

Part I – Special Conditions

A. Authorized Activities

1. This permit authorizes surface water impacts as follows:
 - a. Permanent impacts are to 1.17 acre of palustrine forested (PFO) wetland, 2.01 acre of palustrine emergent (PEM) wetland, and 0.06 acre (693 linear feet (LF)) of stream channel.
 - b. Temporary impacts are to 0.01 acre of PEM wetland and 1.63 acre of palustrine open water (POW).
 - c. Authorized surface water impacts described under this condition shall be as depicted on the impacts map entitled *Overall Impacts Map to Waters of the U.S.*, last revised April 23, 2026, and received May 5, 2026.
2. The permittee shall conduct authorized activities as described in the Joint Permit Application dated August 14, 2025, and received August 16, 2025, and additional information materials received through May 18, 2026. 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. The permittee shall notify 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 associated with authorized activities in surface waters shall be subject to review and may require modification of this permit.

B. Permit Term

1. This permit is valid for **15 years** from the date of issuance. 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 maximum 15 year permit term.
2. The permittee shall notify DEQ in writing at least 180 calendar days prior to the expiration of this permit if an extension or new issuance 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. This permit does not constitute, convey, or imply authority to any permittee to unlawfully or incidentally take any threatened or endangered species that is protected by Virginia laws or regulations, pursuant to § 3.2-1000 through -1011; § 29.1-563 through -570; and 4VAC15-20 *et seq.* In accordance with recommendations from the Virginia Department of Wildlife Resources (DWR), the permittee shall comply with the following Time-of-Year Restriction (TOYR) or the most recent TOYR recommended by the agency(ies) for this project: The permittee shall comply with the following Time-of-Year Restriction (TOYR) in accordance with recommendations from the Virginia Department of Wildlife Resources (DWR): No tree clearing shall occur from May 15-July 31st of any year, in order to protect the Northern Long-Eared Bat (*Myotis septentrionalis*), a species listed as Threatened under the Federal Endangered Species Act. The permittee may elect to perform a survey, in accordance with the current USFWS Bat Survey Guidelines for the Northern Long-Eared Bat within the project boundary and coordinate results with the U.S. Fish and Wildlife Service (the Service). Should the survey document the absence of the species within the project boundary, this TOYR is removed.
3. 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.
4. Flows downstream of the project area shall be maintained to protect all uses.
5. 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.
6. The activity shall not impede the passage of normal or expected high flows, and any associated structure shall withstand expected high flows.
7. Continuous flow of perennial springs shall be maintained by the installation of spring boxes, French drains, or other similar structures.
8. All excavation, dredging, or filling in surface waters shall be accomplished in a manner that minimizes bottom disturbance and turbidity.
9. All in-stream activities shall be conducted during low-flow conditions whenever practicable.

10. Erosion and sedimentation 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.
11. 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.
12. 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.
13. Measures shall be employed at all times to prevent and contain spills of fuels, lubricants, or other pollutants into surface waters.
14. 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.
15. 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 DEQ, heavy equipment may be authorized for use within the stream channel. The equipment shall be stationed on cobble bars.
16. Temporary disturbances to wetlands, stream channels, and/or streambanks during project construction activities shall be avoided and minimized to the maximum extent practicable.
17. 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.
18. All temporarily impacted streams and streambanks 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. 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. All materials (including fill, construction debris, excavated materials, and woody materials, that are temporarily placed in wetlands, in stream channels, or on streambanks) 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. The permittee shall take all appropriate measures to promote and maintain the revegetation of temporarily disturbed surface waters through the second year post-disturbance.
20. Temporary in-stream construction features such as cofferdams shall be made of non-erodible materials.
21. Virginia Water Quality Standards shall not be violated in any surface waters as a result of the project activities.
22. All non-impacted surface waters 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*.
23. All required notifications and submittals shall include project name and permit number and be submitted electronically to VWP.NRO@deq.virginia.gov 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-Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia 22193.
24. 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.

25. 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."

26. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery at (703) 583-3864. 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.
27. 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 bank stabilization and riprap aprons for outfalls shall be of appropriate size and design to minimize impacts to state waters.
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. 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.17, C.18, and C.19, 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).

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. At crossings Impact No. 4 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 DEQ 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.

5. 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.
6. 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. Draining of a stormwater management facility shall be performed by a method that prevents downstream sediment deposition, erosion, or scour.
3. 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.

H. 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.

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.

I. Compensatory Mitigation – Credit Purchases

1. As compensation for permanent wetland impacts, the permittee shall purchase 3.17 wetland mitigation credit(s). As compensation for permanent stream impacts, the permittee shall purchase 1026 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. 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 or programs may be used to fulfill compensation requirements. Documentation of the purchase of 3.17 wetland and 1026 USM stream mitigation credits or Stream Condition Units (SCUs) shall be submitted to and received by DEQ prior to initiating work in the impact areas authorized by this permit.

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