

# **SPECIAL PROVISIONS**

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## **WATERWAY PERMITS CONDITIONS**

**C-R-S: MED-SR 3-9.04**

**PID: 107010**

**Date: 06/10/20**

### 1. Waterway Permits Time Restrictions:

Regional General Permit (RGP) Section A (Linear Transportation) is authorized for MED-SR 3-9.04, PID 107070. A copy of the RGP and authorization letter (ID LRH-2020-00437-TUS-McCabe Creek) shall be kept at the work site at all times and made available to all contractors and subcontractors. The permit is effective starting: **June 10, 2020**. The permit expires: **October 24, 2024**.

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).

NOTE: Plan sheets submitted with the Pre-Construction Notification were approved by the USACE in accordance with RGP authorization and are included in these Special Provisions.

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 (614-466-7100) must be made within 24 hours.

For non-emergency situations, notify the Engineer in writing for submission to the ODOT-OES-WPU (614-466-7100) 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)
None		None

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

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. Broken asphalt is specifically excluded. 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 614-466-7100. In the event of human remains are identified by OES-Cultural Resources Section, the Engineer shall also contact the Medina County Sheriff’s Office at (330) 725-0028.

### 6. Aquatic Resource Demarcation:

The table below or attached 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.

Table B is attached and includes detailed fill quantities that are authorized within the aquatic resources.

### 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. X 18 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 is 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 (614-466-7100) 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. Please forward a copy to ODOT-OES-WPU (614-466-7100).

### 10. Temporary Fill Activities:

Temporary fill in streams 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 jurisdictional waters of the U.S. is permitted during the excavation process. If any changes to the proposed work are deemed necessary, you must notify and coordinate with the ODOT-OES-WPU (614-466-7100).

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. Also contact ODOT-OES-WPU at 614-466-7100 if any unintentional discharge occurs.

13. Construction Completion Certification:

Upon completion of the work, notify the Engineer. The USACE Construction Completion Certification must be completed and signed by the Engineer then provided via US mail or email to:

Waterway Permits Program Manager  
ODOT - Office of Environmental Services  
1980 West Broad Street, Mail Stop 4170  
Columbus, Ohio 43223  
Adrienne.Earley@dot.ohio.gov

A copy of the certification has been attached to these Special Provisions.

**TABLE B. DISCHARGE AND FILL QUANTITIES**

WETLANDS, JURISDICTIONAL DITCHES, PONDS			Permanent Fill Within Wetland Boundary								
Aquatic Resource ID	Station	Description of Impacts/Activities within Wetland Boundary	Total Acreage Within Project Area	Depth (LF)	Proposed Concrete (Includes culvert, tied concrete block)		Ditch Erosion Protection Mat		Proposed Earthen, Granular, or Embankment Fill		Turf Reinforcement Mat
					Area (AC)	Volume (CY)	Area (AC)	Volume (CY)	Area (AC)	Volume (CY)	
Wetland A	STA 478+00	Ditch Erosion Protection Mat, Grading	0.168	1			0.001	1.6	0.005	8.1	
Wetland C	STA 478+50	Ditch Erosion Protection Mat, Turf Reinforcement Mat, Concrete Culvert, Tied Concrete Block, Grading	0.237	1	0.014	23.0	0.003	4.9	0.179	288.3	0.017
<b>SUM:</b>					0.014	23.0	0.004	6.5	0.184	296.4	0.017

LF = linear feet; AC = acres; CY = cubic yards; RCP = rock channel protection or the like (specify if different, ie. concrete block matting); NA = Not Applicable



**U.S. Army Corps of Engineers  
Huntington District**

Permit Number: LRH-2020-00437-TUS

Name of Permittee: The Ohio Department of Transportation

Date of Issuance: 5 June 2020

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers  
Huntington District  
Ohio Regulatory Transportation Office  
Building 10 / Section 10  
PO Box 3990  
Columbus, Ohio 43218-3990

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date