SPECIAL PROVISIONS

WATERWAY PERMITS CONDITIONS

C-R-S: MOE-7-2.21

(includes culverts at sections 3.97 and 8.02)

PID: 109278

Date: December 13, 2021

1. Waterway Permits Time Restrictions:

Regional General Permit (RGP) B (Maintenance) is authorized for MOE-7-2.21 PID 109278. 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: **December 13, 2021.** 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).

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)
Stream 1	STA 209+50	There are no instream work restriction dates.
Stream 2	STA 424+75	There are no instream work restriction dates.

UNT = unnamed tributary stream

*Restriction dates do not apply if the stream has been dewatered prior to April 15.

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 temporary or 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 Monroe County Sheriff's Office at (740) 472-1612.

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
Stream 1	MOE-7-3.97	STA 209+50	45 feet (0.001 acre)	50 feet (0.001 acre)	95 feet (0.002 acre)
Stream 2	MOE-7-8.02	STA 424+80	52 feet (0.002 acre)	60 feet (0.002 acre)	112 feet (0.004 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 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 (614-466-2159) 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 Access Fills:

Special Provisions Notes:

Definitions:

Normal Flow
Normal flow is the flow necessary to maintain chemical, physical, and biological integrity of the waterway. Normal flows for this type of waterway may vary during the year. It is anticipated that the Normal Flow is less than the flow producing an elevation equal to the OHWM but greater than zero. The Contractor's means and methods may vary depending on the time of year the work is active.

Temporary Access Fills (TAFs)
Include, but are not limited to, dewatering fills, causeways, cofferdams, access pads, and temporary bridges below the OHWM.

Requirements

7 calendar days prior to the initiation of any in-stream work, provide the Engineer with a written plan that includes the following:

- Plan view drawing showing the location of all TAFs proposed for use on the project.
- A description of all temporary material to be placed below the OHWM elevation.
- A description of the installation and staging of all temporary fill over the life of the contract.
- Volume of temporary fill below the OHWM elevation.
- A description of the diversion ditches, equipment, conduits or means for maintaining normal flows in the waterway.
- A description of the removal of all temporary fill and restoration of the channel and all areas impacted by the TAFs.
- A schedule outlining the timing of the placement and removal of all TAFs.

Do not begin in-stream work until the Engineer has accepted the written plan. Submit any changes to the

planned TAF to the Engineer for acceptance a minimum of 7 days prior to performing any instream work.

The design and construction of the Contractor's TAF must minimize impacts to water bodies, stream banks, stream beds, and riparian zones to the maximum extent practicable.

Fording of waterways and other aquatic resources is prohibited.

Construct TAFs in such a manner that will maintain flows, minimize upstream flooding, and avoid overtopping the TAF on a regular basis.

Installation of any temporary fill without appropriate authorization is strictly prohibited. All direct coordination with the USACE and/or OEPA will be performed through OES.

TAFs Construction and Payment

The Contractor must make every attempt to minimize disturbance to waterbodies, stream banks, stream beds and riparian zones during the construction, maintenance, and removal of the TAF. Minimize clearing, grubbing, and excavation of waterway banks, and approach sections. Construct the TAFs as to not cause erosion or allow sediment deposits in the waterway.

Prior to the installation of any work in the waterway, establish a visual monument upstream of the proposed TAF. Maintain the monument throughout the project. Provide a visual mark on the monument that identifies the elevation of the OHWM.

Construct the TAFs to a water elevation at least 1 foot (0.3 m) above the OHWM. Use TAFs to dewater sections of the waterway for accessing proposed work areas only. Provide diversion ditches, conduits, pumps or other methods to maintain normal flows to the downstream waterway. Passing normal flows through active work areas of the waterway is prohibited. Ensure that any ponding of water behind the TAFs will not damage property, flood roadways, or threaten human health and safety.

All TAFs must be constructed of suitable materials. Causeways and access fills must be encapsulated with clean, non-erodible, nontoxic Dumped Rock Fill, Type A, B, C, or D, meeting the requirements of C&MS 703.19.B.

When the work requiring TAF is complete, all portions of the TAF (including all rock and temporary diversions) will be removed in its entirety. Do not dispose of TAF material in other aquatic resources or where erosion into another aquatic resource is possible. The waterway bottom affected by the TAFs will be restored to its pre-construction elevations. The TAFs will not be paid as a separate item but will be included by the Contractor as part of the total project cost.

Unless specific TAF compensation is included in the plans, all environmental protection and control associated with the authorized activities, are incidental to the work within the boundaries of the aquatic resources.

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, notify the Engineer who will immediately contact the ODOT-District Environmental Coordinator and ODOT-OES-WPU at 614-466-2159

12. Demolition Debris:

The temporary discharge of demolition debris into Streams 1 and 2 (including but not limited to bridges, culverts, abutments, wing walls, piers) is conditionally authorized for this project. Perform demolition activities in a manner to prevent the discharge of fine (erodible) debris into aquatic resources. Utilize TAF or other catchment methods accepted by the Engineer and authorized by these Special Provisions to prevent erodible demolition debris from entering aquatic resources. Demolition debris may not remain in the waterway for more than 72 hours and must be removed in its entirety. If removal of debris material cannot be achieved within 72 hours, notify the Engineer in writing, who will contact ODOT-OES-WPU at 614-466-2159.

