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April 29, 2020

Mark Remsberg
Inspection and Compliance Specialist
Virginia Department of Environmental Quality
Via e-mail to
Mark.remsberg@deq.virginia.gov

Re: I-66/Route 123 Chain Bridge Road Construction Runoff Issues

Dear Mr. Remsberg,

I am contacting you on behalf of Potomac Riverkeeper Network regarding our concerns with construction stormwater pollution from construction of I-66 that is negatively impacting Accotink Creek.

Potomac Riverkeeper Network conducted a site visit on 4/24/20 with Friends of Accotink Creek volunteer Phil Latasa at the I66/Route 123 Chain Bridge Road clover leaf construction site as a follow up to recent reports about construction runoff and sediment pollution impacting Accotink Creek and its tributaries. Friends of Accotink Creek (FOAC) filed a complaint to Virginia DEQ a week earlier, providing photographs and video of highly turbid, sediment laden water negatively impacting Accotink Creek from Virginia Department of Transportation (VDOT) I66/Chain Bridge Road clover leaf construction activity. Water quality in the Creek upstream of the construction site appeared to be very clear.

On a positive note, it was evident from our site visit on Friday 4/24 there were improvements and recent maintenance of the Best Management Practices (BMPs) which likely resulted from the original complaint filed by FOAC a week earlier. Yet despite some improvements, there were still numerous BMP failures and poorly maintained BMPs we identified that are continuing to contribute to offsite sediment pollution.

VDOT falls under Phase II and is covered under Virginia's MS4 General Permit. The permit requires VDOT to operate its own MS4 Program requiring a comprehensive Stormwater Management (SWM) Program to reduce contaminated stormwater runoff and prohibit illicit



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discharges in order to comply with the MS4 Permit conditions. VDOT is required under its permit to provide routine maintenance and self-inspections in order to comply with the General permit. Three types of BMP inspections should be performed: routine inspections, inspections performed before rain events, and inspections performed after rain events. It does not appear this is happening at this particular site. Routine inspections are an integral part of regularly performed maintenance activities-- cleaning, repair, and replacement--necessary to ensure the integrity and effectiveness of BMPs.

Among the lack of BMP implementation we noticed was the obvious lack of ground cover across the entire site, especially on steep slopes, around storm drains and the massive piles of dirt. Some of the dirt piles were understandably new (recently disturbed), some of the piles had super silt fencing at the base but several piles have been sitting open and exposed for months with obvious rills and gullies and no established ground cover. Establishing ground cover early and often is perhaps the most important BMP to help minimize erosion, prevent sediment runoff and limit failures of the other BMPs on the site. Other sites further up I-66 were doing a far better job maintaining ground cover. Most of the ground cover we saw at this site was either really old or very recent where final grading and paving had occurred. This is a very active site with multiple contractors, lots of land disturbance and clearing from heavy equipment on steep slopes with multiple stream crossings. There should be much more attention paid to reestablishing ground cover on a frequent basis.

There was plenty of silt fencing and super silt fencing around the entire site but there were also breaches, collapsed silt fencing and ineffective use of fencing. Several construction entrances were not being properly cleaned and maintained. Mud has been routinely tracked into the street (off site sedimentation). It appears mud has been caked on the bridge on Chain Bridge Road and along curbs on the public right of way for weeks, if not months. There were smaller piles of mud and debris carelessly discarded everywhere around the entire site (outside of silt fenced areas) which is also contributing to erosion and offsite sedimentation. There were overflowing dumpsters, trash discarded around the entire site including bags of cement dumped on the side of the road and abandoned months ago. I am personally concerned a lot of trash and garbage will simply be buried on the site. Some piles have already been partially buried.

