



COMMONWEALTH of VIRGINIA

Matthew J. Strickler
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY
Blue Ridge Regional Office
901 Russell Drive, Salem, VA 24153
(540) 562-6700; Fax (804) 698-4178
www.deq.virginia.gov

David K. Paylor
Director
804-698-4000

Robert J. Weld
Regional Director

March 3, 2021

Mr. George Schrader
Timberlake Watershed Improvement District
614 South Timberlake Drive
Lynchburg, VA 24502

BY E-MAIL: georgeschrader111@gmail.com
RECEIPT CONFIRMATION REQUESTED

**Re: Virginia Water Protection (VWP) Individual Permit Number 20-1840
Timberlake Sediment Removal Project, Campbell County
Final VWP Individual Permit**

Dear Mr. Schrader:

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 "Timberlake Sediment Removal" project.

This permit is valid for 15 years from the date of issuance. 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 is not complete at the end of the 15 year permit term.

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.

Mr. George Schrader
VWP Individual Permit No. 20-1840
Page 2 of 2

Should you have any questions, please contact Shawn Crist by phone at 434-316-4031, email at shawn.crist@deq.virginia.gov, or at the above mailing address.

Respectfully,



Jay Roberts
Stormwater / VWP Programs 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

Cc: Denise Gillett, Timberlake HOA (via email ddcgillett@gmail.com)
Ben Leatherland, Hurt & Proffitt, Inc. (via email bleatherland@handp.com)
Brian Stokes, Campbell County (via email brstokes@campbellcountyva.gov)



Commonwealth of Virginia

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VWP Individual Permit Number 20-1840

Effective Date: March 3, 2021

Expiration Date: March 2, 2036

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.

Permittee: Timberlake Watershed Improvement District

Address: 614 South Timberlake Drive, Lynchburg, VA 24502

Activity Location: The project is located in Timberlake, located off of Rt. 624 (Timberlake Dive) in Campbell County, VA off of Rt. 460 (Timberlake Road).

Activity Description: The permittee proposes to dredge privately owned Timberlake. Permitted activities shall be conducted as described in the Joint Permit Application dated October 6, 2020, received on October 7, 2020 and supplemental materials, revisions and clarifications received through January 12, 2021

Authorized Surface Water Impacts: This permit authorizes total impact to 6.00 acres of surface waters, consisting of the dredging of approximately 17,500 cubic yards of accumulated sediment from Timberlake. Authorized surface water impacts described under this condition shall be as depicted on the impacts maps entitled "Timberlake – Cove 1 Excavation", "Timberlake – Cove 2 Excavation", "Timberlake – Cove 3 Excavation", "Timberlake – Cove 4 Excavation", & "Timberlake – Cove 5 Excavation" dated February, 2017 and received on October 7, 2020.

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



Robert Weld, Regional Director

March 3, 2021
Date

Part I – Special Conditions

A. Authorized Activities

1. This permit authorizes the total impact of 6.00 acres of surface waters.
 - a. Permanent impacts consist of 6.00 acres of lacustrine limnetic open water consisting of the dredging of approximately 17,500 cubic yards of accumulated sediment from Timberlake.
 - b. Authorized surface water impacts described under this condition shall be as depicted on the impacts maps entitled “Timberlake – Cove 1 Excavation”, “Timberlake – Cove 2 Excavation”, “Timberlake – Cove 3 Excavation”, “Timberlake – Cove 4 Excavation”, & “Timberlake – Cove 5 Excavation” dated February, 2017 and received on October 7, 2020.
2. The permittee shall conduct authorized activities as described in the Joint Permit Application dated October 6, 2020 and received October 8, 2020, and supplemental materials, revisions and clarifications received through January 12, 2021. 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 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 **fifteen (15) years** from the date of issuance. A new permit may be necessary for the continuance of the authorized activities 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. Temporary disturbances to wetlands, stream channels, and/or stream banks during project construction activities shall be avoided and minimized to the maximum extent practicable.
15. 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.
16. 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.
17. 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.
18. Temporary in-stream construction features such as cofferdams shall be made of non-erodible materials.
19. Virginia Water Quality Standards shall not be violated in any surface waters as a result of the project activities.
20. 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*.
21. All required notifications and submittals shall include project name and permit number and be submitted electronically to shawn.crist@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-Blue Ridge Regional Office, 901 Russell Drive, Salem, Virginia 24153.

