Date

Applicant Contact Person Name, Title **SENT VIA EMAIL:** email address

Applicant Legal Name

Address

City, State Zip

Re: Joint Permit Application No. ##-####

Project Name, County/City, Virginia

Additional Information and Permit Application Fee Request Letter

Dear Applicant Contact Person First and Last Names:

[[ Note: For large or complex economic development project applications, the following three topic areas should be reviewed first: purpose and need; alternatives; and avoidance and minimization. Staff should carefully consider the information provided on these topics before further developing the additional information request. Without these key topics adequately addressed in the application materials, there is little need to spend time reviewing in depth the other components for a complete application. See Section 3.5 of Chapter 3; Section 5.4 in Chapter 5 (VWP Individual Permits); and [*VWP Permitting Series* webinar nos. 4 and 5](https://www.deq.virginia.gov/our-programs/water/wetlands-streams) for more information on these topics. *If the information submitted for one or more of these three topics does not meet program requirements, add paragraphs [1] and [2] below to this letter, then remove the remainder of the template text down to paragraph [10]‘thank you…’ and the closing. For all other projects, begin at the letter at paragraph [3] below.*

[1]On Date, the Virginia Department of Environmental Quality (DEQ) received your application dated Date or signed Date, [use date of JPA transmittal letter or use date JPA signed by applicant] for the above-referenced project. DEQ is evaluating your application for a Virginia Water Protection (VWP) individual permit. The 120-calendar day processing period for a VWP individual permit will not commence until a complete application is received in accordance with VWP Permit Program Regulation 9VAC25-210-10 *et seq*. DEQ requests that you respond with the following information by Date, [15 calendar days of the date of this letter] so that DEQ can continue to process your application. [Insert an enumerated and indented list of all required information for purpose and need, alternatives, and/or avoidance and minimization.]

[2]Once DEQ evaluates the information submitted in response to this additional information request, additional information may still be necessary to achieve a complete application.]]

[3]On Date, the Virginia Department of Environmental Quality (DEQ) received your application dated Date or signed Date, [use date of JPA transmittal letter or use date JPA signed by applicant] for the above-referenced project. DEQ is evaluating your application for a Virginia Water Protection (VWP) individual permit in accordance with VWP Permit Program Regulation 9VAC25-210-10 *et seq*. The following information is required to complete your application:

1. Complete and submit the attached Property Access Agreement for all property owners.
2. [Insert each item of information needed for a complete application. Staff can use 9VAC25-210-80 as an outline.]
3. [When impacts to surface waters are proposed due to stormwater management infrastructure, including potential secondary impacts due to changes in post-development hydrology, insert below:]

Can stormwater management be achieved through alternative design methods, which would result in a reduced overall project footprint, and thus afford avoidance and minimization of surface water impacts? Provide a discussion of stormwater management Environmental Site Design (or “Low Impact Development”) techniques explored during the design process, and detail the reason(s) the applicant determined less damaging alternatives cannot practicably be achieved through available stormwater management technology and design applications.

1. [When evaluating potential secondary impacts to state surface waters due to changes in post-development hydrology, insert below:]

Provide pre- and post-development point analysis of hydrologic inputs to avoided surface waters demonstrating sufficient maintenance of hydrologic inputs post-development. Such analysis(es) are to be conducted at the point at which the avoided system’s hydrologic input occurs post-development; and shall include comparative (pre- vs. post-development) total volumes of input on a continual, 1-year storm, 2-year storm, and 10-year storm basis. Should measurable changes in hydrologic input (on a total volume-basis) to avoided state surface waters occur post-development, such situations will be evaluated for secondary impacts to the surface waters in question.

