discharge from the construction activity, but in any case, not later than 24 hours after said discovery.

Detailed report requirements for discharges and non-compliance

The Contractor and/or Subcontractor shall submit to the Engineer within 5 days of the discovery of the discharge a written report describing the details of the discharge to include its volume, location, cause, and any apparent or potential effects on private and/or public properties or endangerment to public health, as well as steps being taken to eliminate the discharge.

6.5.3 Plan Changes/Deficiencies

The Contractor and/or Subcontractor shall report to the Engineer when any planned physical alterations or additions are made to the construction activity or deficiencies in the project plans or contract documents are discovered that could significantly change the nature or increase the quantity of the stormwater pollutants discharged from the construction activity.

PART 2-6 MEASUREMENT AND PAYMENT

7.6.0 MEASUREMENT AND PAYMENT

The cost of preparation and submittal of the VPDES permit application (including filing fee) and compliance with the Storm Water Pollution Prevention Plan shall be included in the cost of other items.

END OF SECTION
IV. SPECIAL PROVISIONS

01. PROTECTION OF PETROLEUM PIPELINE

A. The Contractor is required to coordinate with utility owners. VRE anticipates that Plantation Pipeline may require some form of protection of their pipeline if the bidder will utilize heavy equipment to traverse the line. Costs for protecting the pipeline, if applicable, shall be included in the bid price.
LAND USE PERMIT
LUP-SPG
Special Provisions – General

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Written permission is granted for the above-referenced activity through the issuance of a land use permit.

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property.

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in §33.2-210 of the Code of Virginia.

Application Requirements

Application shall be made for VDOT land use permits through the local district permit office where the activity is to take place.

Application forms and general information regarding VDOT land use permitting can be obtained by contacting the central office permit manager or at the following VDOT web site: http://www.virginiadot.org/business/bu-landUsePermits.asp

The applicant shall provide a notarized affidavit indicating compliance with the registration and notification requirements outlined in § 2.2-1151.1 of the Code of Virginia.

Permit Fees

The land use permit application shall include a check in an amount determined by the district administrator’s designee based on the schedule found in 24VAC30-151-710 of the Land Use Permit Regulations.

Surety Requirement

A performance surety in the amount determined by the district administrator’s designee is required to restore the right-of-way in the event of damage or default. This surety may be in the form of cash, check or surety bond LUP-SB, or LUP-LC irrevocable letter of credit.

Cash Surety Refund

Applicants owing the Internal Revenue Service or the Commonwealth of Virginia may not receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit unless the amount owed is less than the amount of cash guarantee provided. Applicants providing cash guarantee for the issuance of a VDOT land use permit must provide an executed copy of the Commonwealth of Virginia’s Substitute Form W-9 to receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit.

Insurance Requirements (excluding County, Town or City)

The permittee or their agent shall secure and maintain insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity up to one million dollars ($ 1,000,000) each occurrence to protect the Board members and the Department's agents or employees; seventy-five thousand dollars ($75,000) each occurrence to protect the Board, the Department, or the Commonwealth in event of suit. Insurance must be obtained prior to start of the permitted work and shall remain valid through the permit completion date. VDOT staff may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

Any of the following provisions that may apply, shall apply:

General Requirements

1) Permittee acceptance and use of a Virginia Department of Transportation (VDOT) land use permit is prima facie evidence that the permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction
The permittee assumes full responsibility for any and all (downstream flooding, erosion, siltation, etc.) damages that may occur as a result of the work performed under this permit. Furthermore, the Department will in no way be responsible for any damage to the facility being placed as a result of future maintenance or construction activities performed by the Department.

3) The permittee agrees to move, remove, alter, or change any installation that interferes with the ultimate construction of the highway in alignment or grade at no cost to the Department unless otherwise stipulated and agreed to by the Department.

4) The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator’s designee deems hazardous to the traveling public.

5) Any and all highway signs, right-of-way markers, etc., disturbed as a result of work performed under the auspices of a land use permit shall be accurately reset by the permittee immediately following the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying may be required.

6) It shall be the permittee’s responsibility to obtain any and all necessary permits that may be required by any other government agencies, i.e., U.S. Army Corp. of Engineers, Department of Environmental Quality, Department of Conservation and Recreation, etc.

7) A copy of the VDOT land use permit shall be maintained at the work site and made readily available for inspection when requested by authorized VDOT personnel. District administrator’s designee may request the permittee to install on site a project information sign to help the public and VDOT personnel identify activities in the right of way (see LUP-IS).

8) The permittee shall notify the local district permit office at least 48 hours prior to commencement of any work requiring inspection and/or testing as stipulated in VDOT’s Road and Bridge Standards (current edition) and VDOT’s Road and Bridge Specifications (current edition). Failure to carry out this requirement may result in permit revocation.

9) The permittee or their agent must contact the VDOT Customer Service Center at 1-800-367-7623 a minimum of 48 hours prior to initiating any planned excavation within 1,000 feet of a signalized intersection and/or near VDOT ITS infrastructure. Excavation activities may proceed only after the VDOT regional utility location agent has notified the permittee that the utility marking has been completed. Additional information can be found at: http://www.virginiadot.org/business/resources/IIM/TE-383_Request_for_Marking_VDOT_Utility_Location.pdf

Alternately, within all localities in the Northern Virginia Construction District, including the Counties of Arlington, Fairfax, Loudoun & Prince William, the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park, and the Towns of Clifton, Dumfries, Hamilton, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Middleburg, Occoquan, Purcellville, Quantico, Round Hill and Vienna, and on Interstate 95 in the counties of Stafford, Spotsylvania and Caroline, the permittee may request VDOT regional utility marking at: http://www.vdotutilitymarking.virginia.gov

10) The permittee shall notify “Miss Utility” (or each operator of an underground utility where no notification center exists) of any planned excavation within state maintained right-of-way. This notification must be provided at least 48 hours (excluding weekends and holidays) in advance of commencing with any planned excavation within state maintained right-of-way. Failure to carry out this requirement may result in permit revocation.

11) It is the duty of the district administrator’s designee to keep all roads maintained in a safe and travelable condition at all times. Therefore, any permit may be denied, revoked or suspended when in the opinion of the district administrator’s designee, the safety, use or maintenance of the highway so requires.

12) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees and themselves. VDOT reserves the right to stop work at anytime due to safety problems and/or non-compliance with the terms of the permit. The Department may, at its discretion, complete any of the work covered in the permit or restore the right-of-way to the department’s standards and invoice the permittee for the actual cost of such work. The permittee may be required to move, alter, change or remove from state maintained right-of-way, in a satisfactory manner, any installation made under this permit.

13) All work authorized under the auspices of a VDOT land use permit shall be subject to VDOT’s direction and be in accordance with VDOT’s Road and Bridge Standards (current edition) and VDOT’s Road and Bridge Specifications (current edition).
14) Design changes, specified material changes and/or field changes from the approved plans shall be submitted to the appropriate district administrator’s designee for review and approval prior to proceeding with the proposed changes. This submittal shall include written justification, supplemental documentation and/or engineering calculations that support the requested changes.

15) The permittee shall meet or exceed the existing pavement design and typical section when constructing pavement widening adjacent to an existing state maintained roadway. The proposed pavement design and typical section shall be approved by the district administrator’s designee prior to commencing with any work within state maintained right-of-way. All pavement widening shall be in accordance with VDOT's Road and Bridge Standard 303.02.

16) Within the limits of a VDOT construction project it is the responsibility of the permit applicant to obtain the contractor’s consent in writing prior to permit issuance. Information regarding current and/or planned VDOT construction and maintenance activities can be obtained at: http://www.virginiaroads.org/.

17) Permittee must notify Virginia Department of Transportation “TOC” Traffic Operation Center when there is a crash in a work zone.

TOC Contact Numbers

Northern Virginia
703-877-3401

Hampton Roads
757-424-9923
757-424-9924

Richmond (Richmond and Fredericksburg)
804-796-4520

Staunton (Staunton and Culpeper)
540-332-9500
540-332-7789

Salem (Bristol, Lynchburg, and Salem)
540-375-0170
888-782-7982 (toll free)
540-537-1535 (cell backup)
Traffic Control and Safety

1) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees, and contractors. Any permit may be revoked or suspended when in the opinion of the district administrator’s designee, the safety, use or maintenance of the highway so requires.

2) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14, all activities performed under the auspices of a VDOT Land Use Permit involving the installation, maintenance and removal of work zone traffic control devices must have an individual on-site who, at a minimum, is accredited by VDOT in Basic Work Zone Traffic Control. The accredited person must have their VDOT Work Zone Traffic Control accreditation card in their possession while on-site.

3) The individual accredited in Basic Work Zone Traffic Control is responsible for the placement, maintenance and removal of work zone traffic control devices within the project limits in compliance with the permit requirements and conditions, the approved plans and specifications, the Virginia Work Area Protection Manual, and the Manual of Uniform Traffic Control Devices.

4) A person accredited by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision for adjustment to the approved layout of any standard Typical Traffic Control (TTC) layouts outlined in the Virginia Work Area Protection Manual.

5) All traffic control plans shall be prepared by a person verified by VDOT in Advanced Work Zone Traffic Control.

6) Individuals responsible for implementation of work zone traffic control measures shall provide evidence of their accreditation upon request from VDOT personnel.

7) The permittee shall be exempt from the requirements of Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14 if the authorized activity is not within the roadway (as defined in 24VAC30-151) of a state maintained highway.

8) Non-compliance with the requirements outlined in VDOT Road and Bridge Specification, Special Provision 105.14 may result in a stop work order and / or permit revocation.

9) All activities that require the disruption (stoppage) of traffic shall utilize VDOT certified flaggers. Flag persons shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic in accordance with the Virginia Work Area Protection Manual. All flaggers must have their certification card in their possession when performing flagging operations within state maintained right-of-way. Any flag person found not in possession of his/her certification card shall be removed from the flagging site and the district administrator’s designee will suspend all permitted activities.

10) Any VDOT certified flag person found to be performing their duties improperly shall have their certification revoked.

11) All signs shall be in accordance with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).

12) The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator’s designee deems hazardous to the traveling public.

13) During authorized activities, the permittee shall furnish all necessary signs, flag persons and other devices to provide for the protection of traffic and workers in accordance with the Virginia Work Area Protection Manual or as directed by the district administrator’s designee.

14) Traffic shall not be blocked or detoured without permission, documented in writing or electronic communication, being granted by the district administrator’s designee.
15) All lane or shoulder closures on highways in the Northern Virginia construction district classified as arterial or collector routes must be authorized, documented in writing or by electronic communication by the VDOT Transportation Operations Center (NRO/TOC).

16) If directed by the district, requests for the implementation of temporary lane closures must be entered into the VDOT Lane Closure Advisory Management System (LCAMS) and VaTraffic a minimum of one (1) week prior to the planned execution of lane closure activities on state maintained highways. The permittee or their contractor(s) may enter their requests directly or provide written requests to the VDOT Regional Operations Center as follows:

Lane closure requests in all the counties listed below are within the Northern Region and shall be sent to: nropstocoperations@vdot.virginia.gov

Contact information:
NRO - (703) 877-3401
Carlene McWhirt, Lane Closure Coordinator
mailto:carlene.mcwhirt@vdot.virginia.gov

Northern Virginia District:
Counties: Arlington, Fairfax, Loudoun and Prince William

Fredericksburg District:
Counties: Spotsylvania, Stafford

Lane closure requests in all the counties listed below are within the Northwest Region and shall be sent to: StauntTrafficManagementCenter@vdot.virginia.gov.

