SPECIAL PROVISIONS

WATERWAY PERMITS CONDITIONS

C-R-S: MAH-224/534-0.00/8.46

PID: 112817

Date: 08/28/2025

1. Waterway Permits Time Restrictions:

Regional General Permit (RGP), Section B (Maintenance) is authorized for MAH-224/534-0.00/8.46, PID: 112817. A copy of the RGP shall be kept at the work site at all times and made available to all contractors and subcontractors. The permit is effective starting: August 28, 2025. The permit expires: February 11, 2030.

For authorized work in aquatic resources (including streams, wetlands, jurisdictional ditches, captured streams, lakes, ponds), the Department will consider the Contractor's submission of a reauthorization to the waterway permit expiration date based on project constraints. If more than one permit is authorized for the project, then all permits become invalid once the first permit expires. In order for the request to be considered, the Contractor must submit a justification to the Engineer at least 90 days prior to the waterway permit expiration date. The Engineer will submit the request for a time extension to the Ohio Department of Transportation, Office of Environmental Services, Waterway Permits Unit (ODOT-OES-WPU) for consideration and coordination with the U.S. Army Corps of Engineers (USACE), Ohio Environmental Protection Agency (OEPA), U.S. Coast Guard (USCG), U.S. Fish and Wildlife Service (USFWS), and Ohio Department of Natural Resources (ODNR) as appropriate.

2. Deviations From Permitted Construction Activities:

No deviation from the requirements for work in aquatic resources depicted in the plans, Special Provisions, and/or Working Drawings may be made unless a modification has been submitted to ODOT-OES-WPU and approved by the appropriate agencies (i.e., USACE, OEPA, USCG, ODNR, and USFWS).

For emergency situations resulting in unanticipated impacts to aquatic resources, provide notification (verbal or written) to the Engineer as soon as possible following discovery of the situation. Written notification to the Engineer and notification to the ODOT-OES-WPU (614-466-2159) must be made within 24 hours.

For non-emergency situations, notify the Engineer in writing for submission to the ODOT-OES-WPU (614-466-2159) for consideration and coordination with the appropriate agencies. Notification must be made at least 90 days prior to planned, non-permitted activities. Consideration of the requested deviation is at the discretion of the Director and must be coordinated with the appropriate regulatory agencies.

3. In-Stream Work Restrictions:

Work in the following aquatic resources is further restricted as follows:

Stream Name /Description	Location	Work restriction dates* (No in-stream work permitted)
UNT to Turkey Broth Creek	STA 97+05 to STA 97+15	None
UNT to Mahoning River	STA 571+85 to STA 572+05	None
Charley Run Creek	STA 3+90 to STA 4+05	None
UNT to Charley Run Creek	STA 660+50 to STA 660+65	None

UNT = unnamed tributary stream

In-stream work has been defined as the placement and/or removal of fill materials below ordinary high water of a stream. Examples of "fill" include, but are not limited to: bridge piers, abutments, culverts, rock channel protection, and scour protection.

Fills placed within a stream identified in the above table (outside of the work restriction dates) can continue to be worked from during the work restriction dates, but cannot be expanded, removed, or otherwise modified (below ordinary high water) until once again outside of the work restriction dates.

4. Materials:

Materials utilized in or adjacent to aquatic resources for permanent fill or bank protection shall consist of suitable material free from toxic contaminants in other than trace quantities. Asphalt products are specifically excluded for use as fill. Chromated Copper Arsenate (CCA), creosote, and other pressure treated lumber shall not be used in structures that are placed in aquatic resources.

5. Cultural Resources:

Per CMS 107.10, if archeological sites, historical sites, or human remains are discovered, cease all work in the immediate area and notify the Engineer who will immediately contact the ODOT-District Environmental Coordinator and ODOT-OES-Cultural Resource Section at 614-466-2159. In the event of human remains are identified by OES-Cultural Resources Section, the Engineer shall also contact the Mahoning County Sheriff's Office at 330-259-1731.

