



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Kenneth T. Cuccinelli II
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991

FOR IMMEDIATE RELEASE

For questions about the alleged violations, contact Gary Waugh at the Virginia Department of Conservation and Recreation, 804-786-5045 or gary.waugh@dcr.virginia.gov

For questions about the settlement, contact Brian Gottstein at the Office of the Attorney General, 804-786-5874 or bgottstein@oag.state.va.us

Attorney General Cuccinelli announces filing of suit against alleged polluter and a settlement to keep Capital Beltway HOT lanes construction on schedule

- Highway construction contractor agrees to enhanced compliance and fine -

RICHMOND (May 4, 2010) – Attorney General Ken Cuccinelli announced a settlement today that will significantly reduce storm water runoff from the I-495 HOT lanes construction site while keeping the congestion-reducing project in Northern Virginia on schedule.

Mr. Cuccinelli filed a complaint in the City of Richmond Circuit Court Monday on behalf of the Virginia Soil and Water Conservation Board against highway contractor Fluor-Lane, LLC for the construction site storm water runoff violations, and at the same time, proposed a settlement agreed to by Fluor-Lane. The terms of the settlement will allow the HOT Lanes project to continue on schedule while protecting the waters of the commonwealth, including the Chesapeake Bay and its tributaries.

As part of the settlement, Fluor-Lane will implement an enhanced inspection and a maintenance program that incorporates a daily inspection schedule, as well as training, reporting, and recordkeeping requirements. In addition, the plan provides for weekly audits by an independent auditor to ensure that Fluor-Lane accurately identifies any noncompliance and makes timely corrective actions.

Additionally, Fluor-Lane will pay a civil penalty of \$66,450 for alleged past violations.

“Not only are we protecting Virginia’s environment with this settlement, but we are making sure that a critical transportation project that is desperately needed to abate congestion will continue on schedule, and that the jobs that go along with the project will continue, as well,” said the attorney general.

Fluor-Lane, as part of a public/private partnership with the Virginia Department of Transportation (VDOT), is constructing two high occupancy toll (HOT) lanes on each side of Interstate 495 in Northern Virginia.

The Virginia Department of Conservation and Recreation (DCR) regulates the I-495/Capital Beltway HOT Lanes construction project's storm water management. DCR and VDOT have worked with Fluor-Lane since construction on the project began in 2008 to ensure compliance with permit requirements. DCR has inspected the project 16 times over the course of the last two years.

During the course of inspections, DCR consistently identified compliance problems: erosion and sediment controls not properly maintained or in need of repair, and operations, such as temporary stabilization of the soil, not being done. This resulted in construction materials and chemicals being washed into local rivers during rains.

Because of the compressed construction schedule, the entire 28-mile site is under active construction, rather than being constructed in phases. There are approximately 800 to 850 erosion and sediment controls on the site in constant need of maintenance to ensure proper operation, including check dams, sediment traps, sediment basins, inlet protection, outlet protection, silt bags, slope drains, construction entrances, diversion dikes, and stream and utility crossings. Additional controls include 33 miles of silt fence and 690 acres of temporary stabilization through mulching or seeding.

The \$1.4 billion, 830-acre construction project is located in Fairfax County, on both sides of Interstate 495, beginning at the Springfield Interchange and extending 14 miles to the Dulles Toll Road.

###