Contact information:
NWRO - (540) 332-9500
Sandy Wyrick, Lane Closure Coordinator
Sandy.Wyrick@VDOT.Virginia.gov, cathal.duffy@vdot.virginia.gov

Culpeper District:
Counties: Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Louisa, Madison, Orange and Rappahannock

Staunton District:
Counties: Allegany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah and Warren

Lane closure requestors wanting direct access to LCAMS and VaTraffic must complete ITD-35E & ITD-36E forms and return to Ms. Sandy Wyrick at Sandy.Wyrick@VDOT.Virginia.gov. Online training is available for LCAMS and VaTraffic and VDOT can accommodate any additional training needs. Please contact Ms. Wyrick at (540) 332-9881 to schedule training.

Lane closure requests in all the counties listed below are within the Southwest Region and shall be sent to: Salem-SmartTrafficCenter@VDOT.Virginia.gov

Contact information:
SWRO - (540) 375-0170
Todd Martin, Lane Closure Coordinator
mailto:todd.martin@vdot.virginia.gov, sharon.braden@vdot.virginia.gov

Bristol District:

Salem District:
Counties: Bedford, Botetourt, Carroll, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski and Roanoke

Lynchburg District: Counties: Amherst, Appomattox, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Nelson, Pittsylvania and Prince Edward
Lane closure requests in all the counties listed below are within the Eastern Region and shall be sent to:

HamptonRoadsTOCControllers@VDOT.Virginia.gov

ERO- (757) 424-9915
Sam Holzemer, Lane Closure Coordinator
mailto:sam.holzemer@vdot.virginia.gov

Hampton Roads District:
Counties: Accomack, Isle of Wight, James City, Northampton, Southampton, Surry, Sussex, York and Greensville.

Lane closure requests in all the counties listed below are within the Central Region and shall be sent to:

RichmondDist.SmartTraffic@vdot.virginia.gov

Contact information:
CRO- 804-796-4520
Sheila Hicks, Lane Closure Coordinator
mailto:shelia.hicks@vdot.virginia.gov

Richmond District:
Counties: Amelia, Brunswick, Charles City, Chesterfield, Dinwiddie, Goochland, Hanover, Henrico, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan and Prince George

Fredericksburg District:
Counties: Caroline, Essex, Gloucester, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland

Written requests for implementation of temporary lane closures must be submitted to the appropriate VDOT Regional Operations Center by close of business on the preceding Wednesday for the upcoming week’s planned lane closures. All requests being directly input into LCAMS and VaTraffic must be entered no later than 12:00 pm on the preceding Thursday for the upcoming week’s lane closure activities. Any conflicts with other roadway work must be resolved by close of business on Thursday the week prior to the scheduled lane closure activities with documented resolution sent to the VDOT point of contact provided by the regional traffic operation center LCAMS Administrator. Any requests received after these time limitations will not be approved and the proposed work within VDOT right of way requiring lane closures must be rescheduled.

Lane closure requestors wanting direct access to LCAMS and VaTraffic must complete ITD-35E & ITD-36E forms and return to Ms. Carlene McWhirt at Carlene.McWhirt@VDOT.Virginia.gov. Online training is available for LCAMS and VaTraffic and VDOT can accommodate any additional training needs. Please contact Ms. McWhirt at (571) 350-2078 to schedule training.

VIRGINIA WORK ZONE TRAFFIC CONTROL TRAINING OPTIONS

The following three options are available to receive Work Zone Traffic Control (WZTC) training based on an individual’s job duties and responsibilities as required by the FHWA Final Rule on Work Zone Safety and Mobility and the Virginia Department of Transportation:

OPTION 1 – Have someone trained to become a qualified instructor in your company who can then instruct others, utilizing training material provided by VDOT. The following qualifications must be met in order to teach the VDOT Basic, Intermediate, or Advanced WZTC training courses:

• Basic – Be flagger certified either by VDOT or by the American Traffic Safety Services Association (ATSSA); possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; and successfully complete the VDOT WZTC Intermediate or Advanced course or complete the ATSSA Virginia Intermediate/Traffic Control Supervisor (TCS) course.

• Intermediate - Be flagger certified either by VDOT or by ATSSA; possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; complete and possess the ATSSA Virginia Intermediate/TCS certification.

• Advanced - Be flagger certified either by VDOT or by ATSSA; possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; complete and possess the ATSSA Virginia Advanced Traffic Control Design Specialist (TCDS) certification or ATSSA Virginia Intermediate TCS certification.
To become an approved instructor, an application must be completed listing the above qualifications and sent to the chairman of VDOT's WZST committee at the following location:

Once a person has become an approved instructor, training material can be obtained from VDOT using the order form obtained from the following location (requires an approved instructor identification number):

OPTION 2 – Obtain the services of an approved instructor from VDOT’s Approved WZTC Instructor List to teach the course or courses you need for your employees.

The Approved WZTC Instructor’s List can be obtained at the following location:
http://www.virginiadot.org/business/resources/wztc/Approved_WZTC_Instructors.pdf

A list of Approved Providers of training can be obtained at the following location:

OPTION 3 – Send personnel to classes conducted by approved sources such as ATSSA Virginia or the Virginia Local Technical Assistance Program (LTAP).

Courses by ATSSA Virginia can be found at the following location:
http://atssa.com/cs/course_information/courses_by_state?state=56

Courses by the Virginia LTAP can be found at the following location:

Basic WZTC courses by the Virginia Rural Water Association can be found at the following location:
http://www.vrwa.org/ (See Training Schedule)

Training by the Virginia Transportation Construction Alliance (VTCA) can be found at the following location: http://vtca.org/

Visit the following site for additional information regarding Virginia’s Work Zone Traffic Control training program:
http://www.virginiadot.org/business/trafficeng-WZS.asp

Authorized Hours and Days of Work

Normal hours for work under the authority of a VDOT land use permit are from 9:00 a.m. to 3:30 p.m. Monday through Friday for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days. The district administrator’s designee may establish alternate time restrictions in normal working hours for single use permits.

The central office permit manager may establish alternate time restrictions in normal working hours for district-wide permits.

The classifications for all state maintained highways can be found at the following link:
http://www.virginiadot.org/projects/fxn_class/maps.asp

Emergency Repair

In the event of an emergency situation that requires immediate action to protect persons or property, work may proceed within the right-of-way without authorization from the district administrator’s designee; however, the utility owner must contact the VDOT Emergency Operations Center at 1-800-367-7623 as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

The utility owner must apply for a separate land use permit from the local district permit office for any emergency work performed on state maintained right-of-way when the following actions are proposed:

- Stopping or impeding highway travel in excess of 15 minutes, or,
- Accessing facilities within limited access right-of-way, or,
• Cutting the highway pavement or shoulders.

The district administrator’s designee shall determine the applicable permit fee for emergency repair permits.

**Holiday Restrictions**

Permitted non-emergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday.

**Excavation**

All excavation within state maintained rights-of-way shall comply with OSHA Technical Manual, Chapter 2, Title Excavation: Hazard Recognition in Trenching and Shoring. A professional engineer shall certify all shoring and/or trench boxes.

No excavated material is to be placed or tracked on the pavement without written permission from the District Administrator's designee. When so authorized, the pavement shall be satisfactorily cleaned by a VDOT approved method. No cleated (track-mounted) equipment is to be used on the pavement without properly protecting the pavement from damage.

**Trenchless Construction**

Site specific geotechnical sub-surface investigation reports, compiled in accordance with the provisions of VDOT Materials Division Manual of Instructions, shall be submitted to the district administrator's designee if the following trenchless installation(s) are proposed:

• The proposed pipe diameter is 24-inches or greater, and;
• The proposed pipe cover is less than 3 times the pipe diameter, and;
• The AADT of roadway is greater than 25,000, or;
• The proposed pipe diameter is 60-inches or greater, or;
• Any situation where there is a significant risk identified.

**Inspection and Restoration**

1) Inspection and testing of all backfill and pavement sections shall be performed in accordance with all applicable sections of VDOT’s Road and Bridge Specifications (current edition).

2) If during or before construction it is deemed necessary for the local district permit office to assign an inspector to the project, the permittee shall pay the Department an additional inspection fee in an amount that will cover the salary, expense allowance, and mileage allowance for the inspection(s) assigned by the Department for handling work covered by this permit. Said inspection fee shall be paid promptly each month on invoices rendered by the Department.

3) It shall be the decision of the district administrator's designee whether to assign an inspector to monitor the placement of all backfill and pavement restoration activities.

4) The absence of a VDOT inspector does not in any way relieve the permittee of their responsibility to perform the work in accordance with the approved plans, provisions of the attached permit, VDOT’s Road and Bridge Standards (current edition) and VDOT’s Road and Bridge Specifications (current edition).

5) The permittee shall be responsible for any settlement of all backfill or pavement restoration necessitated by authorized excavation activities for a period of two (2) years after the completion date of permit, and for the continuing maintenance of the facilities placed within the highway right-of-way. A one (1) year restoration warranty period may be considered, provided the permittee adheres to the following criteria:

• The permittee retains the services of a professional engineer (or certified technician under the direction of the professional engineer) to observe the placement of all backfill and pavement restoration.
• The professional engineer (or certified technician under the direction of the professional engineer) performs any required inspection and testing in accordance with all applicable sections of VDOT’s Road and Bridge Specifications.
• The professional engineer submits all testing reports for review and approval, and provides written certification that all restoration procedures have been completed in accordance with all applicable sections of VDOT’s Road and Bridge Specifications prior to completion of the work authorized by the permit.
6) Whenever existing pavement is permitted to be cut, not over one-half of the roadway width shall be disturbed at one time and the first open cut trench section shall be satisfactorily restored to allow for the passage of traffic prior to the second half of the roadway surface can be disturbed.

7) All crossing of existing pavement shall be bored, pushed or jack ed an appropriate distance from the edge-of-pav ement so as not to impede the normal flow of t traffic or damage the existing pavement section. Existing pavement shall not be cut unless approved by the district administrator’s desig nee and then only if just ifiable circumstances prevail or proof is shown that a th orough attempt has been made to push, bore or jack.

8) Authorized daily trench excavation within pavement sections shall not exceed 500 feet in length.

9) Pavement restoration shall be in accordance with the VDOT LUP-OC Pavement Open Cut Special Provisions. This document can also be found at: http://www.virginiadot.org/business/bu-landUsePermits.asp

10) Where the pavement is disturbed or dee med weakened in its entirety or such portions as deemed desirable by the Department, the pavement shall be restored or replaced in a manner that is satisfactory to the district administrator’s designee.

Environmental

1) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specificat ion §107.16, all contract ors performing regulated land disturbing activities within VDOT right-of-way must have at le ast one (1) employee that has su cessfully completed the VDOT Erosion & Sediment Control Contractor Certification training. This person shall be on site during all land disturbance activities and will be responsible for insuring compliance with all applicable local, state and federal erosion and sediment control regulations during land disturbance activities. This person must have their certification card with them while on the project site. The land use permit will be suspended if proof of certification ca not be provided. Regulated land disturbing activities are defined as those activities that disturb 2,500 square feet or greater in Tidewater, Virginia or 10,000 square feet or greater in all other areas of the State. The Department will require evidence of this certification with any land use permit application that involves utility and/or commercial right of way improvement. Improper installation, maintenance and removal of erosion and sediment control devices may result in revocation of VDOT Erosion & Sediment Control Contractor Certification.

NOTE: Training for the VDOT Erosion & Sediment Control Contractor Certification can be obtained from any of the sources listed under “Upcoming Courses” at: http://www.virginiadot.org/business/locdes/ms4_stormwater_management.asp

2) The permittee is responsible for pursuing and obtaining any and all environmental permits which may be required to pursue the proposed activity prior to any work beginning within state maintained right-of-way.

3) In the event hazardous materials or underground storage tanks are encountered within state maintained right-of-way during authorized activities, the permittee shall suspend all work immediately then notify the local district permit office and other responsible parties, i.e., the local fire department, emergency services, Department of Environmental Quality, etc. The permittee is responsible for coordination and completion of all required mediation necessary to complete the permitted activities within the state maintained right-of-way. The permittee shall provide evidence of such compliance to the local district permit office prior to recommencement of permitted activities.

