



Attachment 1: VWP PERMIT CONSTRUCTION STATUS UPDATE FORM

Attached to [VWP INDIVIDUAL PERMIT NUMBER XX-XXXX]
 [DATE]
 [PERMIT ACTION]

Date (check one):

- June ____, _____
- December ____, _____

VWP Individual Permit Number: _____

Project Name and Location: _____

Status within each authorized surface water impact location, as identified on MAP NAME, dated MM-DD-YYYY, , and received MM-DD-YYYY: (check one of the following status options for each impact number/location. Attach additional sheet(s) if needed.)

Authorized impact number	Construction activities not started	Construction activities started	Construction activities started but currently not active	Does this impact involve culvert(s) ¹ ?	Construction activities complete ²

¹ Provide spot elevations of the stream bottom within the thalweg at the beginning and end of the pipe or culvert, extending to a minimum of 10 feet beyond the limits of the impact, with completion of all culvert installations.

² If all construction activities and compensatory mitigation requirements are complete, the permittee completes and signs the Termination Agreement section below within 30 days of last authorized activity and/or compensation completion. A completed and signed Agreement serves as Notice of Project Completion (9VAC25-210-130 F).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation.

Authorized Signature: _____

Print Name: _____

Title: _____ Phone: _____

Date: _____ Email: _____

TERMINATION AGREEMENT BY CONSENT – PROJECT COMPLETION

Permittee Name: _____

Permittee Mailing Address: _____

Permittee Phone: _____

I hereby consent to the termination of coverage for VWP Individual Permit Number **XX-XXXX**.

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

Permittee Signature: _____

DEQ Letterhead

[Date]

[Land Owner Name(s)]

[Address]

[Address]

RE: Joint Permit Application Number [##-####]
[Project Name], [Name] County, Virginia
Notification of Proposed Project

Dear [Name(s)]:

This letter has been sent to your attention as required by Chapter 3.1, Section 62.1-44.15:4.D. of the Code of Virginia.

The Department of Environmental Quality (DEQ) has received an application for a Virginia Water Protection (VWP) individual permit for a proposed project in the vicinity of your property. The [Applicant Name] proposes to [describe project: Ex widen Route 250, from approximately Route 632 to Route 634]. The proposed project will [summary impacts: Ex. impact approximately 1.75 acres of nontidal wetlands along Tuckahoe Creek].

DEQ will review the application and may draft a VWP individual permit for this project. If DEQ prepares a draft permit, the applicant will be required to post a public notice in a newspaper that is circulated in the vicinity of the project site and invites the public to make technically sound comments on the proposed project. The public comment period will be **30 calendar days** from the date the public notice is published in the newspaper. During the comment period, the public is welcome to review the permit application and draft permit at the appropriate DEQ office by scheduling an appointment during normal business hours.

Issuance of a permit for the proposed project in no way conveys property rights to the VWP individual permit applicant, his/her agent, or DEQ.

If you have any questions, please contact me by phone at XXX-XXX-XXXX, by email at XXX@deq.virginia.gov or by mail at the above letterhead address.

Respectfully,

[Permit Writer]

VWP Permit Writer

Enclosure: Location Map

DEQ Letterhead

Use this link to determine who to contact: <http://www.vacomrev.com/contact-us/spreadsheet/>

[Date]

The Honorable [Commissioner Name or equivalent]
Commissioner of the Revenue
[Address]

RE: Joint Permit Application Number [##-####]
Project Name, County, Virginia
Local Government Request for Land Owner Information

Dear Commissioner [Name]:

The Department of Environmental Quality (DEQ) has received an application for a Virginia Water Protection (VWP) individual permit for a proposed project in your locality. The project location is identified on the attached topographic map.

Section 62.1-44.15:4.D of the Code of Virginia requires DEQ to notify landowners in the vicinity of the proposed project and to obtain their names and addresses from local tax rolls maintained by the Commissioner of the Revenue or tax assessor. I respectfully request the names and mailing addresses of all land owners a distance of one-half mile downstream [or ¼ mile upstream and ¼ mile downstream from the point of water withdrawal associated with this project] from the points of the discharge associated with the proposed project. The stream reaches applicable to this project are highlighted red on the map attached.

Please send this information to my attention at the above address at your earliest convenience. Thank you in advance for your cooperation. If you have any questions, you may contact me by phone at XXX-XXX-XXXX or by email at XXXX@deq.virginia.gov.

Respectfully,

[Name]
VWP Permit Writer

Attachment: USGS Topographic Map

DEQ Letterhead

CAN BE SENT VIA EMAIL

[Date]

Contact Name

Virginia Department of Health
Office of Drinking Water

Street Address

City, Virginia Zip

RE: Joint Permit Application OR VWP Individual Permit Number [##-####]
[Route 250 Widening, Goochland County], Virginia
Request for Agency Comments

Dear Contact Name:

The Virginia Department of Environmental Quality (DEQ) has received an application from [Applicant Name] for a Virginia Water Protection (VWP) individual permit [No. XX-XXXX, if mod] to impact surface waters in conjunction with the proposed project noted above. DEQ respectfully requests your agency comments on the proposed project pursuant to Section 62.1-44.15:20.C. of State Water Control Law. A copy of the pertinent project information IF MODIFICATION, ADD: [and a copy of comments your agency provided during the original permit process] is/are attached. [attach excerpts from Joint Permit Application that detail project description and impacts]

Please submit written comments or concerns to my attention at the above address or at XXXX@deq.virginia.gov by [date 45 calendar days from date of this letter]. If written comments are not received by this date, DEQ will infer that your agency has no comments on this permit application and proposed activity(ies).

Please contact me by phone at XXX-XXX-XXXX or by email XXXX@deq.virginia.gov if you require additional information.

Respectfully,

[Name]

VWP Permit Writer

Enclosures: Project Summary, Location Map, [Previous Comments if Mod, whole JPA if IP involves water withdrawals]

*****Copy below text into body of VITASHARE Message**

*****In subject line of the email: “Request for Agency Comments - project name, (JPA No.)
For example: “Request for Agency Comments – Clevenger’s Village (07-1480)”**

******FOR MAJOR MODIFICATIONS, PROVIDE A COPY OF THE AGENCY’S PREVIOUS
COMMENTS EITHER USING VITASHARE OR ATTACHED TO THE EMAIL.**

[Agency contact(s)]:

The Department of Environmental Quality (DEQ) has received an application OR modification request from [applicant/permittee name], for a Virginia Water Protection (VWP) individual permit [No. XX-XXXX, if mod] to impact surface waters in conjunction with the proposed project noted above. DEQ respectfully requests your agency comments on the proposed project pursuant to Section 62.1-44.15:20.C of State Water Control Law. The pertinent project information can be accessed using this VitaShare Link.

Please submit written comments or concerns to my attention (contact information below) by [45 days from date of email]. If written comments are not received by this date, DEQ will infer that your agency has no comments on this permit application and proposed activity(ies).

Please contact me if you require additional information to facilitate your review.

Respectfully,

******VitaShare Instructions: Upload the project file including any coordination specific information to VitaShare. You can no longer send to your email so add appropriate agency contacts. The link expires in 15 days so you may have to re-upload the information if the agencies don’t get a chance to access them.**

THIS CAN BE SENT VIA EMAIL

[Date]

[County Administrator]

[Address]

[Address]

RE: Joint Permit Application Number [##-####]
[Route 250 Widening, Goochland] County, Virginia
Notification of Public Notice of Draft Permit

Dear [Administrator]:

The Department of Environmental Quality (DEQ) has received an application for a Virginia Water Protection (VWP) individual permit for the above-referenced project. Attached is a copy of the Public Notice for the proposed permit action for your review pursuant to Section 62.1-44.15:01 of the Code of Virginia. Notice of the proposed action will also be published in a newspaper circulated in the vicinity of the project site. The publication will establish a 30-calendar day public comment period for this proposal. If you wish to comment on this proposed action, please respond to DEQ at the above address.

If no response is received within the 30-day public comment period, DEQ will assume that you have no objections to the proposed action. If you have any questions, please contact me by phone at XXX-XXX-XXXX or by email at XXXX@deq.virginia.gov.

Respectfully,

[Permit Writer]

VWP Permit Writer

Enclosure: Public Notice

DEQ Letterhead

THIS CAN BE SENT VIA EMAIL

[Date]

Chairman of Board of Supervisors

[Address]

[Address]

RE: Joint Permit Application Number [##-####]
[Route 250 Widening, Goochland] County, Virginia
Notification of Public Notice of Draft Permit

Dear Chairman:

The Department of Environmental Quality (DEQ) has received an application for a Virginia Water Protection (VWP) individual permit for the above-referenced project. Attached is a copy of the Public Notice for the proposed permit action for your review pursuant to Section 62.1-44.15:01 of the Code of Virginia. Notice of the proposed action will also be published in a newspaper circulated in the vicinity of the project site. The publication will establish a 30-calendar day public comment period for this proposal. If you wish to comment on this proposed action, please respond to DEQ at the above address.

If no response is received within the 30-day public comment period, DEQ will assume that you have no objections to the proposed action. If you have any questions, please contact me by phone at XXX-XXX-XXXX or by email at XXXX@deq.virginia.gov.

Respectfully,

[Permit Writer]

VWP Permit Writer

Enclosure: Public Notice

DEQ Letterhead

Use this website to determine which planning district to notify: <http://www.vapdc.org/?page=10>

THIS CAN BE SENT VIA EMAIL

[Date]

Chairman of Regional Commission

[Address]

[Address]

RE: Joint Permit Application Number [##-####]
[Route 250 Widening, Goochland] County, Virginia
Notification of Public Notice of Draft Permit

Dear Name:

The Department of Environmental Quality (DEQ) has received an application for a Virginia Water Protection (VWP) individual permit for the above-referenced project. Attached is a copy of the Public Notice for the proposed permit action for your review pursuant to Section 62.1-44.15:01 of the Code of Virginia. Notice of the proposed action will also be published in a newspaper circulated in the vicinity of the project site. The publication will establish a 30-calendar day public comment period for this proposal. If you wish to comment on this proposed action, please respond to DEQ at the above address.

If no response is received within the 30-day public comment period, DEQ will assume that you have no objections to the proposed action. If you have any questions, please contact me by phone at XXX-XXX-XXXX or by email at XXXX@deq.virginia.gov.

Respectfully,

[Permit Writer]

VWP Permit Writer

Enclosure: Public Notice

DEQ Letterhead

Date

Name

County Executive or County Administrator

Address

Address

RE: Joint Permit Application Number **XX-XXXX**
Project Name, Name County, Virginia
Notification of Proposed Project

Dear **Name**:

This letter has been sent to your attention as required by Chapter 3.1, Section 62.1-44.15:4.D. of the Code of Virginia.

The Department of Environmental Quality (DEQ) has received an application for a Virginia Water Protection (VWP) individual permit for a proposed project in the vicinity of your locality. **Applicant** proposes to [**widen Route 250, from approximately Route 632 to Route 634**]. The proposed project will impact approximately 0.60 **acres of nontidal wetlands along Tuckahoe Creek**].

DEQ will review the application and may draft a VWP individual permit for this project. If DEQ prepares a draft permit, the applicant will be required to post a public notice in a newspaper that is circulated in the vicinity of the project site and invites the public to make technically sound comments on the proposed project. The public comment period will be **30 calendar days** from the date the public notice is published in the newspaper. During the comment period, the public is welcome to review the permit application and draft permit at the appropriate DEQ office by scheduling an appointment during normal business hours.

If you have any questions, please contact me by phone at **XXX-XXX-XXX** or by email at **XXXX@deq.virginia.gov**.

Respectfully,

Name

VWP Permit Writer

Enclosure: USGS topographic map

Public Notice – Environmental Permit

PURPOSE OF NOTICE: To seek public comment on a draft permit from the Department of Environmental Quality that will allow {a water withdrawal from}{excavation of}{the filling of}{dredging of} **{DESCRIBE ACTIVITY}** a {wetland}{stream}{river}{lake}{pond} in **CITY/COUNTY**, Virginia.

PUBLIC COMMENT PERIOD: For 30 days, starting from the day after the notice is in the newspaper: **MONTH DAY, YEAR** to **MONTH DAY, YEAR**

PERMIT NAME: Virginia Water Protection Permit issued by DEQ, under the authority of the State Water Control Board

APPLICANT NAME, ADDRESS AND PERMIT NUMBER: **NAME OF APPLICANT**; **ADDRESS**; VWPP No. **PERMIT NUMBER**

PROJECT DESCRIPTION: **NAME OF APPLICANT** has applied for a {new}{modified}{reissuance of a} permit for the **NAME OF PROJECT**. **{DESCRIBE SPECIFIC LOCATION IF PROJECT DIFFERS FROM THE APPLICANT ADDRESS.}** The permit will allow the applicant to {dredge}{fill}{withdraw water from}{excavate}{**DESCRIBE ACTIVITY**} a surface waters{wetland}{lake}{stream} {river}{pond}. **{The modification to the permit is DESCRIBE MODIFICATION.}** The proposed activity would affect **{NUMBER acres of wetlands}{NUMBER linear feet of streams}{DESCRIBE AREA AFFECTED}**. The activity proposed in the permit will affect **NAME OF WATER** in the **NAME** watershed. A watershed is the land area drained by a river and its incoming streams. To compensate for the affected area, the applicant would **BRIEFLY DESCRIBE COMPENSATION**. DEQ's preliminary decision is {to deny the permit}{to issue the permit}.

HOW TO COMMENT AND/OR REQUEST A PUBLIC HEARING: DEQ accepts comments and requests for public hearing by e-mail, fax or postal mail. All comments and requests must be in writing and be received by DEQ during the comment period. Submittals must include the names, mailing addresses and telephone numbers of the commenter/requester and of all persons represented by the commenter/requester. A request for public hearing must also include: 1) The reason why a public hearing is requested. 2) A brief, informal statement regarding the nature and extent of the interest of the requester or of those represented by the requestor, including how and to what extent such interest would be directly and adversely affected by the permit. 3) Specific references, where possible, to terms and conditions of the permit with suggested revisions. A public hearing may be held, including another comment period, if public response is significant, based on individual requests for a public hearing, and there are substantial, disputed issues relevant to the permit.

CONTACT FOR PUBLIC COMMENTS, DOCUMENT REQUESTS AND ADDITIONAL INFORMATION: **NAME**; Regional Office, Street Address, City, Virginia Zip; Phone: **PHONE NUMBER**; E-mail: **E-MAIL ADDRESS**@deq.virginia.gov; Fax: (XXX) XXX-XXXX. The public may review the draft permit and application at the DEQ office named above {by appointment} or may request copies of the documents from the contact person listed below.