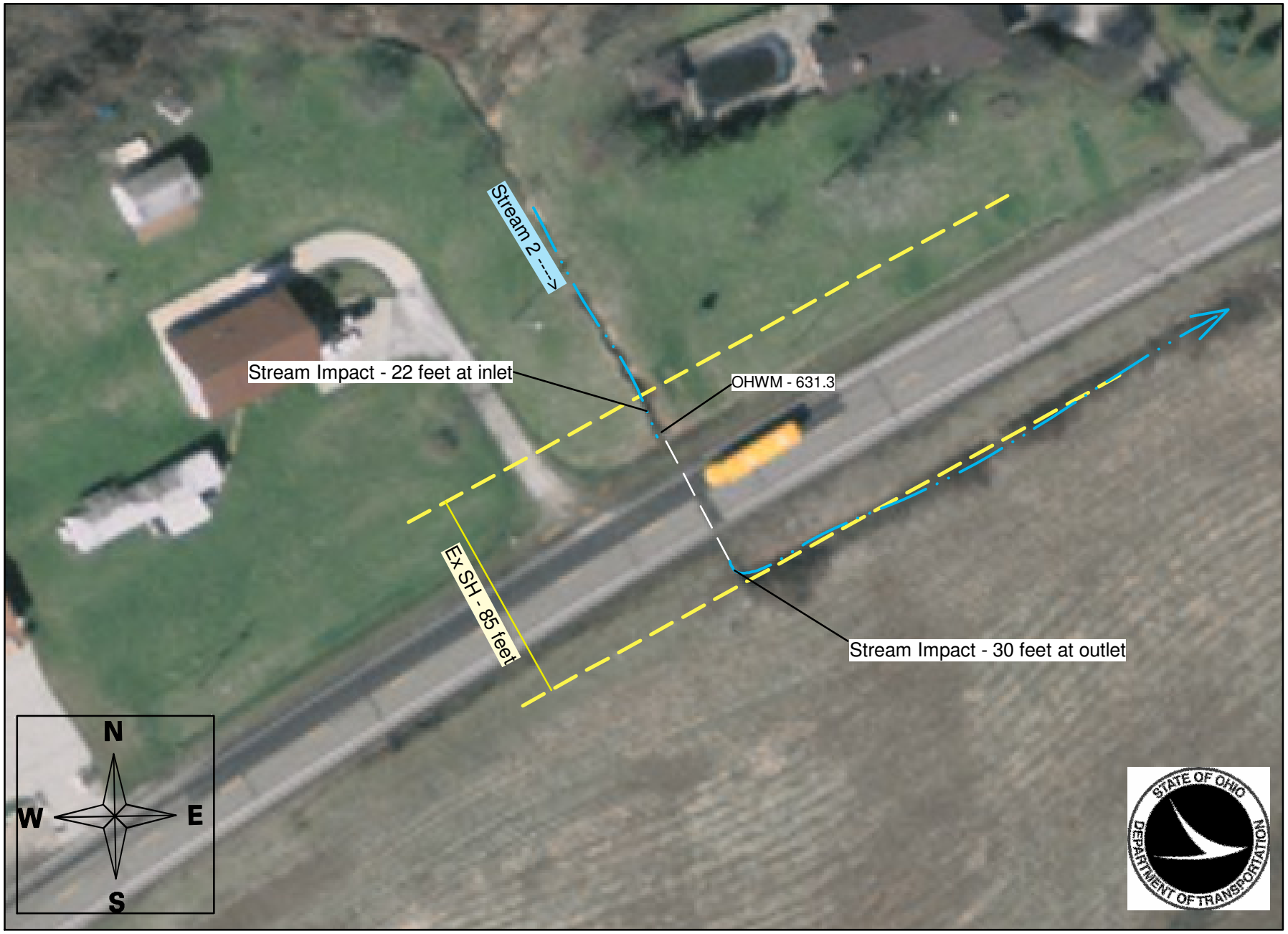
Version: July 2020

MOE-7-2.21 (PID 109278)

Replace 18-inch culvert - mile point **3.97**
UNT to UNT to Ohio River - **Stream 1**
Station 209+50

0 60 120 180 240 300
Feet

OHIO DEPARTMENT OF TRANSPORTATION
DISTRICT 10, 338 MUSKINGUM DRIVE
MARIETTA, OH 45750
CREATED BY: M. AUSTIN
DATE CREATED: 9/27/2021



MOE-7-2.21 (PID 109278)

Replace 20-inch culvert - **mile point 8.027**
UNT to UNT to Ohio River - **Stream 2**
Station 424+75

0 30 60 90 120 150
Feet

OHIO DEPARTMENT OF TRANSPORTATION
DISTRICT 10, 338 MUSKINGUM DRIVE
MARIETTA, OH 45750
CREATED BY: M. AUSTIN
DATE CREATED: 9/27/2021