4) In the event cultural resources, archaeological, paleontological, and/or rare minerals are encountered within the right-of-way during authorized activities, the permittee shall suspend all work immediately then notify the local district permit office and the proper state authority charged with the responsibility for investigation and evaluation of such finds. The permittee will meet all necessary requirements for resolving any conflicts prior to continuing with the proposed activities within the state maintained right-of-way, and shall provide evidence of such compliance to the local district permit office.

5) Roadway drainage shall not be blocked or diverted. The shoulders, ditches, roadside, drainage facilities and pavement shall be kept in an operable condition satisfactory to the Department. Necessary precautions shall be taken by the permittee to insure against silting of adjacent properties, streams, etc., in accordance with VDOT’s current standards or as prescribed by the Department’s Environmental Manual and the district administrator’s designee.

Entrances

1) VDOT’s authority to regulate highway entrances is provided in §, §33.2-240, and §33.2-241 of the Code of Virginia and its authority to make regulations concerning the use of highways generally is provided in §33.2-210 of the Code of Virginia. Regulations regarding entrances are set forth in VDOT’s regulations promulgated pursuant to §33.2-245 of the Code of Virginia.

2) The permittee shall be responsible for the design and installation of a private entrance under the auspices of a VDOT land use permit however the permittee may request that VDOT forces install the private entrance at the permittee’s expense.
3) Street connections, private entrances, and construction entrances shall be kept in satisfactory condition during all activities authorized under the auspices of a VDOT land use permit. Entrances shall not be blocked. Ample provisions must be made to provide safe ingress and egress to adjacent properties at all times. Entrances that are disturbed shall be restored to the satisfaction of the property owner and the district administrator’s designee.

Utilities

1) Prior to any excavation, the permittee shall comply with the terms of Title 56, Chapter 10.3 of the Underground Utility Damage Prevention Act and §§56-265.14 through §56-265.20 of the Code of Virginia. This permit does not grant permission to grade on or near property of others, or, adjust or disturb in any way existing utility poles or underground facilities within the permitted area. Permission to do so must be obtained from the impacted utility company and any expense involved shall be borne by the permittee. Any conflicts with existing utility facilities must be resolved between the permittee and the utility owner(s) involved.

2) All underground utility installations within limited access right-of-way shall have a minimum of 36 inches of cover. All underground utilities within non-limited access right-of-way will require a minimum of 36 inches of cover, except underground cables that provide telecommunications service shall be at a minimum of 30 inches of cover.

3) Where feasible, all aboveground installations (such as fire hydrants, telephone pedestals, markers, etc.) shall be located adjacent to the outside edge of the right-of-way line and in accordance with minimum clear zone requirements. All manhole covers, valve box, etc., shall be installed two inches below existing ground line and shall conform to existing contours.

4) No poles, guys, anchors, etc., are to be placed on state maintained right-of-way unless authorized under the auspices of a VDOT land use permit. At no time will any such facilities be allowed between the ditch line and the traveled roadway.

5) All overhead installations crossing non-limited access highways shall provide a minimum of 18 feet of vertical clearance or at a minimum height as established by the National Electric Safety Code, whichever is greater. All overhead utility installations within limited access right-of-way shall maintain a minimum of 21 feet of vertical clearance. The vertical clearance for all new overhead parallel installations within non-limited access rights-of-way shall be in compliance with standards as specified in the National Electric Safety Code.

Final Inspection and Completion of Permit

Upon completion of the work covered by this permit all disturbed areas outside of the roadway prism shall be restored to their original condition as found prior to starting such work.

Completion of this permit is contingent upon the permittee’s completion of the authorized work in accordance with the approved plan and compliance with all governing bodies involved in the total completion of work on state maintained right-of-way.

Upon completion of the work under permit, the permittee shall provide notification, documented in writing or electronic communication, to the district administrator’s designee requesting final inspection. This request shall include the permit number, county name, route number and name of the party or parties to whom the permit was issued.

The district administrator’s designee shall promptly schedule an inspection of the work covered under the permit and advise the permittee of any necessary corrections.

Permit Revocation

At the discretion of the district administrator’s designee, a land use permit may be revoked upon written finding that the permittee was not in compliance with all requirements contained herein and/or violated the terms of the permit, or any state and local laws and ordinances regulating activities within the right-of-way. In addition VDOT may apply additional penalties in accordance with §33.2-1221.

Permittee Notice

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager and affirmation from the Land Use Permit Regulations.
1. Sign must not be oriented facing traffic approaching from any direction
2. Sign must be non-reflective
3. Sign must use Times New Roman font and should not use MUTCD sign fonts (or Clearview)
4. Sign must not show any logos
5. Sign must not contain the contractor’s name (unless the contractor is the permittee)
6. Sign must be installed outside clear zone within 50’ of work area
7. Sign must remain on site until final restoration of right of way
8. For multiple work locations within subdivisions, at least one sign may be installed at the main work area
9. Sign must be at least 36”X36” and made of water-resistant material and firmly secured
10. Sign must be blue with white 3” lettering
11. Sign shall not be installed on existing VDOT sign posts and should not impede pedestrian mobility
July 3, 2013

Mr. Sirel Mouchantaf
Virginia Railway Express
1500 King Street, Suite 202
Alexandria, Virginia 22314

RE: Virginia Water Protection (VWP) General Permit No. WP3-13-0682
VRE Hamilton to Crossroads – Third Track, Spotsylvania County and City of Fredericksburg, Virginia
Notice of Authorization to Proceed with Project Permanently Impacting up to 0.10 acre of Wetlands
and/or 300 linear feet of Stream Channel

Dear Mr. Mouchantaf:

The Virginia Department of Environmental Quality (DEQ) has reviewed your application dated April 12, 2013
and received on May 3, 2013. Based on DEQ’s review, the proposed “VRE Hamilton to Crossroads – Third
Track” project qualifies for the VWP General Permit Number WP3 in accordance with 9 VAC 25-680-10 et
seq. The enclosed VWP general permit contains the applicable limits, reporting requirements, and other
conditions for authorization.

This authorization expires seven years from the Authorization Effective Date. Please note that this
authorization may be extended at the State Water Control Board's discretion and as per the VWP permit
regulations. If the authorized activity has not been completed and you wish to obtain an extension, in
accordance with the general permit conditions, you must request this extension no less than 60 days prior to the
expiration date of the VWP general permit authorization, for the Board's decision, otherwise coverage will
expire on the original date.

Please note that you are responsible for complying with the Part I and Part III conditions that are applicable to
your project. Additionally, in accordance with Part III.K, when all permitted activities have been completed,
you shall submit a notice of termination by consent. Should the project’s surface water impacts exceed 0.10
acre of wetlands and/or 300 linear feet of stream channels, you shall be responsible for contacting DEQ to
revise the authorization, including provisions for compensatory mitigation for all permanent surface water
impacts.
The work authorized by this permit satisfies the terms and conditions contained in the Norfolk District, Corps of Engineers’ State Program General Permit (12-SPGP-01) and the special conditions, if any, attached to 12-SPGP-01. No additional authorization from the Corps is required. Your 12-SPGP-01 authorization is effective as of the date on this letter and remains effective until May 31, 2017.

Please contact Margaret Quigley at (703) 583-3892 or Margaret.Quigley@deq.virginia.gov with questions concerning the above information.

Respectfully,

Trisha M. Beasley
Regional VWPP Program Manager

Enclosures: VWP General Permit Cover Page, Part I – Special Conditions, Part III - Conditions Applicable to All VWP Permits, 12-SPGP-01, 12-SPGP-01 Special Conditions Form

cc: Mr. Brandon Fulton, SVT/Ralph Whitehead Associates – VIA EMAIL
    Ms. Chelsea Bowman, U.S. Army Corps of Engineers, Norfolk Office – VIA EMAIL
VWP General Permit No. WP3
VWP General Permit Authorization No. WP3-13-0682
Authorization Effective date: July 3, 2013
Authorization Expiration date: July 2, 2020

VWP GENERAL PERMIT FOR LINEAR TRANSPORTATION PROJECTS UNDER THE VIRGINIA WATER PROTECTION PERMIT AND THE VIRGINIA STATE WATER CONTROL LAW

Based upon an examination of the information submitted by the applicant and in compliance with § 401 of the Clean Water Act as amended (33 USC 1341) and the State Water Control Law and regulations adopted pursuant thereto, the board has determined that there is a reasonable assurance that the activity authorized by this VWP general permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards. The board finds that the effect of the impact, together with other existing or proposed impacts to wetlands, will not cause or contribute to a significant impairment of state waters or fish and wildlife resources.

Subject to the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant to it, the permittee is authorized to permanently or temporarily impact up to two acres of nontidal wetlands or open water and up to 1,500 linear feet of nontidal stream bed. While this general permit authorized impacts up to two acres nontidal wetlands or open water and up to 1,500 linear feet of nontidal streambed, this coverage only authorizes impacts as presented in the Activity Description below.

Permittee: Virginia Railway Express
Address: 1500 King Street, Suite 202, Alexandria, Virginia 22314
Activity Location: The project site is located within the CSX right-of-way along both sides of the existing railway between CFP 53.2 at the VRE Crossroads Yard and CFP 55.8 in Hamilton in the City of Fredericksburg and Spotsylvania County, Virginia.
Activity Description: The permittee proposes to construct an additional railroad line directly adjacent to existing rail lines in a project known as “VRE Hamilton to Crossroads – Third Track.” This permit authorizes the total permanent impact of approximately 0.06 acre (250 linear feet) of stream channel. Permitted activities shall be as described in the Joint Permit Application dated April 12, 2013 and received May 3, 2013, and additional information received through May 20, 2013. Compensation for permanent stream impacts is not required as impacts are within the reporting only thresholds.

The work authorized by this permit also satisfies the terms and conditions contained in the Norfolk District, U.S. Army Corps of Engineers’ (USACE) State Program General Permit (12-SPGP-01) and no additional authorization from the USACE is required. The permittee is responsible for following all special conditions contained within the 12-SPGP-01 (attached) that are pertinent to the project.

The authorized activity shall be in accordance with this cover page, Part I – Special Conditions and Part III – Conditions Applicable to All VWP Permits, as set forth herein.

Regional VWPP Program Manager, Department of Environmental Quality

July 3, 2013
PART I – SPECIAL CONDITIONS

A. Authorized Activities

1. This permit authorizes permanent or temporary impacts of up to two acres of nontidal wetlands or open water and up to 1,500 linear feet of nontidal stream bed according to the information provided in the approved and complete application.

2. Any changes to the authorized permanent impacts to surface waters associated with this project shall require either a notice of planned change in accordance with 9 VAC 25-680-80 or another VWP permit application.

3. Any changes to the authorized temporary impacts to surface waters associated with this project shall require written notification to DEQ and restoration to preexisting conditions in accordance with the conditions of this permit authorization.

4. Modification to compensation requirements may be approved at the request of the permittee when a decrease in the amount of authorized surface waters impacts occurs, provided that the adjusted compensation meets the initial authorization compensation goals.

5. The activities authorized for coverage under this VWP general permit must commence and be completed within seven years of the date of this authorization.

B. Continuation of Coverage

Reapplication for continuation of coverage under this VWP general permit or a new VWP permit may be necessary if any portion of the authorized activities or any VWP permit requirement (including compensation) has not been completed within seven years of the date of authorization. Notwithstanding any other provision, a request for continuation of coverage under a VWP general permit in order to complete monitoring requirements shall not be considered a new application and no application fee will be charged. The request for continuation of coverage must be made no less than 60 days prior to the expiration date of this VWP general permit authorization, at which time the board will determine if continuation of the VWP general permit authorization is necessary.

C. Overall Project Conditions

1. The activities authorized by this VWP general permit shall be executed in a manner so as to minimize adverse impacts on instream beneficial uses as defined in § 62.1-10 (b) of the Code of Virginia.