Public Notice Verification Form

Complete this form for the documentation of publication of the Public Notice for VWP Individual Permit Number [##-####]. Please return original to: **Permit Writer**, Department of Environmental Quality, [Regional Office Name], Street Address, City, Virginia Zip.

ATTACH PRINTED COPY OF NOTICE IN THIS SPACE OR ATTACH TO BACK OF THIS STATEMENT

I hereby certify that the notice attached hereto in the space above appeared in

_____ on _____.
Name of Paper Date

Signature

Title

Date

REGIONAL LETTERHEAD

[DATE]

CERTIFIED
RETURN RECEIPT
REQUESTED

[Applicant Name and Address]

RE: [Project Name], [Project City/County]
Notice of Preliminary Decision to Tentatively Deny VWP Application [JPA#]

Dear [Applicant]:

The Department of Environmental Quality (DEQ) has reviewed your application for the above-referenced project, including additional information received through [Date of Last Submission]. Based on our review, we are unable to conclude that the requirements of 9 VAC 25-210-10 *et seq.* have been met. As such, this letter serves to notify you of the State Water Control Board (board) preliminary decision to tentatively deny the above referenced application for a Virginia Water Protection Permit.

Our specific reasons for this preliminary decision to tentatively deny, per 9 VAC 25-210-230, are as follows. [SAMPLE EXPLANATION, REVISE TO BE PROJECT SPECIFIC: As submitted, we believe that the project fails to adequately avoid and minimize impacts to state waters to the maximum practicable extent. In addition, the proposed compensatory mitigation plan is insufficient or unsatisfactory for the proposed impacts and fails to achieve no net loss of existing wetland acreage and function. As such, we have significant concern that the effect of this project's impacts, together with other existing or proposed impacts to wetlands, will cause or contribute to a significant impairment of state waters or fish and wildlife resources.]

Should you elect to withdraw your application, no VWP permit will be issued at this time. Should you elect to proceed as originally proposed, the board may deny the application and advise you pursuant to Procedural Rule No. 1 (9 VAC 25-230-10 *et seq.*) of your right to a public hearing to consider the denial.

Sincerely,

[Regional Director]

cc: [As Appropriate]

Part I – Special Conditions

A. Authorized Activities

1. This permit authorizes [summarize total impacts here and then in the bullets, identify the specific impacts, as applicable. EX.; the total impact to 3 acres of surface waters, consisting of 2 acres (2,000 linear feet) of permanent impacts and 1 acre (500 linear feet) of temporary impacts.
 - a. Permanent impacts consist of....
 - b. Conversion impacts consist of...
 - c. Temporary impacts consist of....
 - d. Authorized surface water impacts described under this condition shall be as depicted on the impacts map entitled *FINAL IMPACTS MAP NAME, DATED, with latest revision on DATE, and received on DATE.*]
2. The permittee shall conduct authorized activities as described in the Joint Permit Application dated **DATE**, and received **DATE**, and supplemental materials, revisions and clarifications received through **insert date of last submittal**. Any changes to the authorized activities or impacts map that affect permitted areas shall be submitted to DEQ immediately upon determination that changes are necessary, and DEQ approval shall be required prior to implementing the changes.
3. **USE IF APPLICABLE:** The permit authorizes the temporary use of mechanical equipment in surface waters in accordance with all applicable permit conditions.
4. **USE IF APPLICABLE:** Surface water impacts resulting from the compensation activities authorized by the approved final compensatory mitigation plan submitted in accordance with Part X are authorized under this permit. The permittee shall include a summary of the type and acreage/linear feet of impacts and proposed compensation for these impacts in the final compensation plan. Any additional impacts resulting from the proposed compensation site construction shall be approved by DEQ prior to construction. These additional impacts shall be compensated for, as required by DEQ.
5. The permittee shall notify the DEQ of any changes in authorized impacts to surface waters or any changes to the design or type of construction activities in surface waters authorized by this permit. DEQ approval shall be required prior to implementing the changes. Any additional impacts, modifications, or changes shall be subject to individual permit review and/or modification of this permit.

B. Permit Term

1. This permit is valid for **five (5) or ten (10) or fifteen (15) years** from the date of issuance. An extension of this permit term or a new permit may be necessary for the continuance of the authorized activities, including water withdrawals, or any permit requirement that has not been completed, including compensation provisions. The permit term, including any granted extensions, shall not exceed 15 years.

2. The permittee shall notify DEQ in writing at least 120 calendar days prior to the expiration of this permit if reissuance will be requested.

C. Standard Project Conditions

1. The activities authorized by this permit shall be executed in such a manner that any impacts to beneficial uses are minimized. As defined in § 62.1-44.3 of the Code, "beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. The preservation of instream flows for purposes of the protection of navigation, maintenance of waste assimilation capacity, the protection of fish and wildlife resources and habitat, recreation, cultural and aesthetic values is an instream beneficial use of Virginia's waters. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural uses, electric power generation, commercial, and industrial uses.
2. No activity shall 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.
3. Flows downstream of the project area shall be maintained to protect all uses.
4. No activity shall cause more than minimal adverse effect on navigation, and no activity shall block more than half of the width of the stream at any given time.
5. The activity shall not impede the passage of normal or expected high flows, and any associated structure shall withstand expected high flows.
6. Continuous flow of perennial springs shall be maintained by the installation of spring boxes, French drains, or other similar structures.
7. All excavation, dredging, or filling in surface waters shall be accomplished in a manner that minimizes bottom disturbance and turbidity.
8. All in-stream activities shall be conducted during low-flow conditions whenever practicable.
9. 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.
10. All construction, construction access, and demolition activities associated with this project shall be accomplished in a manner that minimizes construction materials or waste materials from entering surface waters, unless authorized by this permit. Wet, excess, or waste concrete shall be prohibited from entering surface waters.

11. All fill material placed in surface waters shall be clean and free of contaminants in toxic concentrations or amounts in accordance with all applicable laws and regulations.
12. Measures shall be employed at all times to prevent and contain spills of fuels, lubricants, or other pollutants into surface waters.
13. Machinery or heavy equipment in temporarily impacted wetlands shall be placed on mats or geotextile fabric, or other suitable means shall be implemented, to minimize soil disturbance to the maximum extent practical. Mats, fabrics, or other measures shall be removed as soon as the work is complete in the temporarily impacted wetland.
14. Stream channel restoration activities shall be conducted in the dry or during low flow conditions. When site conditions prohibit access from the streambank or upon prior authorization from the Department of Environmental Quality, heavy equipment may be authorized for use within the stream channel. The equipment shall be stationed on cobble bars [or INSERT ALTERNATIVES].
15. Temporary disturbances to wetlands, stream channels, and/or stream banks during project construction activities shall be avoided and minimized to the maximum extent practicable.
16. All temporarily disturbed wetland areas shall be restored to preconstruction conditions within 30 calendar days of completing work in the areas, which shall include re-establishing pre-construction contours, and planting or seeding with appropriate wetland vegetation according to cover type (emergent, scrub/shrub, or forested), except for invasive species identified on the Department of Conservation and Recreation's (DCR's) Virginia Invasive Plant Species List. The permittee shall take all appropriate measures to promote and maintain the revegetation of temporarily disturbed surface waters through the second year post-disturbance.
17. All temporarily impacted streams and stream banks shall be restored to their original elevations and contours within 30 calendar days following the construction at that stream segment, and the banks shall be seeded or planted with the same vegetative cover type originally present along the banks, including supplemental erosion control grasses if necessary but not including invasive species identified on the Department of Conservation and Recreation's (DCR's) Virginia Invasive Plant Species List. **USE IF REQUIRING: The permittee shall take all appropriate measures to promote and maintain the revegetation of temporarily disturbed surface waters through the second year post-disturbance.**
18. All materials (including fill, construction debris, excavated materials, and woody materials, that are temporarily placed in wetlands, in stream channels, or on stream banks) shall be placed on mats or geotextile fabric, shall be immediately stabilized to prevent the material or leachate from entering surface waters, and shall be entirely removed within 30 calendar days following completion of that construction activity. After removal, disturbed areas shall be returned to original contours, shall be stabilized, and shall be restored to the original vegetated state within 30 calendar days. **USE IF REQUIRING: The permittee shall take all appropriate measures to promote and maintain the revegetation of temporarily disturbed surface waters through the second year post-disturbance.**

19. Temporary in-stream construction features such as cofferdams shall be made of non-erodible materials.
20. Virginia Water Quality Standards shall not be violated in any surface waters as a result of the project activities.
21. All non-impacted surface waters **and any required buffers associated with compensation areas** that are within the project or right-of-way limits, and that are within fifty feet of any project activities, shall be clearly flagged or demarcated for the life of the construction activity within that area. The permittee shall notify all contractors and subcontractors that *no activities are to occur in these marked areas*.
22. All required notifications and submittals shall include project name and permit number and be submitted electronically to [Regional General Email Address] or mailed to the DEQ office stated below, to the attention of the VWP project manager, unless directed in writing by DEQ subsequent to the issuance of this permit: Department of Environmental Quality-[Name] **Regional Office, Street Address, City, Virginia Zip**.
23. All reports required by this permit and other information requested by DEQ shall be signed by the permittee or a person acting in the permittee's behalf, with the authority to bind the permittee. A person is a duly authorized representative only if *both* criteria below are met. If a representative authorization is no longer valid because of a change in responsibility for the overall operation of the facility, a new authorization shall be immediately submitted to DEQ.
 - a. The authorization is made in writing by the permittee.
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
24. All submittals shall contain the following signed certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
25. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery at [REGION PREP PHONE]. If DEQ cannot be reached, the spill or fish kill shall be reported to the Virginia Department of Emergency Management (VDEM) at [1-800-468-8892](tel:1-800-468-8892) or the National

Response Center (NRC) at [1-800-424-8802](tel:1-800-424-8802). Any spill of oil as defined in § 62.1-44.34:14 of the Code of Virginia that is less than 25 gallons and that reaches, or that is expected to reach, land only is not reportable, if recorded per § 62.1-44.34:19.2 of the Code of Virginia and if properly cleaned up.

26. DEQ shall be notified in writing within 24 hours or as soon as possible on the next business day when potential environmentally threatening conditions are encountered which require debris removal or involve potentially toxic substances. Measures to remove the obstruction, material, or toxic substance or to change the location of any structure are prohibited until approved by DEQ.

D. Stream Modifications, Including Intake/Outfall Structures

1. Redistribution of existing stream substrate for erosion control purposes is prohibited.
2. Material removed from the stream bottom shall not be deposited into surface waters unless otherwise authorized in this permit.
3. Riprap apron for all outfalls shall be designed in accordance with Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, or the most recent version in effect at the time of construction.
4. For streambank protection activities, structures and backfill shall be placed as close to the streambank as practical, while still avoiding and minimizing impacts to surface waters to the maximum extent practical. No material shall be placed in excess of the minimum necessary for erosion protection.
5. Asphalt and materials containing asphalt or other toxic substances shall not be used in the construction of submerged sills, breakwaters, dams, or weirs.
6. **Include if stream channelization or relocation is approved: Authorized stream channelization or relocation at [IDENTIFY LOCATION - either by impact no. or other] shall be conducted done in the dry, unless specifically authorized by this permit, and all flows shall be diverted around the channelization or relocation area until the new channel is stabilized. The diversion 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 new stream channel shall be constructed following the typical sections submitted with the application and should incorporate natural stream channel design principles to the greatest extent practicable. A low flow channel shall be constructed within the channelized or relocated area. The centerline of the channel shall meander, to the extent possible, to mimic natural stream morphology. The rerouted stream flow shall be fully established before construction activities in the old streambed can begin.**
7. **[Include if not including the Section for Stormwater Management Structures] Any outfall structure shall be constructed and maintained to prevent downstream sediment deposition, erosion, or scour**

that may be associated with normal flow and any expected storm flows. Construction shall include the use of an appropriately sized riprap outlet protection apron at the outfall site.

E. Installation of Utilities

1. All utility line work in surface waters shall be performed in a manner that minimizes disturbance in each area. Temporarily disturbed surface waters shall be restored in accordance with Part I **C 15, C 16, and C 17**, unless otherwise authorized by this permit.
2. Material resulting from trench excavation may be temporarily sidecast into wetlands not to exceed a total of 90 calendar 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).
4. *[Add for natural gas pipelines under § 62.1-44.15:21 J 2: All natural gas pipelines subject to § 62.1-44.15:21 J 2 shall be constructed in a manner that minimizes temporary and permanent impacts to state waters and protects water quality to the maximum extent practicable, including by the use of applicable best management practices that the Board determines to be necessary to protect water quality.]*

F. Road Crossings

1. Access roads authorized by this permit shall be constructed to minimize the adverse effects on surface waters to the maximum extent practicable and to follow as near as possible pre-construction contours and elevations.
2. Installation of pipes and road crossings shall occur in the dry via the implementation of cofferdams, sheetpiling, stream diversions or other similar structures.
3. All surface waters temporarily affected by a road crossing shall be restored to their original elevations immediately following the removal of that particular temporary crossing. Temporary access roads shall be removed entirely following activity completion.
4. **Include if stream channelization or relocation is approved: Authorized stream channelization or relocation at [IDENTIFY LOCATION - either by impact no. or other] shall be conducted in the dry, unless specifically authorized by this 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 stream channelization or relocation shall be constructed following the typical sections submitted with the application and should incorporate natural stream channel design principles to the greatest extent practicable. A low flow channel shall be constructed within the channelized or relocated area. The centerline of the channel**

shall meander, to the extent possible, to mimic natural stream morphology. The rerouted stream flow shall be fully established before construction activities in the old streambed can begin.

5. At crossings [IDENTIFY THE SPECIFIC CROSSINGS THAT WILL BE COUNTERSUNK - either by impact no. or other] of streams, pipes and culverts must be installed to maintain low flow conditions and shall be countersunk at both inlet and outlet ends of the pipe or culvert, unless otherwise specifically approved by the Department of Environmental Quality on a case-by-case basis, and as follows: The requirement to countersink does not apply to extensions or maintenance of existing pipes and culverts that are not countersunk, floodplain pipes and culverts being placed above ordinary high water, pipes and culverts being placed on bedrock, or pipes and culverts required to be placed on slopes 5.0% or greater. Bedrock encountered during construction must be identified and approved in advance of a design change where the countersunk condition cannot be met. Pipes and culverts 24 inches or less in diameter shall be countersunk three inches below the natural stream bed elevations, and pipes and culverts greater than 24 inches shall be countersunk at least six inches below the natural stream bed elevations. Hydraulic capacity shall be determined based on the reduced capacity due to the countersunk position. In all stream crossings appropriate measures shall be implemented to minimize any disruption of aquatic life movement.
6. When countersinking culverts in streams, the permittee shall install the structure and any riprap or ancillary features in a manner to ensure reestablishment of the stream channel within 15 days post construction. When installing culverts in any surface water, the permittee shall install the culvert and ancillary features in a manner that will maintain the pre-construction hydrologic regime. Surface water depth within the impact area shall be consistent with depths upstream and downstream of the impact area.
7. Stream bottom elevations at road crossings shall be measured at the inlet and outlet of the proposed structure and recorded prior to construction and within one week after the completion of construction to ensure that the design elevations were met. This information shall be recorded on the *Monthly VWP Permit Inspection Checklist (Attachment 2)* completed after the crossing is installed.