22. 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.
23. 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."*
24. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery at 540-562-6700. 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.
25. 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. Dredging Activities

1. Dredging shall be accomplished in a manner that minimizes disturbance of the bottom and minimizes turbidity levels in the water column.
2. Dredging and excavation shall be limited to the minimum necessary to conduct the permitted activities.
3. 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.**

4. Double handling of dredged material in state waters shall not be permitted.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

15. 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.
16. Overtopping of the dredge material containment berms with dredge materials shall be strictly prohibited.
17. A post-dredging bathymetric survey shall be submitted to DEQ within 30 calendar days following completion of the dredging activity.
18. Each dredging cycle may remove no more than 17,500 cubic yards of material, with no greater than 17,500 cubic yards removed over the term of the permit.

E. 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.

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.



Attachment 1: VWP PERMIT CONSTRUCTION STATUS UPDATE FORM

Attached to VWP INDIVIDUAL PERMIT NUMBER 20-1840

Date (check one):

June ____, _____

December ____, _____

VWP Individual Permit Number: **20-1840**

Project Name and Location: **Timberlake Watershed Improvement District
614 South Timberlake Drive, Lynchburg, VA 24502**

Status within each authorized surface water impact location, as depicted on the impact maps entitled “Timberlake – Cove 1 Excavation”, “Timberlake – Cove 2 Excavation”, “Timberlake – Cove 3 Excavation”, “Timberlake – Cove 4 Excavation”, & “Timberlake – Cove 5 Excavation” dated February 2017 and received on October 7, 2020. (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
Timberlake – Cove 1 Excavation					
Timberlake – Cove 2 Excavation					
Timberlake – Cove 3 Excavation					
Timberlake – Cove 4 Excavation					
Timberlake – Cove 5 Excavation					

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 20-1840.

"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: _____

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 Timberlake Sediment Removal Project	VWP Permit # 20-1840	Inspection Date
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: shawn.crist@deq.virginia.gov Fax: [804-698-4178].

Monthly VWP Permit Inspection Checklist – Permit No.:20-1840

Date: _____

Page 2 of 2

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 checked="" 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.

March 3, 2021

FACT SHEET

Virginia Water Protection Individual Permit No. 20-1840
Timberlake Sediment Removal Project, Campbell County

DEQ has reviewed the application for the Virginia Water Protection (VWP) Individual Permit Number 20-1840 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:

Timberlake Watershed Improvement District
614 South Timberlake Drive
Lynchburg, VA 24502
George Schrader
434-401-0577
georgeschrader111@gmail.com

Owner Legal Name and Address

Timberlake Homeowners' Association
614 South Timberlake Drive
Lynchburg, VA 24502
Denise Gillett
434-509-7031
ddcgillett@gmail.com

Agent Legal Name and Address:

Hurt & Proffitt, Inc.
2524 Langhorne Road
Lynchburg, VA 24501
Ben Leatherland
434-847-7796
540-520-1533
bleatherland@handp.com

2. Processing Dates:

Received Application:	October 8, 2020
Application Dated:	October 6, 2020
Received VMRC Number:	October 8, 2020
Application Complete:	January 12, 2021