2. No activity may substantially disrupt the movement of aquatic life indigenous to the water body, including those species which normally migrate through the area, unless the primary purpose of the activity is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. The requirement to countersink does not apply to extensions or maintenance of existing culverts that are not countersunk, floodplain culverts being placed above ordinary high water, culverts being placed on bedrock, or culverts required to be placed on slopes 5.0% or greater. No activity may cause more than minimal adverse effect on navigation. Furthermore the
activity must not impede the passage of normal or expected high flows and the structure or discharge must withstand expected high flows.

3. Wet or uncured concrete shall be prohibited from entry into flowing surface waters, unless otherwise approved by DEQ. Excess or waste concrete shall not be disposed of in flowing surface waters or washed into flowing surface waters.

4. All fill material shall be clean and free of contaminants in toxic concentrations or amounts in accordance with all applicable laws and regulations.

5. Erosion and sedimentation controls shall be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992. These controls shall be placed prior to clearing and grading and maintained in good working order to minimize impacts to state waters. These controls shall remain in place until the area is stabilized and shall then be removed.


7. All construction, construction access (e.g., cofferdams, sheetpiling, and causeways) and demolition activities associated with this project shall be accomplished in a manner that minimizes construction or waste materials from entering surface waters to the maximum extent practicable, unless authorized by this VWP general permit.

8. No machinery may enter flowing waters, unless authorized by this VWP general permit.

9. Heavy equipment in temporarily impacted wetland areas shall be placed on mats, geotextile fabric, or other suitable material, to minimize soil disturbance to the maximum extent practicable. Equipment and materials shall be removed immediately upon completion of work.

10. All nonimpacted surface waters and compensatory mitigation areas within 50 feet of permitted activities and within the project or right-of-way limits shall be clearly flagged or marked for the life of the construction activity at that location to preclude unauthorized disturbances to these surface waters and compensatory mitigation areas during construction. The permittee shall notify contractors that no activities are to occur in these marked surface waters.

11. Temporary disturbances to surface waters during construction shall be avoided and minimized to the maximum extent practicable. All temporarily disturbed wetland areas shall be restored to preexisting conditions within 30 days of completing work at each respective temporary impact area, which shall include reestablishing preconstruction contours, and planting or seeding with appropriate wetland vegetation according to cover type (emergent, scrub/shrub, or forested). The permittee shall take all appropriate measures to promote and maintain revegetation of temporarily disturbed wetland areas with wetland vegetation through the second year post-disturbance. All temporarily impacted streams and streambanks shall be restored to their original contours within 30 days following the construction at that stream segment, and the banks seeded or planted with the same vegetation cover type originally present along the streambanks, including supplemental
erosion control grasses if necessary, except for invasive species identified on DCR's Invasive Alien Plant Species of Virginia list.

12. Materials (including fill, construction debris, and excavated and woody materials) temporarily stockpiled in wetlands shall be placed on mats or geotextile fabric, immediately stabilized to prevent entry into state waters, managed such that leachate does not enter state waters, and completely removed within 30 days following completion of that construction activity. Disturbed areas shall be returned to original contours, restored within 30 days following removal of the stockpile, and restored with the same vegetation cover type originally present, including supplemental erosion control grasses if necessary, except for invasive species identified on DCR's Invasive Alien Plant Species of Virginia list.

13. Continuous flow of perennial springs shall be maintained by the installation of spring boxes, french drains, or other similar structures.

14. The permittee shall employ measures to prevent spills of fuels or lubricants into state waters.

15. The permittee shall conduct his activities in accordance with the time-of-year restrictions recommended by the Virginia Department of Game and Inland Fisheries, the Virginia Marine Resources Commission, or other interested and affected agencies and shall ensure that all contractors are aware of the time-of-year restrictions imposed.

16. Water quality standards shall not be violated as a result of the construction activities, unless allowed by this permit authorization.

17. If stream channelization or relocation is required, all work in surface waters shall be done in the dry, unless authorized by this VWP general permit, and all flows shall be diverted around the channelization or relocation area until the new channel is stabilized. This work shall be accomplished by leaving a plug at the inlet and outlet ends of the new channel during excavation. Once the new channel has been stabilized, flow shall be routed into the new channel by first removing the downstream plug and then the upstream plug. The rerouted stream flow must be fully established before construction activities in the old stream channel can begin.

D. Road Crossings

1. Access roads and associated bridges or culverts shall be constructed to minimize the adverse effects on surface waters to the maximum extent practicable. Access roads constructed above preconstruction contours and elevations in surface waters must be bridged or culverted to maintain surface flows.

2. Installation of road crossings shall occur in the dry via the implementation of cofferdams, sheetpiling, stream diversions, or similar structures.

E. Utility Lines

1. All utility line work in surface waters shall be performed in a manner that minimizes disturbance, and the area must be returned to its original contours and restored within 30 days of completing
work in the area, unless otherwise authorized by this VWP general permit. Restoration shall be the seeding or planting of the same vegetation cover type originally present, including supplemental erosion control grasses if necessary, except for invasive species identified on DCR's Invasive Alien Plant Species of Virginia list.

2. Material resulting from trench excavation may be temporarily sidecast into wetlands not to exceed a total of 90 days, provided the material is not placed in a manner such that it is dispersed by currents or other forces.

3. The trench for a utility line cannot be constructed in a manner that drains wetlands (e.g., backfilling with extensive gravel layers creating a french drain effect). For example, utility lines may be backfilled with clay blocks to ensure that the trench does not drain surface waters through which the utility line is installed.

F. Stream Modification and Stream Bank Protection


3. For bank protection activities, the structure and backfill shall be placed as close to the stream bank as practicable. No material shall be placed in excess of the minimum necessary for erosion protection.

4. All stream bank protection structures shall be located to eliminate or minimize impacts to vegetated wetlands to the maximum extent practicable.

5. Asphalt and materials containing asphalt or other toxic substances shall not be used in the construction of submerged sills or breakwaters.

6. Redistribution of existing stream substrate for the purpose of erosion control is prohibited.

7. No material removed from the stream bottom shall be disposed of in surface waters unless authorized by this permit.

G. Dredging

1. Dredging depths shall be determined and authorized according to the proposed use and controlling depths outside the area to be dredged.

2. Dredging shall be accomplished in a manner that minimizes disturbance of the bottom and minimizes turbidity levels in the water column.
3. If evidence of impaired water quality, such as a fish kill, is observed during the dredging, dredging operations shall cease and the Department of Environmental Quality (DEQ) shall be notified immediately.

4. Barges used for the transportation of dredge material shall be filled in such a manner to prevent the overflow of dredged materials.

5. Double handling of dredged material in state waters shall not be permitted.

6. For navigation channels the following shall apply:

   a. A buffer of four times the depth of the dredge cut shall be maintained between the bottom edge of the design channel and the channelward limit of wetlands, or a buffer of 15 feet shall be maintained from the dredged cut and the channelward edge of wetlands, whichever is greater. This landward limit of buffer shall be flagged and inspected prior to construction.

   b. Side slope cuts of the dredging area shall not exceed a two-horizontal-to-one-vertical slope to prevent slumping of material into the dredged area.

7. A dredged material management plan for the designated upland disposal site shall be submitted and approved 30 days prior to initial dredging activity.

8. Pipeline outfalls and spillways shall be located at opposite ends of the dewatering area to allow for maximum retention and settling time. Filter fabric shall be used to line the dewatering area and to cover the outfall pipe to further reduce sedimentation to state waters.

9. The dredge material dewatering area shall be of adequate size to contain the dredge material and to allow for adequate dewatering and settling out of sediment prior to discharge back into state waters.

10. The dredge material dewatering area shall utilize an earthen berm or straw bales covered with filter fabric along the edge of the area to contain the dredged material, and shall be properly stabilized prior to placing the dredged material within the containment area.

11. Overtopping of the dredge material containment berms with dredge materials shall be strictly prohibited.

H. Stormwater Management Facilities

1. Stormwater management facilities shall be installed in accordance with best management practices and watershed protection techniques (e.g., vegetated buffers, siting considerations to minimize adverse effects to aquatic resources, bioengineering methods incorporated into the facility design to benefit water quality and minimize adverse effects to aquatic resources) that provide for long-term aquatic resources protection and enhancement, to the maximum extent practicable.
2. Compensation for unavoidable impacts shall not be allowed within maintenance areas of stormwater management facilities.

3. Maintenance activities within stormwater management facilities shall not require additional permit authorization or compensation, provided that the maintenance activities do not exceed the original contours of the facility, as approved and constructed, and is accomplished in designated maintenance areas as indicated in the facility maintenance or design plan.
PART III – CONDITIONS APPLICABLE TO ALL VWP GENERAL PERMITS

A. Duty to Comply

The permittee shall comply with all conditions of the VWP general permit. Nothing in this VWP general permit shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations, and toxic standards and prohibitions. VWP general permit noncompliance is a violation of the Clean Water Act and State Water Control Law, and is grounds for enforcement action, VWP general permit authorization termination for cause, VWP general permit authorization revocation, or denial of a continuation of coverage request.

B. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent impacts in violation of the VWP general permit which may have a reasonable likelihood of adversely affecting human health or the environment.

C. Reopener

This VWP general permit authorization may be reopened to modify its conditions when the circumstances on which the previous VWP general permit authorization was based have materially and substantially changed, or special studies conducted by the board or the permittee show material and substantial change since the time the VWP general permit authorization was issued and thereby constitute cause for VWP general permit authorization revocation and reissuance.

D. Compliance with State and Federal Law

Compliance with this VWP general permit constitutes compliance with the VWP permit requirements of the State Water Control Law. Nothing in this VWP general permit shall be construed to preclude the institution of any legal action under or relieve the permittee from any responsibilities, liabilities, or other penalties established pursuant to any other state law or regulation or under the authority preserved by § 510 of the Clean Water Act.

E. Property Rights

The issuance of this VWP general permit does not convey property rights in either real or personal property, or exclusive privileges, nor does it authorize injury to private property or invasion of personal property rights, nor infringement of federal, state or local laws or regulations.

F. Severability

The provisions of this VWP general permit authorization are severable.
G. **Right of Entry**

The permittee shall allow the board or its agents, upon the presentation of credentials, at reasonable times and under reasonable circumstances to enter the permittee's property, public or private, and have access to, inspect and copy records that must be kept as part of the VWP general permit conditions; to inspect facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP general permit; and to sample or monitor any substance, parameter or activity for the purpose of assuring compliance with the conditions of the VWP general permit or as otherwise authorized by law. For the purpose of this section, the time for inspection shall be deemed reasonable during regular business hours. Nothing contained herein shall make an inspection time unreasonable during an emergency.

H. **Transferability of VWP General Permit Authorization**

This VWP general permit authorization may be transferred to another person by a permittee when all of the criteria listed below are met. On the date of the VWP general permit authorization transfer, the transferred VWP general permit authorization shall be as fully effective as if it had been issued directly to the new permittee.

1. The current permittee notifies the board of the transfer of the title to the facility or property.

2. The notice to the board includes a written agreement between the current and new permittees containing a specific date of transfer of VWP general permit authorization responsibility, coverage and liability to the new permittee, or that the current permittee will retain such responsibility, coverage or liability, including liability for compliance with the requirements of enforcement activities related to the permitted activity.

3. The board does not notify the current and new permittees of its intent to modify or revoke and reissue the VWP general permit authorization within 15 days.

I. **Notice of Planned Change**

Authorization under the VWP general permit may be modified subsequent to issuance in one or more of the cases listed below. A notice of planned change is not required if the project results in additional temporary impacts to surface waters, provided that DEQ is notified in writing, the additional temporary impacts are restored to preexisting conditions in accordance with Part I C 11 of this general permit, and the additional temporary impacts do not exceed the general permit threshold for use. The permittee shall notify the board in advance of the planned change, and the planned change request will be reviewed according to all provisions of this regulation.