G. Stormwater Management Structures

1. The outfall and overflow structure shall be constructed and maintained to prevent downstream sediment deposition, erosion, or scour that may be associated with normal flow and any expected storm flows. Construction shall include the use of an appropriately sized riprap outlet protection apron at the outfall site.
2. Maintenance excavation shall follow the stormwater management plan approved by the Virginia Stormwater Management Program Authority, and shall not exceed the original contours or designated maintenance areas of the facility.
3. Draining of a stormwater management facility shall be performed by a method that prevents downstream sediment deposition, erosion, or scour.

H. Projects Involving a Golf Course

1. The application of fertilizers, herbicides, insecticides, fungicides, and other pesticides shall be prohibited within buffer zones, unless otherwise approved by DEQ for the control of invasive species. A buffer zone of at least [enter width between 20 and 100 feet, or use default of 100 feet in Resource Protection Areas] shall be established from the boundaries of surface waters, including preserved and compensation wetlands, naturally occurring and man-made ponds, and perennial and intermittent streams.
2. All clearing in preserved wetlands to accommodate golf course flight paths shall be performed by hand or hand-held machine. Land disturbing activities in these areas shall be prohibited. Stumps may be ground by rubber-tired grinders placed on mats or geotextile fabric, or by other suitable measures that minimize soil disturbance to the maximum extent practical.
3. A Nutrient and Integrated Pest Management Plan approved by DCR shall be implemented prior to turf establishment.

I. Projects Involving a Marina

1. All pilings and steel bulkheads shall be driven. Jetting shall be prohibited unless authorized by this permit.
2. Timber bulkheading shall be backed by filter cloth.
3. All gasoline and other petroleum product pumping facilities shall be located at or above mean high water. All gasoline/oil storage facilities shall comply with the Federal Oil Spill Pollution Prevention Plan, Federal Register, dated December 11, 1973, Volume 38, No. 237.
4. Boat maintenance and repair facilities shall be designed and maintained so that residues from bottom scrapings, painting and other discharges or spills do not enter surface waters.
5. No machinery or vehicles may enter surface waters in connection with this project, and all work done along the shoreline shall be accomplished to prevent alterations of the existing grade that may cause erosion and/or failure of any existing bulkhead.
6. Prior to commencement of marina operations, a fuel spill control plan, a boat cleaning and maintenance plan, and a stormwater management plan shall be submitted for review by DEQ.
7. Adequate pumpout facilities for boat holding tanks shall be provided. Signs shall be conspicuously posted giving the location of these facilities.
8. Signs shall be conspicuously posted at the marina stating that the State Water Control Law prohibits the discharge of sewage, oil, or other waste materials into surface waters.

9. There shall be no overnight mooring of boats with direct-flush toilets that are not equipped with a Y-valve to allow pump out. No overboard discharge of untreated sewage or other wastes shall be allowed from vessels using the marina facility.
10. Within six months of commencement of the new marina fueling operations, a copy of the facility Spill Prevention Control and Countermeasures (SPCC) Plan (required in accordance with 40 CFR 112) shall be submitted to DEQ in accordance with the notification provisions of Part I C of these permit conditions.
11. "No Wake" signs shall be conspicuously posted to reduce the wave energy produced by boat traffic. "No Wake" signs shall be especially prominent in the vicinity of the fuel pumps and sewage pump-out station.
12. Boat maintenance at individual slips shall be restricted to those activities that can be performed without hazardous, toxic or solid materials entering surface waters.

J. Dredging Activities

1. **Include if in Nontidal areas:** Dredging depths shall not exceed the maximum depth of any connecting or adjacent state waters immediately outside the area to be dredged.
Tidal areas: Dredging is permitted to a maximum allowable depth of # feet below mean low water, including advance maintenance and overdepth allowance.
2. Dredging shall be accomplished in a manner that minimizes disturbance of the bottom and minimizes turbidity levels in the water column.
3. Dredging and excavation shall be limited to the minimum necessary to conduct the permitted activities. The dredged channel width shall not exceed # feet at the top of the dredge cut and # feet at the bottom of the channel. The maximum channel length shall be no longer than # linear feet.
4. A dredged material management plan for the designated upland disposal site shall be submitted and approved **30 calendar days** prior to the initial dredging activity.
5. Double handling of dredged material in state waters shall not be permitted.
6. All dredged materials pumped by hydraulic method via pipeline to the disposal area will be done in such a manner as to prevent leakage or discharge into state waters. In the event of a ruptured pipeline, dredging/disposal operations shall immediately cease until repairs are accomplished.
7. Side slope cuts of the dredging area shall not exceed a two-horizontal-to-one-vertical (2:1) slope to prevent slumping of material into the dredged area.
8. 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.

9. All dredge material shall be transported via barges, or watertight trucks if transport on public roads is required, for disposal at an approved upland site, provided that all required permits for the facility are valid. If watertight trucks are not available, dredged material shall be dewatered (e.g., drained of all free water) prior to transport to the final disposal site on public roads. No hazardous materials shall be disposed of at this site.
10. During transport, dredge material shall be handled in accordance with the transport operation's spill prevention plan. In the event of a spill, the response portions of the plan shall be implemented immediately.
11. Barges or trucks used for the transportation of dredged material shall be filled in such a manner as to prevent the overflow of dredged materials.
12. During off-loading, dredge material shall not be handled directly over open water. The off-loading operation shall be conducted in a manner that prevents any discharge of liquids or solids to state waters.
13. 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. Runoff from precipitation shall be diverted around the dewatering area.
14. 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, filter bags, or other similar filtering practices, any of which shall be properly stabilized prior to placing the dredged material within the containment area.
15. 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. **Insert following sentence when dewatering area is small or does not contain soils conducive to retaining water without assistance from a fabric liner: Filter fabric shall also be used to line the basin portion of the dewatering area.**
16. Adequate ground cover or seeding shall be applied to the outside bank of the earthen berm immediately after constructing the berm to minimize soil runoff.
17. Overtopping of the dredge material containment berms with dredge materials shall be strictly prohibited.
18. 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.
19. A post-dredging bathymetric survey shall be submitted to DEQ within **30 calendar days** following completion of the dredging activity.
20. Each dredging cycle may remove no more than **#** cubic yards of material, with no greater than **#** cubic yards removed over the term of the permit.

K. Project Construction Monitoring and Submittals (Impact Sites)

1. The permittee shall submit written notification at least **ten (10) calendar days** prior to the initiation of land disturbance or construction activities in permitted areas. The notification shall include preconstruction photographs, projected schedule for initiating and completing work at each permitted impact area.
 - a. Preconstruction photographs shall be taken at each impact area prior to initiation of activities within impact areas.
 - b. Photographs shall depict the impact area and the nonimpacted surface waters immediately adjacent to and downgradient of each impact area.
 - c. Each photograph shall be labeled to include the following information: permit number, impact area number, date and time of the photograph, name of the person taking the photograph, photograph orientation, and photograph subject description.

Modify the Monthly VWP Permit Inspection Checklist and the VWP Permit Construction Status Update Form to include the specific project information (Permit Number and Project Name) as well as include the impact numbers, any road crossing information, and the issuance date (on final)

2. Site inspections shall be conducted **once every calendar month** and recorded on the *Monthly VWP Permit Inspection Checklist (Attachment 2)* by the permittee or the permittee's qualified designee during active construction within authorized surface water impact areas. Monthly inspections shall be conducted in the following areas: all authorized permanent and temporary impact areas; all avoided surface waters, including wetlands, stream channels, and open water; surface water areas within 50 feet of any land disturbing activity; and all on-site areas designated for permanent preservation. The *Monthly VWP Permit Inspection Checklist (Attachment 2)* shall be completed in its entirety for each monthly inspection and shall be kept on-site and made available for review by DEQ staff upon request during normal business hours.
3. The *VWP Permit Construction Status Update Form (Attachment 1)* enclosed with this permit shall be completed in June and December of every year for the duration of this permit. The *VWP Permit*

Construction Status Update Form (Attachment 1) shall include reference to the VWP permit authorization number and one of the following statements for each authorized surface water impact location:

- a. Construction activities not yet started;
 - b. Construction activities started;
 - c. Construction activities started but are currently inactive, or;
 - d. Construction activities complete.
4. The *VWP Permit Construction Status Update Form (Attachment 1)* shall be submitted and must be received by DEQ no later than January 10 and July 10 of every year.
 5. The permittee shall notify DEQ within 24 hours of discovering impacts to surface waters including wetlands, stream channels, and open water that are not authorized by this permit. The notification shall include photographs, estimated acreage and/or linear footage of impacts, and a description of the impacts.
 6. The permittee shall submit written notification of completion within 30 calendar days after the completion of all activities in all permitted impact areas authorized under this permit.

L. Compensatory Mitigation

1. *[Summarize all wetland, open water, and stream compensation requirements.]*
EX. The permittee shall compensate for permanent wetland and open water impacts through the purchase of 0.12 wetland credit from the Pandora Farms Wetland Mitigation Bank in Fauquier County, Virginia.
EX. The permittee shall compensate for permanent stream impacts through the on-site stream channel restoration and riparian buffer reforestation along 3,900 linear feet of Accokeek Creek and the on-site preservation along both sides of an additional 3,455 linear feet of perennial stream channel and 1,060 linear feet of intermittent stream channels and the associated riparian buffer (approximately 50 acres). On-site stream mitigation activities shall be in accordance with the “Colonial Forge Conceptual Stream Compensation Plan” dated August 2005, and received September 13, 2005, Page 5A of 6 dated June 2005 and received December 15, 2005 and the “Colonial Forge Onsite Preservation Area Map” dated December 2005 and received December 15, 2005 or the most recent DEQ approved plan.
EX. for phasing credits:
The permittee shall compensation for permanent stream channel impacts associated with Phases I, II and III of the project in accordance with the following:
 - a. Compensation for XX impacts associated with Phase I shall be provided through the purchase of XX stream credits.
 - b. Compensation for XX impacts associated with Phase II shall be provided through the purchase of XX stream credits.

Compensation for XX impacts associated with Phase III shall be provided through the purchase of XX stream credits.

OR IF BANK IS NOT SPECIFIED, USE FOLLOWING:

As compensation for permanent wetland impacts, the permittee shall purchase _____ wetland mitigation credits. As compensation for permanent stream impacts, the permittee shall purchase _____ USM stream mitigation credits. All compensatory mitigation credits shall be purchased from a DEQ approved mitigation bank, an approved in-lieu fee (ILF) program, or a combination thereof as specified below. The bank or program must be authorized and approved by DEQ to sell credits in the area in which the impacts will occur and have credits available (as released by DEQ). Any credit sale shall be in accordance with the approved Mitigation Banking Instrument or ILF Program Instrument. Purchase of required mitigation credits shall occur first through the purchase of available released credits followed by the purchase of advance credits. Multiple banks may be used to fulfill compensation requirements.

To fulfill mitigation requirements of this permit, the permittee shall first purchase available mitigation bank released credits. The permittee shall then fulfill its remaining credit obligation through the purchase of released mitigation credits from an ILF program. The permittee shall then fulfill its remaining credit obligation through the purchase of advance mitigation credits from an ILF program.

If the permittee proposes to purchase credits from an ILF program, no more than 45 days prior to initiating work within impact areas authorized by the permit, the permittee shall determine the availability of any mitigation bank released credits with a service area that covers the project and submit its proposed mitigation credit sources to DEQ for approval. Within 15 calendar days of receipt, DEQ shall review and provide any objections to the proposal, or the proposal shall be deemed approved.

Documentation of the purchase of _____ wetland and _____ USM stream mitigation credits shall be submitted to and received by DEQ prior to initiating work in the impact areas authorized by this permit.

IF PHASING OF COMPENSATION IS APPROVED, REVIEW ALL COMPENSATION CONDITIONS TO ENSURE NONE CONFLICT WITH THE INTENT OF PHASING (For ex. Part I L 5, M 3, N 2 d, etc.).

2. **IF PHASING COMPENSATION:** This permit authorizes the compensation requirement be met in phases [If applicable, refer to condition that identifies approved phasing: in accordance with Part I X]. The permittee shall provide compensation sufficient to mitigate authorized surface water impacts associated with each respective phase prior to initiating construction activities in those surface water impacts. The phased compensation requirement is considered met for the purpose of this condition when the permittee submits [use if credits only: the information required by Part I L 5] **OR** [use if combination of credits and permittee-responsible compensation: the following to DEQ:

- a. Documentation that [wetland and stream] credits required to compensate for authorized surface water impacts associated with that phase were acquired and debited from the ledger of a DEQ approved mitigation bank, in-lieu fee fund, or a combination thereof, sufficient to compensate for authorized surface water impacts associated with that phase of the project.
 - b. The report documenting the first year of success monitoring and documentation that the compensation site is preserved in perpetuity for [Insert which activity and amount is approved: Restoration, enhancement or creation of wetlands; riparian buffer planting or restoration or enhancement or stream channel restoration or enhancement], sufficient to compensate for authorized surface water impacts associated with that phase of the project.
3. **IF PHASING COMPENSATION:** The permittee shall submit to DEQ by January 10 of any year a summary of the amount of surface water impacts initiated, amount of compensation completed and compensation requirement remaining and status of initiating any remaining surface water impacts and completing any remaining compensation requirement.
 4. **IF BANK OR TRUST FUND PROPOSED [and not phased]:** The permittee shall submit documentation to DEQ prior to initiating work in permitted impact areas that [XX wetland credits or XX stream credits] were acquired and debited from the ledger of a DEQ approved mitigation bank, in-lieu fee fund, or a combination thereof to satisfy the requirement of Part I X X.

Use if phasing credit purchase:

The permittee shall submit documentation to DEQ prior to initiating work in permitted impact areas associated with each phase of the project [If applicable, refer to condition that identifies approved phasing: identified in Part I X] that [wetland credits or stream credits] were acquired and debited from the ledger of a DEQ approved mitigation bank, in-lieu fee fund, or a combination thereof, sufficient to compensate for authorized impacts associated with that phase of the project.