6. Aquatic Resource Demarcation:

The table below includes detailed fill quantities authorized within the aquatic resources. Aquatic resources not authorized for impact by these Special Provisions shall be demarcated in the field as per SS 832 prior to site disturbance. The fence shall remain in place and be maintained throughout the construction process. Following the completion of the project, the fence and posts shall be removed.

Resource ID	Resource Location	Impact Location	Temporary Impact Amount	Permanent Impact Amount	Total Impact Amount
UNT to Turkey Broth Creek	MAH-224-1.87	STA 97+05 to STA 97+15	0	8 feet 0.001 acre	8 feet 0.001 acre
Wetland A	MAH-224-1.87	STA 96+95 to STA 97+21	0	0.010 acre	0.010 acre
UNT to Mahoning River	MAH-534-10.83	STA 571+85 to STA 572+05	0	13 feet 0.003 acre	13 feet 0.003 acre
Charley Run Creek	MAH-534-11.94	STA 3+90 to STA 4+05	0	11 feet 0.003 acre	11 feet 0.003 acre
UNT to Charley Run Creek	MAH-534-12.52	STA 660+50 to STA 660+65	0	9 feet 0.001 acre	9 feet 0.001 acre
Wetland B	MAH-534-12.52	STA 660+92 to STA 660+26	0	0.012 acre	0.012 acre

7. Spill containment:

Provide and Maintain an Oil Spill Kit with a minimum capacity of 65 gallons. The Spill Kit shall contain:

- 6 - 3 in. X 8 ft. oil only socks
- 4 - 18 in. X18 in. oil only pillows
- 2 - 5 in. X 10ft. booms
- 50 - 16in. X 20 in. oil only pads
- 10 - disposable bags
- 1 - 65 gallon drum with lid
- 25 pounds of granular oil absorbent

The Oil Spill Kit shall be located within 150 feet of any equipment working in a stream or wetland. The oil Spill Kit shall be maintained for the life of the contract. Any materials utilized during the project will be replaced within 48 hours. All costs associated with furnishing and maintaining the above referenced spill containment kit are incidental to work.

8. Blasting:

State law requires notification to the Ohio Department of Natural Resources should blasting be required within or near stream channels (See ORC 1533.58 & CMS 107.09). Notify the Engineer, in writing, a minimum of 30 days in advance of blasting, for submission to ODOT-OES-WPU (614-466-2159) for coordination with ODNR.

9. Project Inspection:

Inspection of Work may include inspection by representatives of other government agencies or railroad corporations that pay a portion of the cost of the Work or regulate the Work through State and Federal law. Comments from the representatives of these agencies shall be directed to the Engineer who will immediately contact the ODOT-District Environmental Coordinator and ODOT-OES-WPU at 614-466-2159.

10. Temporary Fill Activities:

Temporary fill in aquatic resources is not authorized for this project. Temporary fill includes, but is not limited to, causeways, work pads, cofferdams, sheet piling, temporary bridges, and construction equipment. Any unauthorized temporary impacts that occur will be in violation of Section 404 and 401 of the Clean Water Act.

11. Excavation Activities:

Excavated material will be placed at an upland site and disposed of in such a manner that sediment and runoff to streams and other aquatic resources is controlled and minimized. Additionally, no more than incidental fallback into aquatic resources is permitted during the excavation process. If any changes to the proposed work are deemed necessary, notify the Engineer who will immediately contact the ODOT-District Environmental Coordinator and ODOT-OES-WPU at 614-466-2159.

12. Demolition Debris:

The intentional discharge of demolition debris from any structure (including but not limited to bridges, culverts, abutments, wing walls, piers) is not authorized for this project. If any demolition debris inadvertently falls into aquatic resources, it must be removed immediately. Notify the Engineer immediately in writing of any inadvertent fill discharged into aquatic resources. The Engineer will immediately contact ODOT-OES-WPU at 614-466-2159 if any unintentional discharge occurs.

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