1. The permittee determines that additional permanent wetland, open water, or stream impacts are necessary, provided that the additional impacts are associated with the previously authorized activities in authorized locations within the same phase of development, the cumulative increase in acreage of wetland or open water impacts is not greater than 1/4 acre, the cumulative increase in stream bed impacts is not greater than 100 linear feet, and the additional impacts are fully compensated.
2. The project results in less wetland or stream impacts, in which case, compensation requirements may be modified in relation to the adjusted impacts at the request of the permittee, provided that the adjusted compensation meets the initial authorization compensation goals.

3. There is a change in the project plans that does not result in a change in project impacts.

4. There is a change in the mitigation bank at which credits are purchased or used, provided that the same amount of credits are purchased or used and all criteria for use are met, as detailed in 9 VAC 25-210-116 E.

5. Typographical errors need to be corrected.

J. VWP General Permit Authorization Termination for Cause

This VWP general permit authorization is subject to termination for cause by the board after public notice and opportunity for a hearing. Reasons for termination for cause are as follows:

1. Noncompliance by the permittee with any condition of the VWP general permit authorization;

2. The permittee's failure in the application or during the VWP general permit authorization issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;

3. The permittee's violation of a special or judicial order; and

4. A determination that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by a VWP general permit authorization planned change or termination for cause.

K. VWP General Permit Authorization Termination by Consent

This VWP general permit authorization may be terminated by consent when all permitted activities requiring notification under 9 VAC 25-690-50 A and all compensatory mitigation have been completed or when the authorized impacts will not occur. The permittee shall submit a request for termination by consent within 30 days of project completion or project cancellation. When submitted for project completion, the termination by consent shall constitute a notice of completion in accordance with 9 VAC 25-210-130. The director may accept this termination of authorization on behalf of the board. The request for termination by consent shall contain the following information:

1. Name, mailing address and telephone number of the permittee;

2. Name and location of the activity;

3. The VWP permit authorization number; and

4. One of the following certifications:
a. For project completion:

"I certify under penalty of law that all activities and any required compensatory mitigation authorized by a VWP general permit have been completed. I understand that by submitting this notice of termination I am no longer authorized to perform activities in surface waters in accordance with the VWP general permit, and that performing activities in surface waters is unlawful where the activity is not authorized by a VWP permit. I also understand that the submittal of this notice does not release me from liability for any violations of this VWP general permit authorization."

b. For project cancellation:

"I certify under penalty of law that the activities and any required compensatory mitigation authorized by this VWP general permit will not occur. I understand that by submitting this notice of termination I am no longer authorized to perform activities in surface waters in accordance with the VWP general permit, and that performing activities in surface waters is unlawful where the activity is not authorized by a VWP permit. I also understand that the submittal of this notice does not release me from liability for any violations of this VWP general permit authorization, nor does it allow me to resume the permitted activities without reapplication and reauthorization."

c. For events beyond permittee control, the permittee shall provide a detailed explanation of the events, to be approved by DEQ, and the following certification statement:

"I certify under penalty of law that the activities or the required compensatory mitigation authorized by a VWP general permit have changed as the result of events beyond my control (see attached). I understand that by submitting this notice of termination I am no longer authorized to perform activities in surface waters in accordance with the VWP general permit, and that performing activities in surface waters is unlawful where the activity is not authorized by a VWP permit. I also understand that the submittal of this notice does not release me from liability for any violations of this VWP general permit authorization, nor does it allow me to resume the permitted activities without reapplication and reauthorization."

L. Civil and Criminal Liability

Nothing in this VWP general permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

M. Oil and Hazardous Substance Liability

Nothing in this VWP general permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.
N. **Duty to Cease or Confine Activity**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a VWP permit has been granted in order to maintain compliance with the conditions of the VWP permit.

O. **Duty to Provide Information**

1. The permittee shall furnish to the board any information which the board may request to determine whether cause exists for modifying, revoking and reissuing and terminating the VWP permit authorization, or to determine compliance with the VWP permit authorization. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.

2. Plans, maps, conceptual reports and other relevant information shall be submitted as required by the board prior to commencing construction.

P. **Monitoring and Records Requirements**

1. Monitoring of parameters, other than pollutants, shall be conducted according to approved analytical methods as specified in the VWP permit. Analysis of pollutants will be conducted according to 40 CFR Part 136 (2000), Guidelines Establishing Test Procedures for the Analysis of Pollutants.

2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the VWP permit, and records of all data used to complete the application for the VWP permit, for a period of at least three years from the date of the expiration of a granted VWP permit. This period may be extended by request of the board at any time.

4. Records of monitoring information shall include, as appropriate:
   a. The date, exact place and time of sampling or measurements;
   b. The name of the individuals who performed the sampling or measurements;
   c. The date and time the analyses were performed;
   d. The name of the individuals who performed the analyses;
   e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used;
f. The results of such analyses; and

g. Chain of custody documentation.

Q. Unauthorized Discharge of Pollutants

Except in compliance with this VWP general permit, it shall be unlawful for the permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;

2. Excavate in a wetland;

3. Otherwise alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, to animal or aquatic life, to the uses of such waters for domestic or industrial consumption, for recreation, or for other uses; or

4. On and after October 1, 2001, conduct the following activities in a wetland:

   a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;

   b. Filling or dumping;

   c. Permanent flooding or impounding; or

   d. New activities that cause significant alteration or degradation of existing wetland acreage or functions.
US Army Corps of Engineers®
Norfolk District

Regulatory Office

12-SPGP-01 Special Conditions

Permit number: WP3-13-0682
Date: June 18, 2013

In addition to all general conditions of 12-SPGP-01 and conditions required of your Virginia Water Protection Permit authorization, you will be required to comply with the following special condition(s) of your 12-SPGP-01 authorization:

1. In order to meet the requirements of the ESA, MSA, and Section 106 of the NHPA, you must, prior to commencing any work in jurisdictional waters, submit to the Corps, Norfolk District, Regulatory Branch, documentation demonstrating that the requirements of ESA, MSA, and NHPA have been met. Compliance with these Federal laws can be demonstrated by submitting the final concurrence letters from the NOAA Fisheries Services, the U.S. Fish and Wildlife Service, and the State Historic Preservation Officer (SHPO), or other documentation used by FTA to document your compliance with these laws.

2. If a formal consultation is conducted by FTA in accordance with ESA for this project, then you must provide the Corps, Norfolk District with a copy of the Biological Opinion so that the Corps can determine whether your permit needs to be modified to include conditions related to the Biological Opinion.

3. If a Memorandum of Agreement (MOA) is prepared by FTA in accordance with NHPA for this project, then you must provide the Corps, Norfolk District with a copy of the MOA so that the Corps can determine whether your permit needs to be modified to include conditions related to it.

Failure to comply with all terms and conditions, including special conditions, of your 12-SPGP-01 authorization, may result in the Corps of Engineers taking enforcement action against you and/or your contractor.

If you have any questions about these requirements, please contact the Corps project manager listed below.
Ms. Chelsea Bowman
U.S. Army Corps of Engineers
803 Front Street
Norfolk, Virginia 23510
757-201-7060

[Signature]
Kimberly Prisco-Baggett, MBA
Chief, Eastern Virginia
Regulatory Section
CENAO-WRR

REGIONAL PROGRAMATIC GENERAL PERMIT
12-SPGP-01

Effective Date: May 31, 2012  Expiration Date: May 31, 2017

I. AUTHORITIES: 12-SPGP-01 authorizes the discharge of dredged or fill material in nontidal waters, of the United States, including wetlands, associated with certain residential, commercial, and institutional developments and linear transportation projects within the geographical limits of the Commonwealth of Virginia and under the regulatory jurisdiction of the U.S. Army Corps of Engineers, Norfolk District (Corps or Norfolk District). These projects must have no more than minimal individual and cumulative impacts and must meet all the terms and conditions outlined herein. The use of 12-SPGP-01 is restricted to those projects that have avoided and minimized impacts to waters of the U.S., including wetlands, to the maximum extent practicable.

The people of the Commonwealth of Virginia (Virginia or “the Commonwealth”) are hereby authorized by the Secretary of the Army and the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) and Section 404 of the CWA (33 U.S.C. § 1344), to perform the aforementioned work in nontidal waters and wetlands of the Commonwealth as described herein. The Corps’ authority and guidance to develop general permits is contained in 33 U.S.C. § 1344(e) and 33 C.F.R. § 325.2(e)(2), 33 C.F.R. § 325.3(b), and Corps Regulatory Guidance Letter 83-7.

II. PROCEDURES:

A. Delineation Confirmations: Prior to the submission of an application for any Residential, Commercial, or Institutional Development Activity or Linear Transportation Activity covered by 12-SPGP-01, a proponent must first obtain a confirmed delineation of all waters of the U.S., including wetlands, and Virginia state surface waters on the property. The applicant will contact the Corps to obtain a delineation confirmation. A confirmed delineation is not required for Virginia Department of Transportation (VDOT) linear transportation projects (these projects must adhere to separate, but similar, procedures). When appropriate a delineation confirmation may also be required from the Environmental Protection Agency (EPA).

B. Application: Applicants must use the newest version of Joint Permit Applications (JPAs) and submit these applications to the Virginia Marine Resources Commission (VMRC). The applicable Virginia Water Protection (VWP) permit regulations define the information required for a complete VWP permit application (see 9 VAC 25-210-80, 9 VAC 25-660-50, 9 VAC 25-670-50, 9 VAC 25-680-50, and 9 VAC 25-690-50). This information, plus a confirmed
delineation from the Corps with associated map(s) and data sheets, will be required to render an application complete for 12-SPGP-01 purposes. VDOT will submit the Inter-Agency Coordination Meeting JPA or the VDOT Reporting Only Spreadsheet. A joint permit application may be obtained through the following link:

C. State Approvals: In order for 12-SPGP-01 to be valid, permittees must obtain the following state approvals prior to commencement of work in waters of the U.S.:

1. Virginia Department of Environmental Quality (VDEQ) VWP permit and
2. VMRC permit, when required

For the purpose of resolving non-compliance and/or enforcement actions the 12-SPGP-01 may be issued or modified in conjunction with a VDEQ informal resolution, letter of agreement, executive compliance agreement or consent order. Authorizations under 12-SPGP-01 also require that permittees ensure that their projects are designed and constructed in a manner consistent with all state and local requirements pursuant to the Chesapeake Bay Preservation Act (Virginia Code 10.1-2100 et seq.) and the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 et seq.), the Virginia Erosion and Sediment Control Regulations (4 VAC 30-50-10 et seq.), and the Virginia Stormwater Management Program (VSMP) Permit Regulation (4 VAC 50-60-10 et seq.). Authorizations under 12-SPGP-01 do not supersede state or local government authority or responsibilities pursuant to the Act.

D. Definitions:

a. For purposes of 12-SPGP-01, “loss” of waters of the U.S., including wetlands, shall be defined as filling (including placement of pipes or other water conveyances in waters) and other permanent adverse effects, including mechanized landclearing, permanent conversion, excavation (including channelization), flooding, draining, etc. The acreage/linear footage of loss of waters of the U.S. is the threshold measurement of the impact to existing waters, including wetlands, for determining whether a project may qualify for 12-SPGP-01; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and values.

b. For purposes of 12-SPGP-01, “natural stream design” means that the channel should mimic the dimension, pattern, and profile of a representative reference stream reach.

c. For purposes of 12-SPGP-01, VDEQ is the state agency responsible for ensuring permit applications meet the informational and technical requirements of the 12-SPGP-01 and for issuance of 12-SPGP-01 authorizations for qualifying Residential, Commercial, Institutional and Linear Transportation projects.

d. For purposes of 12-SPGP-01, the “permittee” will be the responsible party in receipt of the 12-SPGP-01 authorization from the VDEQ. The permittee will be the responsible party for complying with all 12-SPGP-01 general conditions as well as any additional special conditions required of each project.
e. For purposes of 12-SPGP-01, "lateral encroachment" is when a road, utility or other project encroaches into waters of the U.S., including wetlands, but does not cross the resource perpendicularly or diagonally.