M. On/Off Site Creation, Restoration, and/or Preservation Standard Conditions

1. The permittee is responsible for meeting all of the components of the compensatory mitigation requirements associated with this permit. This responsibility can only be transferred if and when the permit is transferred to another party and then only to the new permit recipient.
2. The final wetlands and/or stream compensation plan (final compensation plan), as prepared in accordance with Part I X of these conditions, shall be approved by DEQ prior to any construction activity in permitted impact areas. DEQ shall have **60 calendar days** to review and either provide written comments to the permittee or approve the final compensation plan. The final compensation plan as approved by DEQ shall be an enforceable requirement of this permit. Any change to the approved final compensation plan must be submitted to DEQ for approval prior to implementing the change.
3. Construction of compensation sites shall be initiated within 180 days of **commencing impacts authorized in this permit OR final compensation plan approval**. The activities approved in the final

compensation plan shall be completed within one (1) year of **initiating work in authorized impact areas OR DEQ's approval of final compensation plan.**

4. Planting of woody plants shall occur when vegetation is normally dormant, unless otherwise approved in the final compensation plan.
5. The vegetation used shall be native species common to the area, shall be suitable for growth in local wetland or riparian conditions, and shall be from areas within the same or adjacent U.S. Department of Agriculture Plant Hardiness Zone or Natural Resources Conservation Service Land Resource Region as that of the project site.
6. Herbicides or algicides shall not be used in or immediately adjacent to the compensation site without prior authorization by DEQ. All vegetation removal shall be done by manual means, unless authorized by DEQ.
7. Point sources of stormwater runoff shall be prohibited from entering any compensation site prior to treatment by appropriate best management practices (BMPs) that are designed, installed, and maintained as described in the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992 (or for mining activities covered by this general permit, the standards issued by the Virginia Department of Mines, Minerals and Energy that are effective as those in the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992), and the Virginia Stormwater Management Handbook, First Edition, 1999, or the most recent version in effect at the time of construction. Appropriate best management practices may include sediment traps, grassed waterways, vegetated filter strips, debris screens, oil and grease separators, or forebays. Installation of alternative practices not described in these references shall be submitted to DEQ for approval prior to beginning construction.
8. All *nonimpacted surface waters* and designated upland buffers that are within the compensation site limits, that are within fifty feet of any compensation site activities, and that are within the project or right-of-way limits shall be clearly flagged or marked for the life of the construction activity within that area. Open water areas should be marked as practicable. The permittee shall notify all contractors and subcontractors that *no activities are to occur within these marked areas.*
9. DEQ shall be notified in writing within **24 hours or as soon as possible on the next business day** when unusual or potentially complex conditions are encountered which require debris removal or involve potentially toxic substances. Measures to remove the obstruction, material, or toxic substance or to change the location of any structure are prohibited until approved by DEQ.

N. Wetland Compensation Site Construction Tasks, Monitoring, and Submittals

1. Pre-Construction Tasks

- a. The permittee shall conduct photographic documentation of pre-construction conditions at the wetland compensation site (compensation site). Photographic documentation shall be conducted by the following method:

Photographs shall be taken at a height of approximately five to six feet and from fixed-point stations, preferably at the same location as that of each planned monitoring well. Photographs shall be taken in each of the four cardinal directions (north, east, south, and west). Permanent markers shall be established to ensure that the same locations on the site are used for future monitoring events. Each photograph taken shall be labeled with the permit number, the name of the compensation site, the photo station number, the photograph orientation, the date and time of the photograph, the name of the person taking the photograph, and a brief description of the photograph subject. This information shall be provided as a separate attachment to each photograph, if necessary.

- b. Photographs of existing conditions shall be taken prior to the commencing activities at the compensation site. Photographs at the compensation site shall not be required until land disturbance or construction activities are initiated on the compensation site.

2. Pre-Construction Submittals

- a. DEQ shall be notified in writing at least **ten calendar days** prior to the initiation of activities at the compensation site. The notification shall include a projected schedule of activities and construction completion.
- b. The permittee shall submit a final wetland compensation plan, which shall include, at a minimum, the following information:
 - (1) The goals and objectives of the plan, including but not limited to classification of the existing wetlands being impacted, how the compensation is replacing/enhancing/preserving wetland functions and values, the components of the compensation expressed in acres, the proposed vegetation types, and the wetland classification;
 - (2) Discussion of associated buffers;
 - (3) The schedule for compensation site construction, including projected start date, sequence of events with projected dates, and projected completion date;
 - (4) A location map, including the compensation site boundaries, the latitude and longitude (to the nearest second) at the center of the compensation site, and the watershed name and the fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, in which the compensation site is located;
 - (5) **Insert one or more of the following hydrology data requirements, based on the permitted activities:**
 - i. **For riverine or stream-driven systems, a hydrologic analysis, including a water budget (for nontidal sites only) based on expected monthly inputs and outputs which will project water level elevations for a typical year, a dry year and a wet year;**

- ii. For groundwater- and precipitation-driven sites in non-riverine systems, historic groundwater elevation data, if available, or the proposed location of groundwater monitoring wells to collect these data;
 - iii. For overbank flood-driven systems, gaging station data and a floodplain analysis, including a minimum 10-year continuous simulation which will account for variability in inputs and outputs under varying conditions;
- (6) Design of water control structures;
- (7) Wetland delineation confirmation, data sheets, and maps for existing wetland areas on the compensation site, and any collectible information on reference wetlands adjacent to or near the compensation site;
- (8) Grading and Erosion and Sediment Control plans;
- (9) A planting scheme and schedule, including but not limited to, suggested plant species, zonation, and acreage of each vegetation type proposed;
- (10) A soil preparation and amendment plan addressing both topsoil and subsoil conditions, permeability, and the need for soil amendments;
- (11) A surrounding land use and access plan for the compensation site;
- (12) A success criteria monitoring plan including:
- i. The monitoring design and methodologies being used to evaluate the success of the proposed compensation site;
 - ii. the monitoring and reporting schedule;
 - iii. the proposed success criteria for the compensation measures, including discussion of structures and features necessary for the success of the compensation site;
 - iv. drawing(s) depicting the location of photo-monitoring stations, monitoring wells, soil sampling points (as appropriate), vegetation sampling points, and reference wetlands (if available);
 - v. corrective action and/or contingency plan to address compensation site problems, deficiencies, or unexpected events;
- c. A monitoring and control plan for undesirable plant species: the plan shall apply, at a minimum, to the species listed on Department of Conservation and Recreation's Virginia Invasive Plant Species List ; shall include the procedures to notify DEQ of any undesirable plant species occurrences,

the methods to be used for removal and control, and the method of reporting the control results to DEQ; and shall be implemented whenever an invasive species, either individually or cumulatively, becomes a dominant species in any wetland compensation site;

- d. A draft of the intended protective mechanism(s) - such as but not limited to, a conservation easement held by a third party in accordance with the Virginia Conservation Easement Act (§ 10.1-1009 et seq. of the Code of Virginia) or the Virginia Open-Space Land Act (§ 10.1-1700 et seq. of the Code of Virginia), a duly recorded declaration of restrictive covenants, or other protective instrument - and final survey or plat for protecting the compensation site, including all surface waters and upland areas that are to be preserved in perpetuity within the compensation site boundary. Protection of the compensation site shall be documented as follows:
- (1) The protective mechanism shall be written so that no activity will be performed on the property in any area designated as a compensation site or non-impacted surface water, with the exception of maintenance or corrective action measures authorized by DEQ. Unless otherwise authorized by DEQ, the mechanism shall contain the following minimum restrictions: no ditching, land clearing, or discharge of dredge or fill material, and no activity in the area designated as compensatory mitigation area with the exception of maintenance; corrective action measures; or DEQ-approved activities described in the approved final compensatory mitigation plan or long-term management plan.
 - (2) Proof of recordation shall be submitted to DEQ prior to commencing impacts in surface waters [OR if phasing preservation – for the phase of project for which the compensation is associated as identified in Part I X -refer to condition that outlines the compensation requirement for each phase of the project]. The permittee is responsible for ensuring that the survey or plat is in accordance with the application materials. Proof of recordation shall include the recorded survey or plats and a GIS compatible shapefile. The final survey or plat shall be certified by a professional engineer or licensed land surveyor. The recorded easement plat shall be signed and sealed by a Land Surveyor or Professional Engineer licensed in the Commonwealth of Virginia and shall contain a minimum of two (2) coordinate pairs (grid ticks or property / easement corners) per sheet. The GIS-compatible shapefile(s) shall:
 - i. be referenced to the Virginia Coordinate System of 1983, North Zone, U.S. Survey Feet (FIPS 4501 or 4502);
 - ii. contain a projections (.prj) file for each shapefile;
 - iii. be closed polygons with attribute data detailing the county of recordation, recorded deed acreage, date of recordation, and protective mechanism number or deed book and page number; or,
 - iv. be as otherwise coordinated with DEQ.

3. Monitoring During Construction

- a. Photographic monitoring of compensation site construction shall be required insert one of the following based on the duration of construction or insert the best timeframe to suit the proposed

construction schedule: at the end of each month; in the last month of each quarter during construction to document that construction activities are being performed in manner to prevent impacts to adjacent surface waters.

- b. Photographic monitoring shall be conducted by the following method:

Photographs shall be taken at a height of approximately five to six feet and from fixed-point stations, preferably at the same location as that of each planned monitoring well. Photographs shall be taken in each of the four cardinal directions (north, east, south, and west). Permanent markers shall be established to ensure that the same locations on the site are used for future monitoring events. Each photograph taken shall be labeled with the permit number, the name of the compensation site, the photo station number, the photograph orientation, the date and time of the photograph, the name of the person taking the photograph, and a brief description of the photograph subject. This information shall be provided as a separate attachment to each photograph, if necessary.

- c. For temporary disturbances to surface waters, the permittee shall conduct photographic monitoring **after** the temporary disturbance activity is complete in order to document that the area has been restored in compliance with these permit conditions.

- d. Monitoring of water quality parameters shall be conducted during relocation of any flowing stream through a new channel at [IDENTIFY LOCATION - either by impact no. or other]. Corrective measures and additional monitoring may be required if water quality standards are not met. The permittee shall report violations of water quality standards to DEQ within 24 hours of monitoring. All monitoring data shall be submitted to DEQ within seven calendar days of the monitoring event. The method for monitoring water quality parameters shall be as follows:

(1) One sampling station shall be located upstream of the relocated channel, and one sampling station shall be located immediately downstream of the relocated channel.

(2) At the *upstream* sampling station, temperature, pH, and dissolved oxygen (D.O.) measurements shall be taken immediately *before* opening a new channel, and every 30 minutes thereafter for at least *two* hours.

(3) At the *downstream* sampling station, temperature, pH, and dissolved oxygen (D.O.) measurements shall be taken immediately *after* opening a new channel, and every 30 minutes thereafter until the measurements indicate that the site has stabilized (minimum of *three* hours).

4. Submittals for Construction Monitoring

- a. Compensation site construction monitoring reports shall be submitted within **30 calendar days** of each monitoring event. The reports shall include the following, as appropriate:

- (1) A summary of construction progress, including any problems encountered and the proposed corrective actions or the DEQ-approved corrective actions taken.
 - (2) Properly labeled photographs as detailed in Part I X 1. The first construction monitoring report shall include the photographs taken at the compensation site prior to initiation of land disturbance or construction activities at the compensation site.
- b. After the wetland compensation site reaches final grades, but prior to planting, the permittee shall submit a post-grading survey to DEQ. The survey shall be conducted by a licensed land surveyor and certified by a licensed surveyor, licensed professional engineer, or licensed landscape architect. The survey shall document spot elevations (in feet above mean sea level) that are within +/- 0.2 (0.25) feet of the elevations indicated in the site construction grading plan. Post-grading elevations for the compensation site shall be sufficient to ensure that wetland hydrology will be achieved on the site to support the goals and objectives of the approved final compensation plan. DEQ shall have 30 calendar days to review the survey and provide comments to the permittee.

5. Monitoring for Success Criteria After Construction

- a. Success monitoring of the constructed wetland compensation site shall begin at the first complete growing season (monitoring year one) following compensation site construction; shall be conducted on the frequency stipulated in the approved final compensation plan; and shall continue for the time specified in the approved final compensation plan.
- b. If all success criteria have not been met by November 30th of the last monitoring year specified in the approved final compensation plan, or if visual observations conclude that the site has not met the overall restoration goals, corrective actions shall be implemented in accordance with the DEQ-approved corrective action plan. Annual monitoring shall continue until two sequential, annual reports indicate that all criteria have been successfully satisfied (e.g., that corrective actions were successful) and the compensation site has met the overall restoration goals. The permittee shall be solely responsible for ensuring that all necessary corrective actions are implemented so that the compensation site meets the success criteria, as detailed in the final compensation plan. Should any significant changes to the compensation site be necessary, the first full growing season after the changes are complete shall become the new monitoring year one. Monitoring shall continue in accordance with the DEQ-approved corrective action plan.
- c. Photographic documentation during success monitoring shall be conducted in accordance with the final compensation plan approved by DEQ.
- d. Hydrology monitoring at a *nontidal* wetland compensation site shall be conducted in accordance with the final compensation plan approved by DEQ. Hydrology monitoring may not be required at tidal wetland compensation sites.
- e. Wetland vegetation monitoring shall be conducted in accordance with the final compensation plan approved by DEQ. Undesirable plant species shall be identified and controlled as described

in the monitoring and control plan for undesirable plant species, such that they are not dominant species or do not change the desired community structure.

- f. Monitoring for the presence of hydric soils or soils under hydric conditions shall be conducted in accordance with the final compensation plan approved by DEQ.
- g. Wildlife data collection shall be conducted in accordance with the final compensation plan approved by DEQ.
- h. At the completion of each monitoring year, a calculation of the acreage of each wetland type shall be made and shall be based upon that monitoring year's soils data, vegetation data, and hydrology data (if required). The acreage calculation shall be shown on the most recent version of the compensation site design plan sheet(s) and shall be submitted with that year's monitoring report.
- i. Within **60 calendar days** of the completion of the entire monitoring cycle, including any time extensions for corrective action, a wetland boundary survey shall be conducted by a licensed land surveyor or a licensed professional engineer, and shall be based upon the results of monitoring data for soils, vegetation, and hydrology. A calculation shall be made of the total acreage of each wetland type. The boundary and acreage per wetland type shall be shown on the most recent version of the compensation site design plan sheet(s).