Permit Fee Deposited by Accounting:	December 29, 2020
Processing Deadline (120 days from Complete Application):	May 13, 2021
1 st Request for Additional Information Sent:	October 15, 2020
Final Request for Additional Information Received:	January 12, 2021
Notification of JPA sent to Local Government(s):	October 15, 2020
Request for comments sent to VDH, VDWR, VDCR, VMRC:	January 13, 2021
Letters sent to Riparian Land Owners:	October 27, 2020
Draft Permit Package Issued:	January 27, 2021
Copy of Public Notice sent to DEQ Central Office:	January 27, 2021
Copy of Public Notice sent to Local Gov't and Planning District:	January 27, 2021
Public Notice Published:	January 28, 2021
End of 30-Day Public Comment Period:	March 1, 2021
Received Verification of Publication:	February 24, 2021
Permit Issued:	March 3, 2021

3. Project Location:

From Lynchburg, take US 460 southwest for approximately 8 miles. Turn right onto Timberlake Road and go northeast approximately 0.4 mile. Timberlake is located to the southwest.

City/County: Campbell County

Waterbody: Timberlake

Basin: Roanoke River

Subbasin: Upper Roanoke – Lower Big Otter River

Section: 5a

Class: III

Special Standards: PWS

HUC: 03010101

Latitude & Longitude: 37.312080N / -79.273410W

U.S.G.S. Quadrangle: Forest, VA

State Watershed No.:

4. Project Description:

The permittee proposes sediment removal via hydraulic dredging. Sediment will be removed from five (5) coves around the lake via hydraulic dredging. Hydraulically dredged sediment will be wasted by placing on the applicant's property southwest of the dam, where soil was previously removed for dam repairs. An estimated 17,500 cubic yards of wet sediment will be removed and pumped to the disposal site where it will be dewatered using geotextile sediment bags to produce an estimated 14,000 cubic yards of dry sediment. No permanent impacts to streams or wetlands are anticipated. Approximately six acres of surface water will be affected by the proposed dredging, with an additional estimated two acres of land disturbance at the sediment disposal site. The sediment removal contractor voluntarily agreed to test and record the return water three times a day during active operations and ensure the turbidity is less than 35 NTUs. Return water discharge will be across the existing concrete spillway to help reduce soil erosion potential.

5. Avoidance and Minimization Efforts:

Hydraulic dredging will reduce the potential for off-site sediment loss. The design intent is to keep the reservoir safe and to sustain the ecosystem by collecting accumulated sediment deposited by erosion and stormwater from upstream land use activities. For additional information, see page 9 of the JPA dated October 6, 2020

Based upon staff review, the proposed plan represents the least environmentally damaging and practicable alternative.

6. Project Impacts:

This permit authorizes total impact to 6.00 acres of surface waters, consisting of the dredging of approximately 17,500 cubic yards of accumulated sediment from Timberlake. Authorized surface water impacts described under this condition shall be as depicted on the impacts maps entitled “Timberlake – Cove 1 Excavation”, “Timberlake – Cove 2 Excavation”, “Timberlake – Cove 3 Excavation”, “Timberlake – Cove 4 Excavation”, & “Timberlake – Cove 5 Excavation” dated February, 2017 and received on October 7, 2020.

7. Compensation for Unavoidable Impacts:

No wetland or stream loss is authorized to be a part of this project.

8. Site Inspection:

A site visit was conducted on February 28, 2018 as part of a pre-application process. The site visits confirmed the site description provided in the applications materials accurately characterized the surface waters on the site. A summary of the site inspections are located in VWP NP File No. 18-000455

9. Relevant Regulatory Agency Comments:

As part of the application review process, DEQ contacted the appropriate state regulatory agencies any relevant agency comments were addressed in 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 January 13, 2021, comments were requested from the following state agencies: Virginia Department of Game and Inland Fisheries (DGIF), Virginia Department of Conservation and Recreation (DCR), and Virginia Department of Health (VDH). Virginia Marine Resources Commission (VMRC) previously sent a letter on October 14, 2020 affirming the project does not fall within VMRC jurisdiction

DCR

DCR provided the following comments in a memorandum dated January 20, 2021 and transmitted by email on January 20, 2021:

- There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.
- The current activity will not affect any documented state-listed plants or insects.

DWR

DWR provided comments to DEQ by email dated January 22, 2021.