III. AUTHORIZED ACTIVITIES

A. Residential, Commercial, and Institutional Development Activities:

a. **Eligibility Criteria:**

i. Activities are subject to Corps jurisdiction;

ii. Activity involves the discharge of dredged or fill material associated with residential, commercial, and institutional projects causing the permanent loss of not more than one acre of nontidal wetlands or open waters or the permanent loss of not more than 2,000 linear feet of stream channel, unless otherwise excluded by 12-SPGP-01;

iii. Activity meets the general conditions of 12-SPGP-01 listed on pages 7-14 and any special conditions required of each project-specific authorization;

iv. Compensatory mitigation is provided in accordance with the mitigation standards and general conditions on pages 10-11; and

v. Discharges associated with residential, commercial, and institutional development activities include those outlined in the VDEQ’s General Permits (see 9 VAC 25-660 et seq., 9 VAC 25-670 et seq., 9 VAC 25-680 et seq., and 9 VAC 25-690 et seq.) and are associated with the construction or expansion of residential, commercial, or institutional building foundations, building pads, and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, stormwater management facilities, and recreational facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development). Residential developments include multiple and single unit developments. Commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. For residential, commercial, and institutional developments, the aggregate permanent loss of waters of the U.S. cannot exceed one acre of nontidal wetlands or open water; or 2,000 linear feet of stream.

vi. Residential, commercial, or institutional developments are consistent with the Corps’ subdivision guidance dated March 15, 1993 and June 2, 1999, the Corps’ and VDEQs’ joint subdivision guidance dated June, 2007 and/or any subsequent guidance that supersedes or supplements those documents.

b. **Federal Screening Procedures:**
i. All residential, commercial, and institutional development activities that will cause or result in impacts to tidal waters, including wetlands, and/or permanent impacts that exceed 1/2 acre of non-tidal wetlands or open waters and/or exceed 300 linear feet of stream channel will be coordinated with the Corps, the U.S. Environmental Protection Agency (EPA), and the U.S. Fish and Wildlife Service (FWS) for federal review.

ii. If EPA or FWS determines that there are project-specific concerns regarding avoidance and/or minimization of impacts to the aquatic environment or concerns regarding the amount and/or type of compensatory mitigation being proposed, the applicant will be required to address those concerns. If the concerns are not addressed to the satisfaction of the objecting agency(ies), the Corps District Commander may exert his/her discretionary authority to require the project to be processed under the Corps’ individual permit process.

iii. Any Corps’ concerns shall be relayed to the VDEQ and addressed during the VDEQ permitting process. If concerns are not satisfied through that process, the Corps District Commander may exert his/her discretionary authority to require the project to be processed under an alternate Corps permitting process, possibly as an individual permit.

B. Linear Transportation Activities:

a. Eligibility Criteria:

i. Activities are subject to Corps jurisdiction;

ii. Activities involve the discharge of dredged or fill material associated with the construction, expansion, modification, or improvement of linear transportation projects not causing the permanent loss of more than 1/3 acre of waters of the U.S., including wetlands, at any single impact site with independent utility, unless otherwise excluded by 12-SPGP-01;

iii. Activity meets all general conditions of 12-SPGP-01 listed on pages 7-14 and any special conditions required of each project-specific authorization;

iv. Compensatory mitigation is provided for all unavoidable impacts to wetlands;

v. Compensatory mitigation is provided for all unavoidable stream impacts where total permanent impacts exceed 300 linear feet of stream channel (or mitigation for any lower level of impact if it is determined that it is necessary to ensure that a project’s impacts are minimal in nature) in accordance with the mitigation standards general condition on pages 10-11. Stream relocation using natural stream design may be considered self-mitigating, as determined on a case-by-case basis;

vi. Lateral encroachments may be authorized by the 12-SPGP-01 if the project meets the following criteria:
1. Impacts due to all project lateral encroachments, including stream relocations, do not exceed 1/3 acre of waters of the United States or 2,000 linear feet of stream channel;

2. Total project lateral encroachments do not cause the permanent loss of more than 300 linear feet of stream channel due to the installation of piping, riprap, concrete, etc;

3. All project lateral encroachments exceeding 300 linear feet of stream channel are performed using natural stream design (unless waived in writing); and

4. Impacts due to lateral encroachment(s), new alignment projects and/or projects that impact the same aquatic resources multiple times will be considered cumulative for the entire project regardless of whether segments of that project may have independent utility;

vii. Discharges associated with linear transportation projects include the construction, expansion, modification, or improvement of highways, roads, railways, trails, and airport runways and taxiways. Construction and/or relocation of utility lines within the right-of-way/easements of the project and performed in direct relation with the project are covered under this activity, with impacts counting toward permit thresholds.

b. **Federal Screening Procedures:**

i. All linear transportation activities involving permanent impacts that exceed 300 linear feet of stream channel at any single impact area OR containing multiple single and complete impact areas on the same project that additively exceed 1/3 acre of impact to waters of the United States, including wetlands and/or exceed 300 linear feet of stream channel (lateral or crossing impact) will be reviewed by the Corps, the EPA, and the FWS.

ii. If EPA or FWS determines that there are project specific concerns regarding avoidance and/or minimization of impacts to the aquatic environment or the amount and/or type of compensatory mitigation being proposed, the applicant will be required to address those concerns. If the concerns are not addressed to the satisfaction of the objecting agency(ies), the Corps District Commander may exert his/her discretionary authority to require the project to be processed under the Corps’ individual permit process.

iii. Any Corps’ concerns shall be relayed to the VDEQ and addressed during the VDEQ permitting process. If concerns are not satisfied through that process, the Corps District Commander may exert his/her discretionary authority to require the project to be processed under an alternate Corps permitting process.

c. **VDOT Reporting-Only Procedures:** VDOT may report by spreadsheet on a monthly basis to the VDEQ those VDOT projects meeting the following eligibility criteria:

i. Permanent impacts do not exceed 1/10 acre of waters of the United States, including wetlands; the definition of independent utility must be applied when determining permanent impact totals;
ii. Section 7 – Endangered Species Act Review has been completed, includes FWS concurrence with findings, if needed;

iii. Section 106 finding of “No Effect” has been reviewed and approved by the VDEQ-Cultural Resource Specialist; and

iv. For projects with cumulative impacts exceeding 300 linear feet of stream channel, a pre-coordination email will be sent to the Corps with a project description, impacts, topographic quadrangle and photos. The VDEQ and VDOT Central Office will be copied on the email. If the Corps concurs that project can be included on the spreadsheet, VDOT will include the Corps concurrence email with the spreadsheet submittal. No additional Norfolk District review will be required. If the Corps does not concur that project can be included on the spreadsheet, VDOT will submit a JPA through its interagency coordination meeting and will include the Corps' response email in the application.

C. Exclusions from Coverage: The following activities and resources areas are excluded from coverage by 12-SPGP-01 and require different types of Corps permits:

a. Conversion of waters and/or wetlands for agricultural production and agriculture-related activities (crop fields or pasture); farm buildings; grain storage facilities; grassed waterways; low water crossings; impoundments for irrigation, livestock watering, and fire prevention purposes; animal feeding operations; waste storage facilities; and farm access roads;

b. Wetland areas composed of 10% or more of the following species (singly or in combination) in any stratum: Atlantic white cedar (Chamaecyparis thyoides), bald cypress (Taxodium distichum), water tupelo (Nyssa aquatica), or overcup oak (Quercus lyrata) (Percentages may be based on stem counts, basal area, or percent aerial cover);

c. Wetland areas underlain by histosols (Histosols are organic soils that are often called mucks, peats, or mucky peats. The list of histosols includes, but is not limited to, the following soil series: Back Bay, Belhaven, Dorovan, Lanexa, Mattamuskeet, Mattan, Palms, Pamlico, Pungo, Pocaty, and Rappahannock);

d. Placement of septic tanks (does not include alternate onsite sewer systems);

e. Residential gardening, lawn maintenance and landscaping;

f. Construction of extended-detention basins and enhanced extended-detention basins designed, constructed, and maintained to function in accordance with the current Virginia Department of Conservation and Recreation (DCR) standards for such facilities or local standards that, at a minimum meet the DCR standards, unless the following requirements are met:

i. The area within the entire basin and back-flooding limits are considered as permanent impacts. For the purposes of the 12-SPGP-01, back-flooding limits are defined as
back-flooding that will not be released within 24 hours if the activity is east of I-95, or back-flooding that will not be released within 48 hours if the activity is west of I-95.

ii. The proposed basins are attendant features associated with a “single and complete” residential, commercial, institutional or linear transportation project;

g. Construction or maintenance of farm or stock ponds that do not fall under the authority of the Virginia Soil and Water Conservation Board pursuant to Article 2 (§10.1-604 et seq.) of Chapter 6 pursuant to normal agricultural or silvicultural activities; and

h. Discharges of dredged or fill material associated with residential, commercial, and institutional activities causing the permanent loss of more than one acre of nontidal wetlands or open waters or waters or over 2,000 linear feet of stream channel.

IV. GENERAL CONDITIONS: The following conditions apply to all activities authorized under 12-SPGP-01. Work that does not meet one or more of the terms and general conditions of 12-SPGP-01, including work that has been determined to be more than minimal in nature (at any impact level), will require consideration under a different type of Corps permit.

1. Other permits. Authorization does not obviate the need to obtain other Federal, state, or local authorizations required by law or to comply with all Federal, state, or local laws.

2. Minimal effects. Projects authorized shall have no more than minimal individual or cumulative adverse environmental impacts, as determined by the Corps.

3. Discretionary authority. The Corps District Commander retains discretionary authority to require processing of an individual permit based on concerns for the aquatic environment or for any other factor of the public interest (33 C.F.R. § 320.4(a)). This authority is exercised on a case-by-case basis.

4. Single and complete projects. 12-SPGP-01 shall only be applied to single and complete projects. For purposes of 12-SPGP-01, a single and complete project means the total project proposed or accomplished by one owner/developer or partnership and which has independent utility. For linear transportation projects with multiple crossings or encroachments a determination of “single and complete” will typically apply to each crossing of waters that occurs (i.e., single waterbody and/or wetlands) at separate and distinct locations and with independent utility. However, in cases where there are many crossings in close proximity, numerous crossings of the same waterbody, multiple crossings, or multiple encroachments that otherwise may have more than minimal individual or cumulative impacts; the Corps has the discretion to consider all the crossings cumulatively as one single and complete project.

5. Independent utility. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as a separate, single and complete project with independent utility. For a linear transportation project,
separate impact areas on a new location roadway are not considered to have independent utility thus impacts would be considered cumulatively and eligible for a single 12-SPGP-01 authorization. However, separate impact areas on a roadway that is being widened or where pipes are being replaced at multiple crossings are considered to have independent utility, and each crossing would be considered eligible for a separate 12-SPGP-01 authorization (impacts are not considered cumulatively for permitting, but are considered cumulatively when assessing the need for federal review).

6. **Multiple general permit authorizations.** The 12-SPGP-01 may be combined with other Corps general permits (including Nationwide, Regional or Letters of Permission) as long as the impacts are considered cumulatively and do not exceed the acreage limit or linear foot limits of the 12-SPGP-01. Two separate activities (e.g., Activity A and B), within 12-SPGP-01, may be combined as long as they do not exceed the acreage or linear footage threshold of the activity with the highest specified acreage or linear footage threshold.

7. **Permit on-site.** The permittee shall ensure that a copy of 12-SPGP-01 and the accompanying authorization letter are at the work site at all times. These copies must be made available to any regulatory representative upon request. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be expected to comply with all conditions of any 12-SPGP-01 authorization.