6. Submittals for Success Criteria Monitoring

- a. Wetland compensation site monitoring reports shall be submitted by **December 31st** of the years in which a monitoring report is required, including the final monitoring year, as identified in the approved final compensation plan. The reports shall include the following, at a minimum:
 - (1) A general description of the compensation site including a site location map identifying photo-monitoring stations, vegetative and soil monitoring stations, monitoring wells (if applicable), and wetland zones;
 - (2) Summary of activities completed during the monitoring year, including alterations or maintenance conducted at the site;
 - (3) Description of monitoring methods;
 - (4) An analysis of all hydrology information, including monitoring well data, precipitation data, and gauging data from streams, or other open water areas, as detailed in the final compensation plan;
 - (5) Evaluation of hydric soils or soils under hydric conditions;
 - (6) An analysis of all vegetative community information, including woody and herbaceous species, both planted and volunteers, set forth in the final compensation plan;

- (7) Discussion of wildlife or signs of wildlife observed at the compensation site;
 - (8) Properly labeled photographs as detailed in Part I X 1;
 - (9) Comparison of site conditions from the previous monitoring year and/or reference site;
 - (10) The acreage calculation, shown on the most recent version of the compensation site design plan sheet(s);
 - (11) A corrective action plan, if necessary, which shall include any proposed actions or maintenance activities, a schedule, and a monitoring plan (e.g., the control of undesirable species, the repair of a damaged water control device, the replacement of damaged, planted vegetation, etc.);
- b. *For final monitoring year only*, the report shall include all items in Part I X and the most recent version of the compensation site design plan sheet(s) depicting the final wetland boundary and area calculations, as detailed in Part I X.

O. Stream Compensation Site Construction Tasks, Monitoring, and Submittals

1. Pre-Construction Tasks

The permittee shall conduct photographic documentation of pre-construction conditions at the stream compensation site (compensation site) by the following method:

- a. Permanent photo-monitoring stations, whose directional orientation shall remain constant during all monitoring events, shall be used for each monitoring event. The photo-monitoring stations shall be identified in the final stream compensation plan (final compensation plan). At each station, a sufficient number of photographs shall be taken from the center of the stream, facing downstream, so that the entire length of the restoration site is captured.
- b. Photographs of existing conditions shall be taken prior to the commencing activities at the compensation site. Photographs at the compensation site shall not be required until land disturbance or construction activities are initiated on the compensation site.
- c. Each photograph shall be labeled with the permit number, the name of the compensation site, the photo station number, the photograph orientation, the date and time of the photograph, the name of the person taking the photograph, and a brief description of the photograph subject. If necessary, this information shall be provided as a separate attachment to each photograph.

2. Pre-Construction Submittals

- a. DEQ shall be notified in writing at least ten calendar days prior to the initiation of activities at the compensation site. The notification shall include a projected schedule of activities and construction completion.
- b. The permittee shall submit a final stream compensation plan, which shall include, at a minimum, the following:
 - a. The goals and objectives of the compensation plan, including but not limited to classification of the existing stream being impacted, how the restorative measures are replacing/enhancing/preserving stream functions and values, the components of the compensation expressed in linear feet, and a summary of geomorphologic measurements of the existing stream, reference stream(s), and the proposed stream (e.g., stream width, spacing and depth of pools and riffles, entrenchment ratio, width-depth ratio, cross-sectional area, bank-height ratio, radius of curvature, belt width, sinuosity, slope, substrate, etc.);
 - b. A detailed description of all proposed compensation measures, which may include [\[select those that are applicable\]](#):
 - i. stream channel and streambank stabilization activities;
 - ii. bank sloping;
 - iii. shaping and bench features, including grading;
 - iv. bank stabilization measures (e.g., rootwads, fiber rolls, live staking);
 - v. instream structures (e.g., type and proposed function of cross vane, J-hook, W-weir, etc.);
 - vi. channel alterations, which may include elevation, slope, width/depth ratio, cross-sectional area, sinuosity, and pool-riffle complexes;
 - vii. stream channel relocation activities;
 - viii. floodplain design;
 - ix. riparian buffer plantings, including planting scheme, schedule, species, soil preparations, and buffer width;
 - x. measures limiting ATV access;
 - xi. stream preservation; and

- xii. removal of existing unnatural instream structures (e.g., dams);
- c. Plan view, profile, and cross-section drawings, including the identification of all compensation measures;
- d. The schedule for compensation site construction, including projected start date, sequence of events with projected dates, and projected completion date;
- e. A location map, including compensation site boundaries, latitude and longitude (to the nearest second) at the center of the compensation site, and the watershed name and the fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, in which the compensation site is located;
- f. Grading and Erosion and Sedimentation Control plans;
- g. A surrounding land use and access plan for the compensation site;
- h. A success criteria monitoring plan including:
 - i. the monitoring design and methodologies being used to evaluate the success of the proposed compensation measures, allowing comparison from year to year and to the As-Built survey detailed in Part I X;
 - ii. the proposed success criteria for appropriate compensation measures;
 - iii. monitoring and reporting schedule, including the visual inspection schedule for bank pins and scour chains; annual compensation site survey methods, schedule, etc.; and frequency of photographic monitoring;
 - iv. drawing(s) depicting location of all monitoring stations, including photo-monitoring stations, vegetation sampling points, survey points, bank pins, scour chains, and reference streams; and
 - v. corrective action and/or contingency plan to address compensation site problems, deficiencies, or unexpected events.
- c. A monitoring and control plan for undesirable plant species: the plan shall apply, at a minimum, to the species listed on DCR's Virginia Invasive Plant Species List; shall include the procedures to notify DEQ of any undesirable plant species occurrences, the methods to be used for removal and control, and the method of reporting the control results to DEQ; and shall be implemented whenever an invasive species, either individually or cumulatively, becomes a dominant species in any stream compensation site;
- d. A draft of the intended protective mechanism(s) - such as but not limited to, a conservation easement held by a third party in accordance with the Virginia Conservation Easement Act (§

10.1-1009 et seq. of the Code of Virginia) or the Virginia Open-Space Land Act (§ 10.1-1700 et seq. of the Code of Virginia), a duly recorded declaration of restrictive covenants, or other protective instrument - and final survey or plat for protecting the compensation site, including all surface waters and upland areas that are to be preserved in perpetuity within the compensation site boundary. Protection of the compensation site shall be documented as follows:

- a. The protective mechanism shall be written so that no activity will be performed on the property in any area designated as a compensation site or non-impacted surface water, with the exception of maintenance or corrective action measures authorized by DEQ. Unless otherwise authorized by DEQ, mechanism shall contain the following minimum restrictions: no ditching, land clearing, or discharge of dredge or fill material, and no activity in the area designated as compensatory mitigation area with the exception of maintenance; corrective action measures; or DEQ-approved activities described in the approved final compensatory mitigation plan or long-term management plan.
- b. Proof of recordation shall be submitted to DEQ prior to commencing impacts in surface waters [OR if phasing preservation – for the phase of project for which the compensation is associated as identified in Part I X -refer to condition that outlines the compensation requirement for each phase of the project]. The permittee is responsible for ensuring that the survey or plat is in accordance with the application materials. Proof of recordation shall include the recorded survey or plats and a GIS compatible shapefile. The final survey or plat shall be certified by a professional engineer or licensed land surveyor. The recorded easement plat shall be signed and sealed by a Land Surveyor or Professional Engineer licensed in the Commonwealth of Virginia and shall contain a minimum of two (2) coordinate pairs (grid ticks or property / easement corners) per sheet. The GIS-compatible shapefile(s) shall:
 - i. be referenced to the Virginia Coordinate System of 1983, North Zone, U.S. Survey Feet (FIPS 4501 or 4502);
 - ii. contain a projections (.prj) file for each shapefile;
 - iii. be closed polygons with attribute data detailing the county of recordation, recorded deed acreage, date of recordation, and protective mechanism number or deed book and page number; or,
 - iv. be as otherwise coordinated with DEQ.

3. Monitoring During Construction

- a. Photographic monitoring of compensation site construction shall be required insert one of the following based on the duration of construction or insert the best timeframe to suit the proposed construction schedule: at the end of each month; in the last month of each quarter, and at the end of compensation site construction.
- b. Photographic monitoring shall be conducted in accordance with the methods detailed in Part I X 1.

- c. For temporary disturbances to surface waters, the permittee shall conduct photographic monitoring after the temporary disturbance activity is complete in order to document that the area has been restored in compliance with these permit conditions.
- d. Monitoring of water quality parameters shall be conducted during relocation of any flowing stream through a new channel at [IDENTIFY LOCATION - either by impact no. or other]. Corrective measures and additional monitoring may be required if water quality standards are not met. The permittee shall report violations of water quality standards to DEQ within 24 hours of monitoring. All monitoring data shall be submitted to DEQ within seven calendar days of the monitoring event. The method for monitoring water quality parameters shall be as follows:
 - (1) One sampling station shall be located upstream of the relocated channel, and one sampling station shall be located immediately downstream of the relocated channel.
 - (2) At the *upstream* sampling station, temperature, pH, and dissolved oxygen (D.O.) measurements shall be taken immediately *before* opening a new channel, and every 30 minutes thereafter for at least *two* hours.
 - (3) At the *downstream* sampling station, temperature, pH, and dissolved oxygen (D.O.) measurements shall be taken immediately *after* opening a new channel, and every 30 minutes thereafter until the measurements indicate that the site has stabilized (minimum of *three* hours).

4. Submittals for Construction Monitoring

- a. Compensation site construction monitoring reports shall be submitted within 30 calendar days of each monitoring event. The reports shall include the project name and permit number and the following, as appropriate:
 - a. A summary of construction progress, including any problems encountered and the proposed corrective actions or the DEQ-approved corrective actions taken.
 - b. Properly labeled photographs as detailed in Part I X 1.
 - c. The first construction monitoring report shall include the photographs taken at each photo station prior to commencing land disturbance or construction activities at the compensation site.
- b. The permittee shall submit an As-Built survey, including spot elevations, of the stream compensation site within 60 calendar days of compensation site completion. A licensed land surveyor or a licensed professional engineer shall certify the survey. The survey shall include a narrative comparing the As-Built survey with the design plans or reference reach information. DEQ shall have 30 calendar days to review the survey and provide comments to the permittee.

5. Monitoring for Success Criteria After Construction

- a. Success monitoring of the stream compensation site shall begin according to the once stream compensation activities have been completed. Success monitoring shall be conducted on the frequency and for the time period stipulated in the approved final compensation plan. If construction is completed prior to September 30th of a particular year, then monitoring year one shall be that same year. If construction is completed on or after November 1st of a particular year, then monitoring year one shall be the following year.
- b. If all success criteria have not been met by **November 30th** of the last monitoring year specified in the approved final compensation plan, or if visual observations conclude that the site has not met the overall restoration goals, corrective actions shall be implemented in accordance with the DEQ-approved corrective action plan. Annual monitoring shall be continue until two sequential, annual reports indicate that all criteria have been successfully satisfied (e.g., that corrective actions were successful) and the compensation site has met the overall restoration goals. The permittee shall be solely responsible for ensuring that all necessary corrective actions are implemented so that the compensation area meets the success criteria, as detailed in the final compensation plan. Should any significant changes to the compensation site be necessary, the monitoring period shall be extended such that monitoring year one commences after the changes are complete, and the total monitoring period has been met.
- c. Photographic documentation during success monitoring shall be conducted as specified in the final compensation plan approved by DEQ.
- d. Vegetation monitoring shall be conducted in **August or September** of each monitoring year as detailed in the final compensation plan. Undesirable plant species shall be identified and controlled as described in the monitoring and control plan for undesirable plant species, such that they are not dominant species or do not change the desired community structure.
- e. Wildlife data collection shall be conducted in accordance with the final compensation plan approved by DEQ.
- f. **All bank pins and scour chains used to monitor bank and channel stability shall be monitored and measured each monitoring year on the frequency detailed in the DEQ-approved final compensation plan. Maintenance on bank pins and scour chains shall be conducted within 30 days of each inspection.**
- g. At the completion of each monitoring year, the stream compensation site shall be surveyed. The survey shall be certified by a licensed land surveyor or a licensed professional engineer. The survey shall include, at a minimum, the stream classification, the required stream cross-sections, a longitudinal profile (including Thalweg, bankfull, and top of bank measurements), a pebble count, all instream structures, and other required information as detailed in the approved final compensation plan.

6. Submittals for Success Criteria Monitoring

Stream compensation site monitoring reports shall be submitted by **December 31st** of the years in which a monitoring report is required, including the final monitoring year, as identified in the approved final compensation plan. The reports shall include the following, at a minimum:

- a. A general description of the site including a site location map identifying photo-monitoring stations, monitoring stations, vegetation sampling points, survey points, bank pins, and scour chains;
- b. Summary of activities completed during the monitoring year, including alterations or maintenance conducted at the site;
- c. For monitoring year one, an evaluation and discussion of the monitoring methods and results in relation to the success criteria;
- d. For monitoring years two through **insert last monitoring year**, an evaluation and discussion of the monitoring methods and results in relation to the success criteria, and a comparison between the current year's monitoring results and site conditions and the previous year's results and conditions;
- e. Discussion of the stream geomorphologic measurements, including channel dimension, pattern, profile, and materials within defined stream type, as they relate to channel or stream bank stability;
- f. Discussion of the establishment of vegetation, both planted and volunteers;
- g. Summary of wildlife or signs of wildlife observed at the compensation site;
- h. Discussion of macroinvertebrate sampling data;
- i. Evaluation of instream structures;
- j. Discussion of observed success of livestock access limiting measures;**
- k. Properly labeled photographs as detailed in Part I **X 1**;
- l. The stream survey and classification, as detailed in Part I **X**;
- m. Discussion of alterations, maintenance, and/or major storm events resulting in significant change in stream profile or cross section; and
- n. Corrective action plan, if necessary, which shall include any proposed actions or maintenance activities, a schedule, and a monitoring plan (e.g., repair of instream structures due to storm event).

Part II – General Conditions

A. Duty to Comply

The permittee shall comply with all conditions and limitations of the VWP permit. Nothing in this chapter shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations, toxic standards, and prohibitions. Any VWP permit violation or noncompliance is a violation of the Clean Water Act and State Water Control Law and is grounds for enforcement action, VWP permit termination, VWP permit revocation, VWP permit modification, or denial of an application for a VWP permit extension or reissuance.

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

B. 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.

C. Duty to Mitigate

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

D. VWP Permit Actions

A VWP permit may be modified in whole or in part, revoked and reissued, extended, transferred, or terminated in accordance with 9VAC25-210-180 of the Virginia Administrative Code.