Bottom line, the overall poor condition of the site and the lack of apparent routine maintenance warrant immediate attention. We feel this site will continue to have problems which is why we will continue to monitor this particular site and others along the I-66 corridor.¹ As an MS4 operator, VDOT should have procedures for site plan review that consider potential water quality impacts, procedures for site inspection and enforcement of control measures, sanctions to ensure compliance and to determine the appropriate best management practices (BMPs) complying with permit conditions for these basic minimum control measure and measureable goals to achieve compliance. However, based on our investigation it appears VDOT has largely been self-policing, leading to the pollution problems described here. I-66 has continuous construction activity with open, denuded sites spanning 20 linear miles. Potomac Riverkeeper Network is very concerned about the numerous potential impacts to water quality along this entire corridor and is requesting DEQ inspections of all the construction activity along I-66 in Fairfax and Prince William County. Virginia DEQ should help VDOT develop procedures to identify priority sites for inspection and enforcement based on the nature and extent of the construction activity, topography, and the characteristics of soils and receiving water quality.

A final requirement of the MS4 program for construction activity is the development of procedures for the receipt and consideration of public inquiries, concerns, and information submitted regarding local construction activities. PRKN would like a copy of the site plan for the I-66/Chain Bridge Road clover leaf and is requesting a site visit with VDOT, VDEQ and appropriate regulatory authorities to further reinforce the public participation component of all regulated small MS4 stormwater programs. PRKN would also like to know if any enforcement actions have been taken at this location by DEQ or any other local authority? We recognize the VDOT is only required to consider the information we have submitted however it would be a mistake to ignore the crucial role the public plays in identifying instances of noncompliance. We are going to continue to monitor this site. We feel it is in VDOT's interest to further discuss this issue.

¹ Please see 4/24 site visit pictures;

<https://i66outsidethebeltwayacctink.shutterfly.com/pictures/1023>

There are two particular issues we would like Virginia DEQ to investigate.

- 1) This protected “Wetland Boundary” sign indicates wetlands have been identified on the site plan and are being protected. There are no wetlands behind this orange protective fencing. There are two storm drain pipes, a partially daylighted stream and some small trees behind this very small area of orange fencing. Were there wetlands on the original site plan required to be protected? If so, they are gone. Why is VDOT claiming this is an area is protected wetlands?



- 2) Additionally, the clover leaf on the east side of the I-66 East bound lane is the lowest part of the entire site (certainly one of them). There is a difficult stream crossing where sediment from the site is bypassing the concrete box culvert and entering a section of daylighted stream. It is evident there have been attempts by VDOT to try and prevent sediment from entering the stream based on this 2) unique pumping mechanism we identified on site. Hoses run the entire length of the culvert box drain (from the I66 westbound lane) which included an electric pump to pump sediment laden water down the stream bed under the I66 east lane. The hoses are laying right in the stream bed then turn 90 degrees and run up a steep slope on the other side of the highway where turbid water is pumped into dirt bags to help filter out the sediments. While we appreciate the extraordinary effort to develop this unique BMP, we have concerns the next big rain even these hoses will be washed down stream, potentially pulling the dirt bags and the sediment in them into the creek.



The electric pump was also disconnected when we were on the scene Friday evening 4/24 which means this, self-designed BMP only works when contractors are on site and when it is actually plugged into a generator. I personally don't feel this is an adequate solution. I find it hard to believe this was a BMP identified on the original site plan and approved by the state?

There were also major erosion issues at this end of the site. Bales of hay (not approved BMPs) were used to minimize sediment impacts to the stream. It was evident new land clearing activity was starting at this end of the site. Additional construction site activities can damage BMPs and cause additional runoff

issues in this already sensitive area. This low point will continue to experience off site sediment pollution and warrants special attention to adequately prevent sediment pollution from leaving the site.

Thanks for taking the time to review our concerns. We await your response for potential follow up and our request for the VDOT I-66/chain bridge site plan.

Sincerely,

Dean Naujoks Potomac Riverkeeper

Cc: Mr. H.S. Warraich, VDOT Program Manager

Commented [PM1]: Include your email and phone number below your name