**General Conditions Related to other federal laws or programs:**

8. **Historic Properties.** Any activity authorized shall comply with Section 106 of the National Historic Preservation Act. If the permittee, during construction or work authorized herein, encounters a previously unidentified archaeological or other cultural resource, he/she must immediately stop work and notify the Corps and the VDEQ of what has been found. Coordination with the Virginia Department of Historic Resources will commence and the permittee will subsequently be advised when he/she may recommence work.

9. **Tribal Rights.** No activity authorized may impair reserved tribal rights, including, but not limited to, reserved water rights, treaty fishing and hunting rights.

10. **Federal Lands.** Authorized activities shall not impinge upon the value of any National Wildlife Refuge, National Forest, National Park, or any other area administered by the FWS, U.S. Forest Service, or National Park Service unless approval from the applicable land management agency is provided with the permit application.

11. **Endangered Species.** No activity is authorized under this 12-SPGP-01 which may affect a proposed/listed threatened or endangered species or proposed/listed critical habitat (as identified under the Federal Endangered Species Act (ESA)), is likely to jeopardize the continued existence of such species or which will destroy or adversely modify the critical habitat of such species unless Section 7 consultation addressing the effects of the proposed activity has been completed.
a. Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the VDEQ and Corps with the appropriate documentation to demonstrate compliance with those requirements.

b. Non-federal permittees shall notify the VDEQ and Corps if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the VDEQ or Corps that the requirements of the ESA have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the USFWS at: http://www.fws.gov/northeast/virginiafield/endspecies/Project_Reviews.html and/or NOAA Fisheries Habitat Conservation Division, P.O. Box 1346, 7580 Spencer Road, Gloucester Point, VA 23062.

c. Section 7 coordination will be performed in accordance with the NAO ESA Review Process. The applicant may not begin work until the VDEQ or Corps has notified them that the Section 7 consultation has been completed.

d. As a result of formal or informal consultation with the FWS or NOAA Fisheries the Corps District Commander may add species-specific regional endangered species conditions to the 12-SPGP-01.

e. Authorization of an activity by 12-SPGP-01 does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NOAA Fisheries, both lethal and non-lethal “takes” of protected species are in violation of the ESA.

12. Bald and Golden Eagle Protection Act. The bald eagle (Haliaeetus leucocephalus) is no longer a federally listed threatened or endangered species; therefore, the Endangered Species Act provisions are not applicable to this species. The Bald and Golden Eagle Protection Act (BGEPA) does not require that a federal agency involved in permitting the proposed action conduct coordination. The coordination under the BGEPA is the responsibility of the applicant. The applicant should either obtain a FWS bald eagle take permit or a letter of concurrence from FWS indicating that a permit is not necessary prior to initiating construction activities. You should contact FWS concerning this matter at U.S. Fish and Wildlife Service, Virginia Field Office, ATTN: Kim Smith, 6669 Short Lane, Gloucester, VA 23061. Information on active bald eagle nests in the project area can be obtained via The Center for Conservation Biology (CCB) Virginia Eagles Nest Locator: http://www.ccb-wm.org/virginiaeagles/index.htm.

13. Wild and Scenic Rivers. Currently, there are no designated Wild and Scenic Rivers in the Commonwealth of Virginia; however, the portion of the Upper New River from Glen Lyn, Virginia to the West Virginia/Virginia state line was designated a “study river” by Congress on October 26, 1992. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system, while the river is in an official study status, unless the appropriate Federal agency
with direct management responsibility for such river has determined, in writing, that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Impacts that occur in these resource areas will require coordination with the appropriate Federal agency.

14. Department of Defense (DOD) Siting Clearinghouse Coordination. For all commercial and institutional development projects that include the construction of wind energy generating structures, solar towers, or overhead powerlines the VDEQ must coordinate the project with the DOD Clearinghouse. The VDEQ will send a copy of the joint permit application and SPGP authorization to the following address: Department of Defense Clearinghouse, Attn: Mr. Marshal Williams and Mr. Davis Blalock, 101 Marietta St., NW, Suite 3120, Atlanta, George 30303 or via email to: Frederick.m.williams28.civ@mail.mil and David.c.blalock2.civ@mail.mil.

15. Federal navigation projects. Authorized activities may not interfere with any existing or proposed Federal navigation projects.

16. Navigation. (a) No authorized activity may cause more than a minimal adverse effect on navigation. (b) The permittee understands and agrees that if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his/her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

17. Floodplains. All practicable efforts shall be made to conduct the work authorized by 12-SPGP-01 in a manner so as to avoid any adverse impact on the Federal Emergency Management Agency (FEMA) designated 100-year floodplain.

18. Real estate. Activities authorized under 12-SPGP-01 do not grant any Corps or Federal real estate rights. If real estate rights are needed from the Corps, you must contact the Corps Real Estate Office at (757) 201-7735 or at the address listed on the front page of this permit.

19. Environmental justice. Activities authorized under 12-SPGP-01 must comply with Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”.

20. Federal liability. In issuing 12-SPGP-01, the Federal government does not assume any liability for the following: (a) damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes; (b) damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest; (c) damages to persons, property, or to other permitted or
unpermitted activities or structures caused by the activity authorized by 12-SPGP-01; (d) design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

**General Conditions Related to Minimizing Environmental Impacts:**

21. **Avoidance and minimization.** Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. (40 CFR 230.10(a) Section 404 (b)(1) Guidelines).

22. **Mitigation standards.**

   a. **Wetland mitigation** will generally be required for all residential, commercial, and institutional development projects where the total permanent impacts exceed 1/10 acre AND for all impacts on linear transportation projects. Generally, the minimum required wetland mitigation ratios will be as follows: 2:1 for forested wetlands, 1.5:1 for scrub-shrub wetlands, 1:1 for herbaceous emergent wetlands, and 1:1 for conversion of forested wetlands to herbaceous emergent wetlands. Mitigation for open waters impacts will be determined by the project manager on a case-by-case basis. All wetland mitigation will comply with the Corps-EPA Compensatory Mitigation for Losses of Aquatic Resources dated April 10, 2008 (33 CFR 325 and 332/40 CFR 230).

   b. **Stream mitigation** will generally be required for all residential, commercial, institutional developments AND linear transportation projects where the total permanent stream channel impacts exceed 300 linear feet. Minimum stream mitigation requirements will be determined using the current Corps and the VDEQ endorsed assessment methodology. All stream mitigation will comply with Corps-EPA Compensatory Mitigation for Losses of Aquatic Resources dated April 10, 2008 (33 CFR 325 and 332; 40 CFR 230).

   c. For the purposes of the 12-SPGP-01, definitions for enhancement, establishment (creation), preservation, and re-establishment will be consistent with the definitions listed in the Corps-EPA Compensatory Mitigation for Losses of Aquatic Resources dated April 10, 2008 (33 CFR 325 and 332; 40 CFR 230).

   d. Where local zoning ordinances provide for riparian and floodplain protection pursuant to the Chesapeake Bay Preservation Act (Virginia Code 10.1-2100 et seq.) and the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 1-20 et seq.), the use of buffers as a form of compensatory mitigation shall be allowed only (a) where the extent of the buffer exceeds the lateral extent already required by local ordinances pursuant to the Act and the regulations or (b) where the quality of the existing protected buffer *area* is enhanced to provide greater water quality protection benefits.

23. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
24. **Temporary fills.** All temporarily disturbed waters and wetlands must be restored to their pre-construction contours within 6 months of commencing the temporary impact’s construction. Impacts that will not be restored within 6 months (calculated from the start of the temporary impacts construction) will be considered permanent unless otherwise approved by the 12-SPGP-01. Once restored to their natural contours, soil in these areas must be mechanically loosened to a depth of 12 inches and wetland areas must be seeded or sprigged with appropriate native vegetation.

25. **Sedimentation and erosion control.** Appropriate erosion and sediment controls must be employed and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark, must be permanently stabilized at the earliest practicable date.

26. **Aquatic life movements.** Following consultation with the Virginia Department of Game and Inland Fisheries (DGIF), the Norfolk District has determined that fish and other aquatic organisms are most likely present in any stream being crossed, in the absence of site-specific evidence to the contrary. Although prospective permittees have the option of providing such evidence, extensive efforts to collect such information is not encouraged, since countersinking will in most cases be required with some exceptions as outlined below:

   a. Pipes should be adequately sized to allow for the passage of ordinary high water with the countersinking and invert restrictions taken into account.

   b. All pipes and culverts placed in streams will be countersunk at both the inlet and outlet ends, unless indicated otherwise by the Norfolk District on a case-by-case basis (see below). Pipes that are 24” or less in diameter shall be countersunk 3” below the natural stream bottom. Pipes that are greater than 24” in diameter shall be countersunk 6” below the natural stream bottom. The countersinking requirement does not apply to bottomless pipes/culverts or pipe arches. All single pipes or culverts (with bottoms) shall be depressed (countersunk) below the natural streambed at both the inlet and outlet of the structure. In sets of multiple pipes or culverts (with bottoms) at least one pipe or culvert shall be depressed (countersunk) at both the inlet and outlet to convey low flows.

   c. Extensions and certain maintenance: The requirement to countersink does not apply to extensions of existing pipes or culverts that are not countersunk, or to maintenance to pipes/culverts that does not involve replacing the pipe/culvert (such as repairing cracks, adding material to prevent/correct scour, etc.).

   d. Floodplain pipes: The requirement to countersink does not apply to pipes or culverts that are being placed above ordinary high water, such as those placed to allow for floodplain flows. The placement of pipes above ordinary high water is not jurisdictional (provided no fill is discharged into wetlands).

   e. Pipes on bedrock or above existing utility lines: Different procedures will be followed for pipes or culverts to be placed on bedrock or above existing buried utility lines where it is not
practicable to relocate the lines, depending on whether the work is for replacement of an existing pipe/culvert or a new pipe/culvert:

i. Replacement of an existing pipe/culvert: Countersinking is not required provided the elevations of the inlet and outlet ends of the replacement pipe/culvert are no higher above the stream bottom than those of the existing pipe/culvert. Documentation (photographic or other evidence) must be maintained in the permittee’s records showing the bedrock condition and the existing inlet and outlet elevations. That documentation will be available to the Norfolk District upon request, but notification or coordination with the Norfolk District is not otherwise required.

ii. Replacement in a new location: If the prospective permittee determines that bedrock or an existing buried utility line that is not practicable to relocate prevents countersinking, he/she should evaluate the use of a bottomless pipe/culvert, bottomless utility vault, span (bridge) or other bottomless structure to cross the waterway, and also evaluate alternative locations for the new pipe/culvert that will allow for countersinking. If the prospective permittee determines that neither a bottomless structure nor an alternative location is practicable, then he/she must submit a pre-construction notification (PCN) to the Norfolk District in accordance with General Condition 31 of the NWPs. In addition to the information required by General Condition 31, the prospective permittee must provide documentation of measures evaluated to minimize disruption of the movement of aquatic life as well as documentation of the cost, engineering factors, and site conditions that prohibit countersinking the pipe/culvert. Options that must be considered include partial countersinking (such as less than 3" of countersinking, or countersinking of one end of the pipe), and constructing stone step pools, low rock weirs downstream, or other measures to provide for the movement of aquatic organisms. The PCN must also include photographs documenting site conditions. The prospective permittee may find it helpful to contact his/her regional fishery biologist for the Virginia Department of Game and Inland Fisheries (VDGIF), for recommendations about the measures to be taken to allow for fish movements. When seeking advice from VDGIF, the prospective permittee should provide the VDGIF biologist with all available information such as location, flow rates, stream bottom features, description of proposed pipe(s), slopes, etc. Any recommendations from VDGIF should be included in the PCN. The Norfolk District will notify the prospective permittee whether the proposed work qualifies for the nationwide permit within 45 days of receipt of a complete PCN. NOTE: Blasting of stream bottoms through the use of explosives is not acceptable as a means of providing for countersinking of pipes on bedrock.