1. During the drafting and authorization of a permit modification, only those conditions to be modified shall be addressed with preparing a draft modified permit. VWP permit terms and conditions of the existing permit shall remain in full force and effect during the modification of the permit.
2. This VWP permit may be modified upon the request of the permittee or upon board initiative when any of the following developments occur:
 - a. When new information becomes available about the project or activity covered by the VWP permit, including project additions or alterations, that was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;

- b. When a change is made in the promulgated standards or regulations on which the VWP permit was based;
 - c. When changes occur that are subject to "reopener clauses" in the VWP permit; or
 - d. When developments applicable to surface water withdrawals occur as specified in 9VAC25-210-380 of the Virginia Administrative Code.
3. When this VWP permit authorizes surface water withdrawals, it may be modified when any of the following developments occur:
- a. When the board determines that minimum instream flow levels resulting directly from the permittee's withdrawal of surface water are detrimental to the instream beneficial use, existing at the time of permit issuance, and the withdrawal of surface water should be subject to further net limitations or when an area is declared a surface water management area pursuant to §§ 62.1-242 through 62.1-253 of the Code of Virginia, during the term of the VWP permit.
 - b. Significant changes to the location of the surface water withdrawal system are proposed such that the Department of Environmental Quality determines a new review is warranted due to the potential effect of the surface water withdrawal to existing beneficial uses of the new location.
 - c. Changes to the permitted project or the surface water withdrawal, including increasing the storage capacity for the surface water withdrawal, that propose an increase in the maximum permitted withdrawal volumes or rate of withdrawal or that cause more than a minimal change to the instream flow requirements with potential to result in a detrimental effect to existing beneficial uses.
 - d. A revision to the purpose of the surface water withdrawal that proposes to include a new use or uses that were not identified in the permit application or a modification of the existing authorized use or uses such that the use description in the permit application and permit is no longer applicable. Examples of uses include, but are not limited to agricultural irrigation, golf course irrigation, public water supply, manufacturing, and electricity generation.
4. When the permittee has submitted a timely and complete application for reissuance of an existing VWP individual permit, but through no fault of the permittee, the board does not reissue or reissue with conditions a VWP individual permit or the board does not provide notice of its tentative decision to deny the application before an existing VWP individual permit expires, the conditions of the expiring VWP individual permit shall be administratively continued in full force and effect until the effective date of a reissued permit or the date on which the board denies the application. Timely application shall be a minimum of 180 days for an individual permit or a minimum of 270 days for an individual permit for a surface water withdrawal, unless otherwise specified in the existing permit.

5. Any permittee desiring to continue a previously permitted activity after the expiration date of this VWP permit shall apply for and obtain a new permit or, if applicable, shall request an extension in accordance with 9VAC25-210-180 of the Virginia Administrative Code. Any permittee with an effective VWP permit for an activity that is expected to continue after the expiration date of the VWP permit, without any change in the activity authorized by the VWP permit other than as may be allowed under 9VAC25-210-180, shall submit written notification requesting an extension. The permittee must file the request 90 days prior to the expiration date of the VWP permit. VWP permit modifications shall not be used to extend the term of a VWP permit beyond 15 years from the date of original issuance. When a permit term, other than that of an Emergency Virginia Water Protection Permit, is less than 15 years, an extension of the permit terms and conditions may be granted in accordance with 9VAC25-210-180. Emergency Virginia Water Protection Permits shall not exceed a duration of one year or shall expire upon the issuance of a regular Virginia Water Protection Permit, whichever comes first.
6. This VWP permit may be transferred to a new permittee only by modification to reflect the transfer, by revoking and reissuing the permit, or by automatic transfer. Automatic transfer to a new permittee shall occur if the current permittee: a) Notifies the board of the proposed transfer of the permit and provides a written agreement between the current and proposed permittees containing the date of transfer of VWP permit responsibility, authorization, and liability to the new permittee; and b) the board does not within 15 days notify the existing permittee of its intent to modify the VWP permit.
7. After notice and opportunity for a formal hearing pursuant to § 62.1-44.15:02 of the Code of Virginia, a VWP permit can be terminated for cause. Reasons for termination for cause are as follows:
 - a. Noncompliance by the permittee with any condition of the VWP permit;
 - b. The permittee's failure in the application or during the VWP permit process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;
 - c. The permittee's violation of a special or judicial order;
 - d. A determination by the board that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by VWP permit modification or termination;
 - e. A change in any condition that requires either a temporary or permanent reduction or elimination of any activity controlled by the VWP permit; and
 - f. A determination that the permitted activity has ceased and that the compensation for unavoidable adverse impacts has been successfully completed.

8. The board may terminate this permit without cause when the permittee is no longer a legal entity due to death, dissolution, or when a company is no longer authorized to conduct business in the Commonwealth. The termination shall be effective 30 days after notice of the proposed termination is sent to the last known address of the permittee or registered agent, unless the permittee objects within that time. If the permittee does object during that period, the board shall follow the applicable procedures for termination under § 62.1-44.15:25 of the Code of Virginia and 9VAC25-230 of the Virginia Administrative Code.
9. This VWP permit may be terminated by consent, as initiated by the permittee. The permittee shall submit a request for termination by consent within 30 days of completing or canceling all permitted activities and all required compensatory mitigation requirements. When submitted for project completion, the request for termination by consent shall constitute a notice of project completion. The director may accept this termination on behalf of the board. The permittee shall submit the following information:
 - a. Name, mailing address, and telephone number;
 - b. Name and location of the activity;
 - c. The VWP permit number; and
 - d. One of the following certifications:
 - i. For project completion: "I certify under penalty of law that all activities and any required compensatory mitigation authorized by a VWP permit have been completed. I understand that by submitting this notice of termination that I am no longer authorized to perform activities in surface waters in accordance with the VWP permit, and that performing activities in surface waters is unlawful where the activity is not authorized by a VWP permit, unless otherwise excluded from obtaining a permit. I also understand that the submittal of this notice does not release me from liability for any violations of this VWP permit."
 - ii. For project cancellation: "I certify under penalty of law that the activities and any required compensatory mitigation authorized by this VWP permit will not occur. I understand that by submitting this notice of termination that I am no longer authorized to perform activities in surface waters in accordance with the VWP permit, and that performing activities in surface waters is unlawful where the activity is not authorized by a VWP permit, unless otherwise excluded from obtaining a permit. I also understand that the submittal of this notice does not release me from liability for any violations of this VWP permit, nor does it allow me to resume the permitted activities without reapplication and issuance of another permit."
 - iii. 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 this

VWP permit have changed as the result of events beyond my control (see attached). I understand that by submitting this notice of termination that I am no longer authorized to perform activities in surface waters in accordance with the VWP permit, and that performing activities in surface waters is unlawful where the activity is not authorized by a VWP permit, unless otherwise excluded from obtaining a permit. I also understand that the submittal of this notice does not release me from liability for any violations of this VWP permit, nor does it allow me to resume the permitted activities without reapplication and issuance of another permit.

E. Inspection and Entry

Upon presentation of credentials, the permittee shall allow the board or any duly authorized agent of the board, at reasonable times and under reasonable circumstances, to conduct the actions listed in this section. 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.

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the VWP permit conditions;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter, or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.

F. Duty to Provide Information

The board may request (i) such plans, specifications, and other pertinent information as may be necessary to determine the effect of an applicant's discharge on the quality of state waters or (ii) such other information as may be necessary to accomplish the purposes of this chapter. Any owner, permittee, or person applying for a VWP permit or general permit coverage shall provide the information requested by the board.

G. 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 (2017), 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 permit expiration. This period may be extended by request of the board at any time.
4. Records of monitoring information shall include:
 - 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.

H. Property rights

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

I. Reopener

This VWP permit may be reopened for the purpose of modifying the conditions of the VWP permit to meet new regulatory standards duly adopted by the board. Cause for reopening VWP permits includes, but is not limited to when the circumstances on which the previous VWP permit 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 permit was issued and thereby constitute cause for VWP permit modification or revocation and reissuance.

J. Compliance with State and Federal Law

As to the permitted activity(ies), compliance with a VWP permit constitutes compliance with the VWP permit requirements of the Law and regulations. .

K. Severability

The provisions of this VWP permit are severable.

L. Oil and Hazardous Substance Liability

Nothing in this VWP 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.

M. Unauthorized Discharge of Pollutants

Except in compliance with a VWP permit, unless the activity is otherwise exempted or excluded, no person shall dredge, fill, or discharge any pollutant into, or adjacent to surface waters; withdraw surface water; otherwise alter the physical, chemical, or biological properties of state waters regulated under this chapter and make them detrimental to the public health, to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, for recreation, or for other uses; excavate in wetlands; or on or after October 1, 2001, conduct the following activities in a wetland:

1. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
2. Filling or dumping;
3. Permanent flooding or impounding; or
4. New activities that cause significant alteration or degradation of existing wetland acreage or functions.

DEQ Regional Letterhead

[Date]

[Permittee Contact's Name]
[Permittee Company Name]
[Permittee Address]
[City, State Zip]

BY E-MAIL: [email address]
RECEIPT CONFIRMATION REQUESTED

Re: Virginia Water Protection (VWP) Individual Permit Number [XX-XXXX]
[Project Name], [County], Virginia
Final VWP Individual Permit

Dear [Permittee Contact's Name]:

Pursuant to the VWP Permit Program Regulation 9VAC25-210 of the Virginia Administrative Code and § 401 of the Clean Water Act Amendments of 1977, Public Law 95-217, the Department of Environmental Quality has enclosed the VWP Individual Permit for the “[Project Name]” project.

This permit is valid for [# years] from the date of issuance. *[If 15 yr term: An extension of the permit may not occur as the permit term cannot exceed the maximum of 15 years. A new permit may be necessary if any portion of the authorized activities or any permit requirement (including compensatory mitigation provisions) is not complete at the end of the 15 year permit term. OR If term is less than 15 years: The permit term, including any extensions, cannot exceed 15 years. An extension of the permit may be requested through written notification to the Department of Environmental Quality, Northern Regional Office.]*

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have **30 calendar days** from the date of service (the date you actually received this decision or the date it was e-mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

Alternatively, an owner may request a formal hearing for the formal taking of evidence upon relevant fact issues under Section 2.2-4020 of the Administrative Process Act. A petition for a formal hearing must meet the requirements set forth in the board's Procedural Rule Number 1 (9VAC25-230-130 B). In cases involving actions of the board, such petition must be filed within **30 calendar days** after notice of such action is sent to such owner by certified mail.

[Permittee Contact's Name]

VWP Individual Permit No. [XX-XXXX]

Page 2 of 2

Should you have any questions, please contact [permit writer] by phone at XXX-XXX-XXXX, email at XXX@deq.virginia.gov, or at the above address.

Respectfully,

[Name]

Regional VWPP Program Manager

Enclosures: Permit Cover Page, Part I - Special Conditions, Part II - General Conditions, Attachment 1 - VWP Permit Construction Status Update Form, Attachment 2 - Monthly VWP Permit Inspection Checklist[, [XX-SPGP-01 Verification Letter, XX-SPGP-01](#)]

Cc (by e-mail):

[Agent Name], [Company]

[Contact Name], U.S. Army Corps of Engineers

[Contact Name], Virginia Marine Resources Commission [if applicable]

[Date]

FACT SHEET

Virginia Water Protection Individual Permit No. **XX-XXXX**

[Project Name, County]

DEQ has reviewed the application for the Virginia Water Protection (VWP) Individual Permit Number **XX-XXXX** and has determined that the project qualifies for an individual permit.

The following details the application review process and summarizes relevant information for developing the Part I - Special Conditions for permit issuance.

1. Contact Information:

Permittee Legal Name and Address:

[Name and Address]

Owner Legal Name and Address *[Only use if different from Permittee. If more than one: See Section XX of the Joint Permit Application (JPA)]*

[Name and Address]

Agent Legal Name and Address (if applicable):

[Name and Address]

2. Processing Dates: *[Including this section is optional – does not replace event data entry in CEDS]*

Received Application:	[Date]
Received VMRC Number:	[Date]
Application Complete:	[Date]
Permit Fee Deposited by Accounting:	[Date]
Processing Deadline (120 days from Complete Application):	[Date]
1 st Request for Additional Information Sent:	[Date]
Final Request for Additional Information Received:	[Date]
Section 106 SPGP Coordination Initiated (if applicable):	[Date]
Section 7 SPGP Coordination Initiated (if applicable):	[Date]
Request for comments sent to USACE, USEPA and USFWS (if applicable):	[Date]
Completion of SPGP coordination (if applicable):	[Date]
Notification of JPA sent to Local Government(s):	[Date]

Commissioner of Revenue Contacted (if applicable): [Date OR N/A if able to use
previous RLO information or locality website]
 Request for comments sent to VDH, VDGIF, VDCR, VMRC: [Date]
 Letters sent to Riparian Land Owners: [Date]
 Draft Permit Package Issued: [Date]
 Copy of Public Notice sent to DEQ Central Office: [Date]
 Copy of Public Notice sent to Local Gov't and Planning District: [Date]
 Public Notice Published: [Date]
 End of 30-Day Public Comment Period: [Date]
 Received Verification of Publication: [Date]
 Public Meeting or Hearing (if applicable): [Date]
 Permit Issued [*enter date that permit is issued*]: [Date]

3. Project Location:

Provide project location. [EX: The project is located in the northwest quadrant of the intersection of Dulles Greenway (Route 267) and Loudoun County Parkway (Route 607) in Loudoun County, Virginia.]

City/County:
 Waterbody:
 Basin:
 Subbasin:
 Section:
 Class:
 Special Standards:
 HUC:
 Latitude & Longitude:
 U.S.G.S. Quadrangle:
 State Watershed No.:

[*Include only if Permittee-Responsible Mitigation provided*] Off-site Compensation:

Site Name:
 City/County:
 Waterbody:
 Basin:
 Subbasin:
 Section:
 Class:
 Special Standards:
 HUC:
 Latitude & Longitude:
 U.S.G.S. Quadrangle:
 State Watershed No.:

4. Project Description:

The permittee proposes *[Detail the purpose and need of the proposed project and all activities that impact surface waters: EX. The permittee proposes to construct a residential subdivision with associated infrastructure, on an approximately 23 acre parcel, known as “The Reserve at Hoadly Forest.”]*

5. Avoidance and Minimization Efforts:

[Discuss all A&M efforts made by applicant, including both off-site and on-site analysis. Also, summarize staff's review of the effort and conclusion. EX. The alignment was shifted approximately 2,000 feet north to avoid an additional 0.85 acres of emergent and 1.2 acres of forested wetlands. The original design included a quadruple barrel box culvert. Wetland and stream channel impacts have been minimized with the proposed design of a 70-foot span bridge and by reducing the lateral extent of the fill by approximately 200 feet along each side of the bridge approach.]

For additional information, see page **XX** of the JPA dated [DATE] [OR of the additional information response dated **XX**].

Based upon staff review, the proposed plan represents the least environmentally damaging and practicable alternative and all unavoidable permanent impacts will be adequately mitigated through the proposed compensation plan.