- Based on the scope and location of the proposed work, DWR does not anticipate it to result in significant adverse impacts upon listed species or designated resources under our jurisdiction.
- 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. Campbell County staff will be copied on correspondence issuing a permit.

VDH

VDH provided comments in a memorandum dated January 20, 2021, and transmitted by email on January 21, 2021. No public water intakes were found in Virginia downstream from Timberlake dam. No other comments or objections were presented from VDH.

VMRC

VMRC provided comments in a letter dated October 14, 2020 verifying VMRC has no jurisdiction over the project.

Summary of Federal Agency Comments and Actions

The project was reviewed by the U.S. Army Corps of Engineers (USACE) for an individual permit. No permit was necessary.

10. Riparian Landowner Notification:

Staff notified riparian landowners located adjacent to the impact area and within one-half mile downstream of each distinct impact area by letter dated October 27, 2020. Notifications of riparian and adjacent landowners were conducted in accordance with DEQ guidance.

DEQ received a letter from Sylvia Whitmore, neighboring property owner, on November 30, 2020, objecting to the proposed dredging project. Representatives from the applicant spoke to Ms. Whitmore on December 7, 2020. DEQ received a letter from the applicant and Ms. Whitmore on December 23, 2020. In the letter, Ms. Whitmore signed affirming her support for the project. No outstanding property owner issues remain.

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

The public notice was published in the *News & Advance* on January 28, 2021. The public comment period ran from January 28, 2021 to March 1, 2021. No public comments were received during the public comment period. Therefore, no changes have been made to the permit conditions.

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.

Section A Authorized Activities

1. This permit authorizes the total impact of 6.00 acres of surface waters.
 - a. Permanent impacts consist of 6.00 acres of lacustrine limnetic open water consisting of the dredging of approximately 17,500 cubic yards of accumulated sediment from Timberlake.
 - b. Authorized surface water impacts described under this condition shall be as depicted on the impacts maps entitled “Timberlake – Cove 1 Excavation”, “Timberlake – Cove 2 Excavation”, “Timberlake – Cove 3 Excavation”, “Timberlake – Cove 4 Excavation”, & “Timberlake – Cove 5 Excavation” dated February, 2017 and received on October 7, 2020.
2. The permittee shall conduct authorized activities as described in the Joint Permit Application dated October 6, 2020 and received October 8, 2020, and supplemental materials, revisions and clarifications received through January 12, 2021. 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 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.

Section B *Permit Term*

1. This permit is valid for fifteen (15) years from the date of issuance. A new permit may be necessary for the continuance of the authorized activities 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.

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.
- 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 12 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. 13 limits 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 D *Dredging Activities*

- Nos. 1, 2 and 6 provide limits for dredging to avoid and minimize disturbance and prevent unpermitted impacts.
- No. 3 requires the submittal of a dredged material management plan for the designated upland disposal site to avoid unpermitted impacts to surface waters.

- No. 4 prohibits double handling of dredge material to prevent unpermitted impacts to surface waters.
- No. 5 provides guidance for hydraulic dredging to prevent unpermitted impacts to surface waters.
- No. 7 requires a buffer around dredging area to protect nonimpacted surface waters.
- Nos. 8 through 10 define requirements for transport of material to disposal site and for dewatering structures and procedures.
- No. 11 prohibits offloading of material over open water to avoid unpermitted impacts.
- Nos. 12 through 14 provide guidance for dewatering activities to protect water quality and fish and wildlife resources.
- No. 15 provides for berm/bank stabilization to prevent erosion and sedimentation of surface waters.
- No. 16 prohibits overtopping of the dredge material containment berm to protect water quality and fish and wildlife resources.
- No. 17 requires a bathymetric survey following dredging activities.
- No. 18 establishes the total volume of dredged material allowed during permit term.

Section E 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.

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 draft permit reflects the required consultation with and full consideration of the written recommendations of VMRC, VDH, DCR and DGIF.

Staff recommends VWP Individual Permit Number 20-1840 be issued as proposed.