f. Pipes on steep terrain: Pipes being placed on steep terrain (slope of 5% or greater) must be countersunk in accordance with the conditions above and will in most cases be non-reporting. It is recommended that on slopes greater than 5%, a larger pipe than required be installed to allow for the passage of ordinary high water in order to increase the likelihood that natural velocities can be maintained. There may be situations where countersinking both the inlet and outlet may result in a slope in the pipe that results in flow velocities that cause excessive scour at the outlet and/or prohibit some fish movement. This type of situation could occur on the side of a mountain where falls and drop pools occur along a stream. Should this be the case, or should the prospective permittee not want to countersink the pipe/culvert for other reasons, he/she must submit a Pre-Construction Notification to the Norfolk District in accordance with General Condition 31 of the Nationwide Permits. In addition to the information required by General
Condition 31, the prospective permittee must provide documentation of measures evaluated to minimize disruption of the movement of aquatic life as well as documentation of the cost, engineering factors, and site conditions that prohibit countersinking the pipe/culvert. The prospective permittee should design the pipe to be placed at a slope as steep as stream characteristics allow, countersink the inlet 3-6”, and implement measures to minimize any disruption of fish movement. These measures can include constructing a stone step/pool structure, preferably using river rock/native stone rather than riprap, constructing low rock weirs to create a pool or pools, or other structures to allow for fish movements in both directions. Stone structures should be designed with sufficient-sized stone to prevent erosion or washout and should include keying-in as appropriate. These structures should be designed both to allow for fish passage and to minimize scour at the outlet. The quantities of fill discharged below ordinary high water necessary to comply with these requirements (i.e., the cubic yards of stone, riprap or other fill placed below the plane of ordinary high water) must be included in project totals. The prospective permittee may find it helpful to contact his/her regional fishery biologist for the Virginia Department of Game and Inland Fisheries (DGIF), for recommendations about the measures to be taken to allow for fish movements. When seeking advice from DGIF, the prospective permittee should provide the DGIF biologist with all available information such as location, flow rates, stream bottom features, description of proposed pipe(s), slopes, etc. Any recommendations from DGIF should be included in the PCN. The Norfolk District will notify the prospective permittee whether the proposed work qualifies for the nationwide permit within 45 days of receipt of a complete PCN.

g. Problems encountered during construction: When a pipe/culvert is being replaced, and the design calls for countersinking at both ends of the pipe/culvert, and during construction it is found that the streambed/banks are on bedrock, then the permittee must stop work and contact the Norfolk District (contact by telephone and/or email is acceptable). The permittee must provide the Norfolk District with specific information concerning site conditions and limitations on countersinking. The Norfolk District will work with the permittee to determine an acceptable plan, taking into consideration the information provided by the permittee, but the permittee should recognize that the Norfolk District could determine that the work will not qualify for a nationwide permit.

h. Emergency pipe replacements: In the case of an emergency situation, such as when a pipe/culvert washes out during a flood, a permittee is encouraged to countersink the replacement pipe at the time of replacement, in accordance with the conditions above. However, if conditions or timeframes do not allow for countersinking, then the pipe can be replaced as it was before the washout, but the permittee will have to come back and replace the pipe/culvert and countersink it in accordance with the guidance above. In other words, the replacement of the washed out pipe is viewed as a temporary repair, and a countersunk replacement should be made at the earliest possible date. The Norfolk District must be notified of all pipes/culverts that are replaced without countersinking at the time that it occurs, even if it is an otherwise non-reporting activity, and must provide the permittee's planned schedule for installing a countersunk replacement (it is acceptable to submit such notification by email). The permittee should anticipate whether bedrock or steep terrain will limit countersinking, and if so, should follow the procedures outlined in (f) and/or (g) above.
27. **Discharge of pollutants.** All authorized activities involving any discharge of pollutants into waters of the United States shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. § 1251 et seq.) and applicable state and local laws. No discharge of dredged or fill material in association with this authorization may consist of unsuitable material such as trash, debris, car bodies, asphalt, etc.

28. **Obstruction of high flows.** Discharges of dredged or fill material must not permanently restrict or impede the passage of normal or expected high flows.

29. **Waterbird breeding areas.** Discharges of dredged or fill material into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

30. **Native trout and anadromous fishes.** Authorizations for discharges of dredged or fill material into native trout waters or anadromous fish spawning areas are conditioned to limit in-stream work within the timeframes recommended by the DGIF.

31. **Water supply intakes.** No discharge of dredged or fill material may occur in proximity of a public water supply intake.

32. **Invasive Species.** Plant species on the most current *Virginia Department of Conservation and Recreation’s Invasive Alien Plant List* shall not be used for replanting activities authorized by the SPGP. The list of invasive plants in Virginia may be found at: [http://www.dcr.virginia.gov/natural_heritage/documents/invlist.pdf](http://www.dcr.virginia.gov/natural_heritage/documents/invlist.pdf).

**General Procedural Conditions:**

33. **Inspections.** The permittee understands and agrees that the Corps and/or the VDEQ are permitted and allowed to make periodic inspections at any time the Corps or VDEQ deems necessary in order to assure that the activities being performed under authority of this permit are in accordance with the terms and conditions prescribed herein. The Corps reserves the right to require post-construction engineering drawings and/or surveys of any work authorized under 12-SPGP-01, as deemed necessary on a case-by-case basis.

34. **Maintenance.** The permittee shall maintain the work authorized herein in good condition and in conformance with all terms and conditions of this permit. All fills shall be properly maintained to ensure public safety.

35. **Property rights.** 12-SPGP-01 does not convey any property rights, either in real estate or material, or convey any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, state, or local laws or regulations.

36. **Modification, suspension, and revocation.** 12-SPGP-01 and individual verifications under 12-SPGP-01 may be either modified, suspended, or revoked in whole or in part pursuant to the policies and procedures of 33 C.F.R. § 325.7. Any such action shall not be the basis for any claim for damages against the United States.
37. **Restoration directive.** The permittee, upon receipt of a restoration directive, shall restore the waters of the United States to their former conditions without expense to the United States and as directed by the Secretary of the Army or his/her authorized representative. If the permittee fails to comply with such a directive, the Secretary or his/her designee, may restore the waters of the United States to their former conditions, by contract or otherwise, and recover the cost from the permittee.

38. **Special conditions.** The Corps may impose other special conditions on a project authorized pursuant to 12-SPGP-01 that are determined necessary to minimize adverse navigational and/or environmental effects or based on any other factor of the public interest. Failure to comply with all conditions of the authorization, including special conditions, constitutes a permit violation and may subject the permittee, or his/her contractor, to criminal, civil, or administrative penalties and/or restoration.

39. **False or incomplete information.** In granting authorization pursuant to this permit, the Corps has relied upon information and data provided by the permittee. If, subsequent to notification by the Corps or the VDEQ that a project qualifies for this permit, such information and data prove to be materially false or materially incomplete, the Corps may suspend or revoke authorization, in whole or in part, and/or the United States or Corps may institute appropriate legal proceedings.

40. **Abandonment.** If the permittee decides to abandon the activity authorized under 12-SPGP-01, unless such abandonment is merely the transfer of property to a third party, he/she may be required to restore the area to the satisfaction of the Corps.

41. **Transfer of authorization.** In order to transfer authorization under 12-SPGP-01, the transferee and permittee must supply the Corps and the VDEQ with a written and signed, by all appropriate parties, request to make such a transfer. Such transfer is not effective until written approval has been granted by the Corps or the VDEQ.

42. **Binding effect.** The provisions of the permit authorization shall be binding on any assignee or successor in interest of the original permittee.

**General Conditions Regarding Duration of Authorizations:**

43. **Duration of authorization.** Activities authorized under 12-SPGP-01 must be completed by May 31, 2017.

44. **Time extensions.** If a permittee is unable to complete the work authorized under 12-SPGP-01 in the time limit provided in the initial authorization, he/she must submit a request for a time extension to the Corps and the VDEQ for consideration at least one month prior to the expiration of the permit authorization.
45. **Expiration of 12-SPGP-01.** Unless further modified, suspended, or revoked, 12-SPGP-01 will be in effect until May 31, 2017. Upon expiration, it may be considered for revalidation. Activities which have commenced (i.e., are under construction) or are under contract to commence construction in reliance upon 12-SPGP-01 will remain authorized provided the activity is completed within twelve months of the date of this 12-SPGP-01’s expiration of May 31, 2017, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7(a-e).

\[5/31/12\]

PAUL B. OLESEN, P.E.
Colonel, Corps of Engineers
Commanding
Detailed Project Description

The railroad fill embankment installed under the Third Track project that included the construction of the new mainline track to the east of the existing two-track rail corridor of CSX Transportation from the VRE Crossroads Yard (approximately 1900 feet south of the US 17 overpass bridge) to the at-grade crossing at Mine Road has experienced erosion and sloughing of embankment material in a section parallel to Benchmark Road (approximately 1680’ as shown on the attached Traffic Control Plan). Areas of erosion that require stabilization have been identified and mapped. In general, all other areas along the embankment fill have established vegetation and are stable. The project is rated as a Type A project (Category I) for TMP planning. Improvements will be constructed within existing CSX Transportation right-of-way with the following exceptions:

- **Work Zone:** Construction activities will be required along southbound Benchmark Road (west side between the existing tracks and Benchmark Road) within VDOT Right-of-Way, for equipment access and to clean out existing roadside ditch where eroded material has been deposited.

  Access for emergency vehicles will be maintained at all times.

  Length of construction period is estimated at 4 to 6 weeks.

**Impacts to Highway Traffic**

Construction of the project is primarily limited to CSX right-of-way corridor and has minimal to no impacts to local highway traffic.

The Contractor shall schedule work between the hours of 9:00 A.M. to 3:30 P.M, Monday through Friday. Any night, weekend or holiday work must be coordinated with VRE, CSXT and the local municipalities and VDOT. All traffic control devices will be in accordance with the Virginia Department of Transportation Work Area Protection Manual, 2011 Edition, Revision 1, dated April, 2015.
If a lane closure is required, the Contractor shall submit a detailed traffic control plan to VDOT for approval a minimum of 30 days prior to any lane closure on Benchmark Road.

**Project Coordination and Communication**

Key project contact information:

Kip Foster  
Construction Manager  
Virginia Railway Express  
1500 King Street, Suite 202  
Alexandria, VA 22314  
703-400-2038  
kfoster@vre.org

Ron Briggs  
Project Manager  
STV, Inc.  
10800 Midlothian Turnpike, Suite 302  
Richmond, VA 23235  
804-419-8920  
Ronald.briggs@stvinc.com

Two weeks prior to beginning of construction activities, the following will be notified in writing:

David L. Beale  
Area Land Use Engineer  
VDOT Fredericksburg District  
87 Deacon Road  
Fredericksburg, VA 22405  
540-654-1973

District Public Affairs Manager  
VDOT Fredericksburg District  
Kelly Hannon  
540-374-3344  
fredericksburginfo@vdot.virginia.gov

Fredericksburg District Traffic Engineer  
Peter Hedrich  
VDOT Fredericksburg District  
540-899-4540
District Work Zone Safety Coordinator
Jeffrey Stone
VDOT Fredericksburg District
540-899-4547

Sean Nelson, P.E.
Residency Administrator
Fredericksburg Residency
86 Deacon Road
Fredericksburg, VA 22405
540-899-4447

VDOT Traffic Operations Center
703-877-4301

The following information provides Emergency Contact information:

Volunteer Rescue Squad
Rescue Station 11
9517 Crossroad Parkway
Fredericksburg, VA 22408
540-507-7933

Fire
Spotsylvania County Fire Co. 11 (Lee Hill)
9517 Crossroad Parkway
Fredericksburg, VA 22408
540-507-7931

Police
Virginia State Police
3804 Loren Drive
Fredericksburg, VA
540-891-4108

County
Spotsylvania County Sheriff’s Office
9119 Dean Ridings Lane
Spotsylvania County, VA 22553
540-582-7115