6. Project Impacts:

This permit authorizes *[Summarize total impacts here and then in the bullets, identify the specific impacts, as applicable. EX.; the total impact to 3 acres of surface waters, consisting of 2 acres (2,000 linear feet) of permanent impacts and 1 acre (500 linear feet) of temporary impacts.]*

[include acres of stream impacts if applicable – used for fee calculation and for VDOT permits]

- Permanent impacts consist of....
- Conversion impacts consist of...
- Temporary impacts consist of....
- Authorized surface water impacts described under this condition shall be as depicted on the impacts map entitled **FINAL IMACTS MAP NAME** dated **MM-DD-YYYY** with latest revision date of **MM-DD-YYYY**, and received **MM-DD-YYYY**.

7. Compensation for Unavoidable Impacts:

[Summarize the compensation requirement and the proposed compensation plan:

EX WETLAND. The permittee shall compensate for permanent wetland and open water impacts through the purchase of 0.12 wetland credit from the Pandora Farms Wetland Mitigation Bank in Fauquier County, Virginia. **OR IF BANK IS NOT SPECIFIED, USE**

FOLLOWING: through the purchase of X wetland credits from a DEQ approved mitigation bank, an approved in-lieu fee fund, or a combination thereof that is authorized and approved by DEQ to sell credits in the area in which the impacts will occur and has credits available (as released by DEQ). The credit sale shall be in accordance with the approved Mitigation Banking Instrument for the mitigation bank. Purchase of required mitigation credits shall occur first through the purchase of available released credits followed by the purchase of advance credits.

EX STREAM. The permittee shall compensate for permanent stream impacts through the on-site stream channel restoration and riparian buffer reforestation along 3,900 linear feet of Accokeek Creek and the on-site preservation along both sides of an additional 3,455 linear feet of perennial stream channel and 1,060 linear feet of intermittent stream channels and the associated riparian buffer (approximately 50 acres). On-site stream mitigation activities shall be in accordance with the “Colonial Forge Conceptual Stream Compensation Plan” dated August 2005 and received September 13, 2005, Page 5A of 6 dated June 2005 and received December 15, 2005 and the “Colonial Forge Onsite Preservation Area Map” dated December 2005 and received December 15, 2005 or the most recent DEQ approved plan. OR IF BANK IS NOT SPECIFIED, USE FOLLOWING: through the purchase of X stream credits from a DEQ approved mitigation bank, in-lieu fee fund, or a combination thereof that is authorized and approved by DEQ to sell credits in the area in which the impacts will occur and has credits available (as released by DEQ). The credit sale shall be in accordance with the approved Mitigation Banking Instrument for the mitigation bank. Purchase of required mitigation credits shall occur first through the purchase of available released credits followed by the purchase of advance credits.]

[If compensation follows Code of Virginia (bank/trust fund), include the following:

The compensation package complies with § 62.1-44.15:21 and § 62.1-44.15:23 of the Code of Virginia.]

8. Site Inspection:

A site visit was conducted on [Date]. *[Summarize observations and note problems or concerns that warranted Special Conditions in the individual permit. OR state...]* The site visit confirmed the site description provided in the applications materials accurately characterized the surface waters on the site.] A summary of the site inspection is located in VWP Permit File No. XX-XXXX.

9. Relevant Regulatory Agency Comments:

As part of the application review process, DEQ contacted the appropriate state regulatory agencies [and coordinated with various federal regulatory agencies, including the U.S. Army Corps of Engineers (USACE)]. Any relevant agency comments were addressed in the [OR No comments received required a change to] VWP individual permit Part I - Special Conditions. Therefore, the staff anticipates no adverse effect on water quality and fish and wildlife resources provided the applicant adheres to the permit conditions.

Summary of State Agency Comments and Actions

By email/letter dated [DATE], comments were requested from the following state agencies: Virginia Department of Game and Inland Fisheries (DGIF), Virginia Department of Conservation and Recreation (DCR), Virginia Marine Resources Commission (VMRC), and Virginia Department of Health (VDH). Failure to provide comments within 45 calendar days of the DEQ request for comments infers that the agency has no comments on the project activities.

[If comments not received from an agency: Comments were not received from XXXX.]

[Typical comments and responses are provided for convenience. Intent of section is to summarize comment and how the comment will or will not be addressed. Use/delete the below provided text as applicable.]

DCR

DCR provided the following comments in a memorandum dated [DATE], and transmitted by email on [DATE]:

- Recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations.

Oversight of stormwater management and erosion and sediment control measures is the responsibility of DEQ-Stormwater Management or the locality, if such responsibility has been delegated. Any such requirements will be implemented under the oversight of that program.

- Recommends coordination with [DGIF and U.S. Fish and Wildlife Service] as those agencies have regulatory authority for the management and protection of the identified threatened and endangered species.

Staff requested comments from DGIF on the proposed project on [DATE].

DGIF

DGIF provided comments to DEQ by email dated [DATE].

- Recommended conducting any in-stream activities during low or no-flow conditions, using non-erodible cofferdams or turbidity curtains to isolate the construction area, blocking no more than 50% of the streamflow at any given time, stockpiling excavated material in a manner that prevents reentry into the stream, restoring original streambed and streambank contours, revegetating barren areas with native vegetation, and implementing strict erosion and sediment control measures.

The special conditions of the permit address these activities.

- Recommend coordination with DCR's Department of Natural Heritage as the project is located within 2 miles of a documented occurrence of a state or federal threatened or endangered plant or insect species and/or other Natural Heritage coordination species.

Staff requested comments from DCR on the proposed project on [DATE].

- Recommend that the permittee avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable to minimize overall impacts to wildlife and our natural resources. DGIF also recommended maintaining undisturbed naturally vegetated buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams.

Staff reviewed the proposed impacts to surface waters and determined those proposed have been minimized to the maximum extent practicable.

- Recommended that the stormwater controls for this project be designed to replicate and maintain the hydrographic condition of the site prior to the change in landscape.

Oversight of stormwater management and erosion and sediment control measures is the responsibility of DEQ-Stormwater Management or the locality, if such responsibility has been delegated. Any such requirements will be implemented under the oversight of that program.

- Recommended that all tree removal and ground clearing adhere to a time of year restriction protective of resident and migratory songbird nesting from March 15 through August 15 of any year.

This time of year restriction was not included in the permit as it's not associated with a threatened or endangered species. The recommendation was forwarded to the permittee for their consideration.

- Recommended adherence to erosion and sediment controls during ground disturbance.

Oversight of stormwater management and erosion and sediment control measures is the responsibility of DEQ-Stormwater Management or the locality, if such responsibility has been delegated. Any such requirements will be implemented under the oversight of that program.

VDH

VDH provided comments in a memorandum dated [DATE], and transmitted by email on [DATE]...

VMRC

VMRC provided comments in a letter dated and transmitted by email on [DATE]....

Summary of Federal Agency Comments and Actions

[The project is being reviewed by the U.S. Army Corps of Engineers (USACE) for an individual permit, which the USACE public noticed on [DATE].

OR

SPGP – *use appropriate statement.*]

10. Riparian Landowner Notification:

Staff notified riparian landowners located adjacent to the impact area and within one-half mile *[one-quarter mile up- and downstream for tidal areas]* downstream of each distinct impact area by letter dated [Date]. Notifications of riparian and adjacent landowners were conducted in accordance with DEQ guidance.

[Summarize significant responses, or insert if applicable: The applicant owns the property adjacent to and within one-half mile downstream of each distinct impact area.]

11. Changes in Permit Part I - Special Conditions Due to Public Comments:

The public notice was published in *[Name of Newspaper and Date Published]* on [DATE]. The public comment period ran from [DATE] to [DATE].

[No public comments were received during the public comment period. Therefore, no changes have been made to the permit conditions.]

OR

[Four] public comment letters were received. However, no substantial or disputed issues were presented that warranted revisions to the draft conditions of the permit.

OR

[Seven] responses were received from the public: two opposed the permit and five requested protection of wetlands. Due to the public response, a public hearing was held on [Date.]

[Summarize hearing events and comments.]

[See the following permits for examples of how to incorporate public hearing information: 06-0553, 10-1256 and 10-1496.]

XX. State Water Control Board Meeting Summary:

[Add this section if required to present permit to the SWCB for a permit decision.

EX (See 10-1256) The project was presented before the State Water Control Board (SWCB) on [DATE].....]

12. Special Conditions:

The following conditions were developed to protect instream beneficial uses, to ensure compliance with applicable water quality standards, to prevent significant impairment of

state waters or fish and wildlife resources, to provide for no net loss of wetland acreage, and to provide no net loss of functions in all surface waters through compensatory mitigation and monitoring and reporting.

[The intent of any unique permit condition should be adequately explained under this section. This section provides the rationale and purpose of each condition. Citations to regulatory sections may be included for clarification or emphasis, as well as an explanation of staff's interpretation of the purpose of a particular condition.]

Section A Authorized Activities

Nos. [1-#] addresses the activities authorized by this permit, including impact types and limits.

Section B Permit Term

Nos. [1-#] addresses the permit term and re-issuance process to ensure that all permit conditions are completed.

Section C Standard Project Conditions

No. 1 addresses the requirement for the minimization of adverse impacts to instream beneficial uses.

No. 2 ensures that the project will be executed in a manner that limits the disruption of the movement of aquatic life.

No. 3 ensures that downstream flows will be maintained to protect both instream and off-stream beneficial uses

No. 4 ensures the minimization of adverse effects on navigation.

No. 5 ensures the passage of high flows.

No. 6 requires maintenance of continuous flow of perennial springs for the protection of instream beneficial use.

(If Applicable) No. 7 requires that the permittee adhere to time-of-year restrictions recommended by the Department of Game and Inland Fisheries for the protection of fish and wildlife resources.

No. 7 ensures that dredging and filling operations will minimize stream bottom disturbances and turbidity.

No. 8 requires instream activities to be conducted during low-flow conditions to protect instream beneficial uses.

Nos. 9 through 11 provide requirements and limitations on the entry of various materials (including concrete, fill, construction and waste material, fuels, lubricants, and untreated stormwater runoff) into state waters.

Nos. 12 and 13 limit the use of machinery and equipment in surface waters to protect beneficial uses

Nos. 14 through 18 require temporary disturbances to surface waters during construction to be avoided and minimized to the maximum extent practicable and the restoration of such temporary disturbances.

- No. 19 prohibits the violation of Water Quality Standards in surface waters as a result of project activities
- No. 20 requires the identification of all non-impacted surface waters in the vicinity of the proposed activity to prevent unpermitted impacts
- Nos. 21 through 25 set forth all reporting requirements concerning construction, monitoring, compensation, and restoration as required by current law and regulations.

Section [Letter] *Stream Modifications, Including Intake/Outfall Structures*

- No. 1 prohibits the use of stream substrate for erosion control to avoid additional impacts to state waters.
- No. 2 requires upland disposal of material removed from stream substrate to avoid unpermitted impacts to surface waters.
- No. 3 ensures riprap placement conforms to current law and regulation.
- Nos. 4 and 5 direct the placement and contents of materials for the construction of submerged structures, and on-bank storage and staging of materials, to protect water quality and fish and wildlife resources.
- No. 6 addresses the requirements for stream channelization or relocation to avoid additional impacts to state waters.
- (If Applicable)* No. 7 Ensures correct outfall structure construction methods to prevent erosion and sedimentation of surface waters.

Section [Letter] *Installation of Utilities*

- No. 1 requires the minimization of disturbance to surface waters and restoration to preconstruction conditions following utility line installation.
- No. 2 sets a 90-day time limit for temporary sidecasting during trench excavation to minimize impacts to surface waters.
- No. 3 provides the requirements for trench construction to avoid the drainage of surface waters.

Section [Letter] *Road Crossings*

- No. 1 provides specifications for access road construction to minimize adverse effects to surface waters.
- No. 2 ensures pipes and culvert construction is conducted in the dry to protect water quality and wildlife habitat.
- No. 3 requires that temporary impacts be restored immediately following construction to minimize impacts to water quality and fish and wildlife resources.
- No. 4 summarizes the requirements for stream channelization or relocation activities to protect instream beneficial use.
- No. 5 requires measurement of stream bottom elevations at road crossings to ensure for the re-establishment of a natural stream bottom and low flow channel to maintain instream beneficial uses. The intent of this condition is to maintain a hydrologic connection and enable the stream bottom to reestablish in the culvert. The stream crossing(s) to which this condition pertains is identified in the condition.

No. 6 summarizes requirements for pipe and culvert placement and countersinking to provide for the re-establishment of a natural stream bottom and low flow channel to maintain instream beneficial uses

Section [Letter] *Stormwater Management Facilities*

No. 1 defines the general requirements for stormwater management facility construction to minimize adverse effects to aquatic resources and provide for long-term aquatic resources protection and enhancement.

No. 2 provides limits and guidance for maintenance excavation to avoid unpermitted impacts to surface waters.

No. 3 requires correct draining methods to minimize sedimentation of surface waters.

Section [Letter] *Projects Involving a Golf Course*

No. 1 prohibits application of fertilizers and various control agents in buffers to protect water quality unless otherwise approved by DEQ.

No. 2 ensures proper vegetation clearing methods are used to minimize erosion and sedimentation of surface waters.

No. 3 requires a nutrient and integrated pest management plan to protect water quality.

Section [Letter] *Projects Involving a Marina*

Nos. 1 and 2 specify construction methods to protect water quality.

Nos. 3, 4, 6 through 10, 12 ensures the minimization of spills and releases of toxic materials and untreated waste waters to protect water quality and aquatic habitat.

Nos. 5, 6, 11 ensures minimization of erosion and sedimentation of surface waters.

Section [Letter] *Dredging Activities*

Nos. 1, 2, 3, and 7 provide limits for dredging to avoid and minimize disturbance and prevent unpermitted impacts.

No. 4 requires the submittal of a dredged material management plan for the designated upland disposal site to avoid unpermitted impacts to surface waters.

No. 5 prohibits double handling of dredge material to prevent unpermitted impacts to surface waters.

No. 6 provides guidance for hydraulic dredging to prevent unpermitted impacts to surface waters.

No. 8 requires a buffer around dredging area to protect nonimpacted surface waters.

Nos. 9 through 11 define requirements for transport of material to disposal site and for dewatering structures and procedures.

No. 12 prohibits offloading of material over open water to avoid unpermitted impacts.

Nos. 13 through 15 provide guidance for dewatering activities to protect water quality and fish and wildlife resources.

No. 16 provides for berm/bank stabilization to prevent erosion and sedimentation of surface waters.

No. 17 prohibits overtopping of the dredge material containment berm to protect water quality and fish and wildlife resources.

No. 18 defines the requirements for navigation channels.

No. 19 requires a bathymetric survey following dredging activities.

No. 20 establishes the total volume of dredged material allowed during permit term.

Section [Letter] *Project Construction Monitoring and Submittals (Impact Site)*

Nos. 1 through 6 address monitoring and submittals required for pre-construction, during construction and post-construction for the impact areas on site.

Section [Letter] *Compensatory Mitigation*

Nos. 1 through 2 describe the compensatory mitigation required to mitigate for the permitted impacts.

Nos. 3 and 4 describe the phasing requirements associated with the required compensation.

No. 5 describes the documentation requirement for the purchase of the required amount of credits.

Section [Letter] *On/Off Site Creation, Restoration, and/or Preservation Standard Conditions*

Nos. 1 through 10 lists the requirements to ensure the success of the compensation site to provide appropriate compensation for unavoidable surface water impacts.

Section [Letter] *Wetland Compensation Site Construction Tasks, Monitoring, and Submittals*

Nos. 1 through 6 lists the requirements for construction and monitoring of the wetland mitigation site and the required submittals and notifications for the wetland mitigation activities.

Section [Letter] *Stream Compensation Site Construction Tasks, Monitoring, and Submittals*

Nos. 1 through 6 lists the requirements for construction and monitoring of the stream mitigation site and the required submittals and notifications for the stream mitigation activities.

13. General Conditions:

The general conditions specified in the effective VWP Permit Program Regulation 9VAC25-210 apply to all VWP individual permits.

14. General Criteria (9VAC25-260-20 A):

State waters, including wetlands, shall be free from substances attributable to sewage, industrial waste, or other waste in concentrations, amounts, or combinations which contravene established standards or interfere directly or indirectly with designated uses of such water or which are inimical or harmful to human, animal, plant, or aquatic life.

Specific substances to be controlled include, but are not limited to: floating debris, oil, scum, and other floating materials; toxic substances (including those which bioaccumulate); substances that produce color, tastes, turbidity, odors, or settle to form sludge deposits; and substances which nourish undesirable or nuisance aquatic plant life. Effluents which tend to raise the temperature of the receiving water will also be controlled. Conditions within mixing zones established according to 9VAC25-260-20 B do not violate the provisions of this subsection.

15. Staff Findings and Recommendations:

- The proposed activity is consistent with the provisions of the Clean Water Act and State Water Control Law, and will protect instream beneficial uses.
- The proposed permit addresses avoidance and minimization of wetland impacts to the maximum extent practicable.
- The effect of the impact, together with other existing or proposed impacts to wetlands, will not cause or contribute to significant impairment of state waters or fish and wildlife resources.
- The proposed permit conditions address no net loss of wetland acreage and no net loss of functions in all surface waters, through compensatory mitigation and adequately assess compensation implementation via **success monitoring and** reporting.
- The draft permit reflects the required consultation with and full consideration of the written recommendations of VMRC, VDH, DCR and DGIF. **The staff invited, but did not receive, comments from XXX.**

Staff recommends VWP Individual Permit Number **XX-XXXX** be issued as proposed.

DEQ Regional Letterhead

[Date]

[Applicant Contact's Name]
[Applicant Company Name]
[Applicant Address]
[City, State Zip]

BY E-MAIL: [email address]
RECEIPT CONFIRMATION REQUESTED

Re: Draft Virginia Water Protection (VWP) Individual Permit Number [XX-XXXX]
[Project Name], [County], Virginia
Draft Permit and Public Notice

Dear [Applicant]:

Enclosed for your review are the Virginia Department of Environmental Quality (DEQ) Public Notice and draft Virginia Water Protection (VWP) individual permit to be issued for the above-referenced project. If you have any questions, comments, or objections concerning the Public Notice or draft permit, please contact me within **14 calendar days** of the date of this letter. Once the Public Notice is published, changes cannot be made to the permit unless public comments warrant a change.

Acceptance of the permit is evidenced by publishing the enclosed Public Notice, which must be done once at your (the applicant's) expense in a newspaper of general circulation in the area of the project. Publication of the Public Notice initiates the required 30-calendar day comment period. Day 1 of the comment period begins the day following its publication. It is your responsibility to ensure that the comment period stated on the public notice is for a full 30-calendar day period and that the final day of the comment period ends on a state business day. DEQ requires proof of publication of the Public Notice. Please instruct the publisher to complete the attached sworn verification statement and forward the statement to my attention at the address on this letterhead.

Please notify me via email when the public notice is published in the paper. If the Public Notice is not published within **14 calendar days**, DEQ will suspend processing of your permit application until evidence of publication is received.

Should you have any questions, please contact me by phone at XXX-XXX-XXXX, email at XXXX@deq.virginia.gov, or at the above address. Thank you for your cooperation in this matter.

Respectfully,

[Permit Writer]
VWP Permit Writer

[Applicant Contact's Name]

VWP Individual Permit No. [XX-XXXX]

Page 2 of 2

Enclosures: Public Notice, Public Notice Verification Form, Draft Permit Cover Page, Draft Part I - Special Conditions, Part II - General Conditions, Attachment 1-VWP Permit Construction Status Update Form, Attachment 2-Monthly VWP Permit Inspection Checklist

Cc (by e-mail):

[Agent], [Company]

[Contact Name], U.S. Army Corps of Engineers

[Contact Name], Virginia Marine Resources Commission [if applicable]

VWP Individual Permit Number ~~XX-XXXX~~

Effective Date: ~~Month DD, YYYY~~

Expiration Date: ~~Month DD, YYYY~~

VIRGINIA WATER PROTECTION PERMIT ISSUED PURSUANT TO THE STATE WATER CONTROL LAW AND SECTION 401 OF THE CLEAN WATER ACT

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 this VWP permit, if complied with, will protect instream beneficial uses, will not violate applicable water quality standards, and will not cause or contribute to a significant impairment of state waters or fish and wildlife resources. In issuing this VWP permit, the board has not taken into consideration the structural stability of any proposed activities.

[The following sections contain example permit information in blue font.]

Permittee: The Claude Moore Charitable Foundation

Address: 11350 Random Hills Road, Suite 520, Fairfax, Virginia 22030-7429

Activity Location: The project is located in the northwest quadrant of the intersection of Dulles Greenway (Route 267) and Loudoun County Parkway (Route 607) in Loudoun County, Virginia.

Activity Description: The permittee proposes to **[describe project activities]** on an approximately **[X]** acre parcel known as "**[project name]**." Permitted activities shall be conducted as described in the Joint Permit Application dated **[Date]**, received on **[Date]**, and supplemental materials, revisions and clarifications received through **[Date]**.

The permittee proposes to construct a commercial development with associated infrastructure on an approximately 153 acre parcel known as "Dove Business Park." Permitted activities shall be conducted as described in the Joint Permit Application dated August 9, 2008 and received August 9, 2008, and supplemental materials, revisions and clarifications received through September 20, 2008.

Authorized Surface Water Impacts:

[Pick one of the following formats to describe the authorized surface waters.]

Example of a simple project that does not necessitate bullet breakouts:

This permit authorizes the total permanent impact of 0.30 acre of surface waters, consisting of 0.25 acre of palustrine forested wetland and 0.05 acre (355 linear feet) of stream channel. Authorized surface water impacts shall be as depicted on the impacts map entitled FINAL IMACTS MAP NAME dated DATE with latest revision date of DATE, and received DATE.

Example of a project with multi impact type using bullets:

This permit authorizes the total impact of 0.98 acre of surface waters, consisting of 0.90 acre of permanent impacts, 0.05 acre of conversion impacts and 0.03 acre of temporary impacts.

- Permanent impacts are to 0.30 acre of palustrine forested (PFO) wetland, 0.17 acre of palustrine scrub-shrub wetland, 0.32 acre of palustrine emergent (PEM) wetland, 0.02 acre of open water and 0.09 acre (560 linear feet) of stream channel.
- Conversion impacts are to 0.05 acre of PFO wetland to PEM wetland.
- Temporary impacts are to 0.02 acre of PFO wetland and 0.01 acre (52 linear feet) of stream channel.
- Authorized surface water impacts shall be as depicted on the impacts map entitled FINAL IMACTS MAP NAME dated DATE with latest revision date of DATE, and received DATE.

Example of a project with multi impact type using a table:

This permit authorizes surface water impacts as identified in Table 1 below. Authorized surface water impacts shall be as depicted on the impacts map entitled FINAL IMACTS MAP NAME dated DATE with latest revision date of DATE, and received DATE.

Table 1.

Impact Type	Surface Water Type	Impact Authorized	
		Acres	Linear Feet
Permanent	Palustrine Forested Wetland (PFO)	0.30	N/A
	Palustrine Scrub-Shrub Wetland	0.17	N/A
	Palustrine Emergent Wetland (PEM)	0.32	N/A
	Open Water	0.02	N/A
	Stream Channel	0.09	560
	<i>Subtotal</i>	<i>0.90</i>	<i>560</i>
Conversion	PFO to PEM	0.05	N/A
	<i>Subtotal</i>	<i>0.05</i>	<i>N/A</i>
Temporary	PFO	0.02	N/A
	Stream Channel	0.01	52
	<i>Subtotal</i>	<i>0.03</i>	<i>52</i>
TOTAL		0.98	612

Example of a complex project where best to refer to the impacts table in the JPA/add info, *(if using this option, ensure subsequent attachments are appropriately numbered)*:

This permit authorizes the acreage and linear feet of surface water impacts as identified in the “Surface Water Impact Table” dated September 3, 2015, and received September 10, 2015, and attached to this permit as Attachment 1. Authorized surface water impacts shall be as depicted on the impacts map entitled FINAL IMACTS MAP NAME dated DATE with latest revision date of DATE, and received DATE.

Approved Compensation: *[Pick one of the following, if using No. 1 and/or 2, must also include No. 3]*

The permittee shall compensate for the authorized surface water impacts through the following:

1. Compensation for permanent wetland impacts shall be provided through the purchase of X wetland credits from a DEQ approved mitigation bank, in-lieu fee fund, or a combination thereof that is authorized and approved by DEQ to sell credits in the area in which the impacts will occur and has credits available (as released by DEQ).
2. Compensation for permanent stream impacts shall be provided through the purchase of X stream credits from a DEQ approved mitigation bank, in-lieu fee fund, or a combination thereof that is authorized and approved by DEQ to sell credits in the area in which the impacts will occur and has credits available (as released by DEQ).
3. The credit sale shall be in accordance with the approved Mitigation Banking Instrument for the mitigation bank. Purchase of required mitigation credits shall occur first through the purchase of available released credits followed by the purchase of advance credits.
4. Example of permittee-responsible wetland compensation: Compensation for permanent wetland impacts shall be provided through the on-site creation of 3 acres of palustrine forested wetland. Development of a final mitigation plan shall be based upon the approved conceptual mitigation plan entitled "Exhibit C: On-Site Wetland Creation Conceptual Mitigation Plan" dated July 2008. The permittee shall submit a final mitigation plan that meets the applicable requirements of Parts I L, M, and N and Part II A to DEQ for review and approval prior to commencing construction activity or land disturbance in permitted areas.
5. Example of permittee-responsible stream compensation: Compensation for permanent stream impacts shall be provided through the on-site restoration of 558 linear feet of Piney Branch and an unnamed tributary to Piney Branch and the preservation of the associated variable width riparian buffer ranging from 100 to 200 feet wide (16.57 acres). Development of a final mitigation plan shall be based upon the approved conceptual mitigation plan entitled "Exhibit C: On-Site Stream Restoration Conceptual Mitigation Plan" dated July 2008. The permittee shall submit a final mitigation plan that meets the applicable requirements of Parts I L, M, and O and Part II A to DEQ for review and approval prior to commencing construction activity or land disturbance in permitted areas.

The permitted activity shall be in accordance with this Permit Cover Page, Part I - Special Conditions, and Part II - General Conditions.

[Name], Regional Director

Date

Attachment 2: MONTHLY VWP PERMIT INSPECTION CHECKLIST

An inspection of all permitted impact areas, avoided waters and wetlands, and permanently preserved waters, wetlands and upland areas must be conducted at least once every month during active construction activities. Maintain this record on-site and available for inspection by DEQ staff.

Project Name	VWP Permit #	Inspection Date 5/15/2019
Inspector Name & Affiliation	Phone # & Email Address	

I certify that the information contained in this report is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Inspector

Date

PERMIT REQUIREMENT	In Compliance?			Location, Description, Notes & Corrective Action Taken (use additional note space below if needed)	Date Completed
	Yes	No	Not Applicable		
Surface water impacts are limited to the size and locations specified by the permit. No sedimentation impacts and no impacts to upland preservation areas have occurred ¹ .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Within 50 feet of authorized activities, all remaining surface waters and mitigation (preservation) areas that are inside the project area are clearly flagged or marked to prevent unpermitted impacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Authorized temporary impact areas have been restored to original contours, stabilized, and planted or seeded with original wetland vegetation type within 30 days of completing work in each area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
E&S controls consistent with the Virginia ESC Handbook are present and maintained in good working order.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Exposed slopes/stream banks have been stabilized immediately upon completion of work in each impact area, in accordance with the Virginia ESC Handbook.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Heavy equipment is placed on mats/ geotextile fabric when working in temporary wetland impact areas. Equipment and materials removed immediately upon completion of work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Construction activities are not substantially disrupting the movement of aquatic life.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
New instream pipes and culverts on <5% slope have been installed to maintain low flow conditions and are countersunk at both ends as follows: ≤ 24" diameter: countersunk 3" > 24" diameter: countersunk 6" or more. Any variations were approved in advance by DEQ.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Time-of-year restrictions are being adhered to.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

¹ If unauthorized impacts have occurred, you **must** email or fax a copy of this report to DEQ within 24 hours of discovery. Email: [Regional Office]@deq.virginia.gov Fax: [XXX-XXX-XXXX].

PERMIT REQUIREMENT	In Compliance?			Location, Description, Notes & Corrective Action Taken (use additional note space below if needed)	Date Completed
	Yes	No	Not Applicable		
For stream channelization or relocation, work in surface waters is being performed in the dry, with all flows diverted until the new channel is stabilized.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Water quality monitoring is being conducted during permanent stream relocations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Streams and wetlands are free from any sheen or discoloration that may indicate a spill of oil, lubricants, concrete or other pollutants. ²	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Inspection Notes

² Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery at [REGION PREP PHONE]. If DEQ cannot be reached, the spill or fish kill shall be reported to the Virginia Department of Emergency Management (VDEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802. Any spill of oil as defined in § 62.1-44.34:14 of the Code of Virginia that is less than 25 gallons and that reaches, or that is expected to reach, land only is not reportable, if recorded per § 62.1-44.34:19.2 of the Code of Virginia and if properly cleaned up.