1. [For all stream crossings utilizing culverts:]
   1. Describe the materials to be used, the method of construction (including the use of cofferdams), the sequence of construction events, and if bedrock conditions may be encountered;
   2. Provide cross-sections and profile plans of the culvert crossings including wing walls or rip rap;
   3. Provide spot elevations of the stream bottom within the thalweg at the beginning and end of the pipe or culvert, extending to a minimum of 10 feet beyond the limits of proposed impact; and
   4. Provide hydraulic studies to verify the adequacy of the culverts (hydraulic capacity is determined based on the reduced capacity due to the countersunk position):
      1. Provide hydraulic studies of the duration of backwater for a 10-year storm; or,
      2. If within a FEMA-designated floodplain, hydraulic studies that backwater for a 100-year storm not exceed 1 foot.
2. [For industrial site projects:]
   1. Will coolant water be necessary? If so, where and how will it be sourced and discharged?
   2. Verify that all temporary and permanent impacts for utilities are included in the application. Will temporary power be necessary during the construction of the data center campus? Where will the temporary power lines be located?
   3. Will utility easements in which multiple utilities be installed be constructed concurrently or sequentially? If sequentially, what is the anticipated total duration of disturbance, what type vegetation (stratum) will need to be removed, and what specific measures will be taken to avoid long-term impacts?
   4. Clarify that any temporary culverts will be only be utilized within permitted temporary impact areas.
   5. Address the following in regards to avoidance and minimization:
      1. Provide justification for the proposed number of parking spots.
      2. Can structured or below ground parking be utilized to reduce the development footprint?
      3. Can the buildings be multi-story as to reduce total development footprint?
      4. Can ancillary equipment be placed on rooftops as to reduce total development footprint?
      5. Can proposed SWM structures be installed below existing proposed infrastructure (e.g. vaults, below-ground detention, etc.) to reduce total development footprint?
   6. Does this facility have a parent-child relationship with any neighboring facilities, and/or is the location of this facility being driven by latency concerns and proximity to existing data center complexes?
3. [For permit application fee, pick one of the below:]
   1. A permit application fee of $ is required to complete the application. DEQ will continue processing the permit application; however, a draft individual permit cannot be provided for notice until the required permit application fee is deposited by the DEQ Receipts Control department. Checks or money orders should be made payable to the Treasurer of Virginia. Do not send cash. Please complete the enclosed Permit Application Fee Form and mail with the designated fee to the following address: DEQ, Receipts Control, P.O. Box 1104, Richmond, Virginia 23218.
   2. A permit application fee is required to complete the application and continue noticing the draft permit. Once the proposed impact information has been determined, DEQ will notify you of the fee amount.
   3. Based upon the revised proposed impact information received on Date, a supplemental permit application fee of $ is required for the proposed activity and to complete the application. DEQ will continue processing the permit application. However, a draft individual permit cannot be provided for notice until the required permit application fee is deposited by the DEQ Receipts Control department. Checks or money orders should be made payable to the Treasurer of Virginia. Do not send cash. Please complete the enclosed Permit Application Fee Form and mail with the designated fee to the following address: DEQ, Receipts Control, P.O. Box 1104, Richmond, Virginia 23218.

[4][Insert separate Add Info Request section if item is *not* required to complete the JPA:] In addition to the above information required to complete the permit application, the following information will assist DEQ and other applicable state/federal agencies with completing a timely review of the application:

1. [Insert each item of information needed for your technical review and permit decision.]
2. Provide a hard copy of the impact map that utilizes a scale of no greater than 1 inch to 200 feet, providing cut sheets as necessary.
3. [An assessment of potential species impacts may mention, but not include, the results of a species survey, even when screening results or other agency correspondence is provided. This is intended to address the potential omission of species information.]Provide a copy of any results or reports from surveys that were conducted to verify the presence or absence of a threatened or endangered species or associated critical habitat. Include any correspondence provided from government resource agencies, as applicable.

[5]The 120-calendar day processing period for a VWP individual permit will not commence until a complete application is received in accordance with VWP Permit Program Regulation 9VAC25-210-10 *et seq*. DEQ requests that you respond by Date, [15 calendar days of the date of this letter] so that DEQ can continue to process your application. Please be advised that upon receipt of the requested information, additional information may still be required for DEQ to reach a permit decision.

**[*SPGP gray highlighted sections:* If SPGP applies**, keep paragraph [6] and select SPGP type where indicated. If **SPGP** app is *incomplete*, add paragraph [7]. **If SPGP does not apply**, delete paragraphs [6] through [8] as applicable.]

[6]Your application also requests verification that the proposed activities qualify for authorization under the U.S. Army Corps of Engineers’ (USACE) State Program General Permit (Choose an item.). [Include if Preliminary Screening Form states that Federal coordination is complete and delete the remainder of the SPGP text: Verification that your project qualifies for the Choose an item. shall be provided concurrently with the VWP coverage decision.]

[7]In order for DEQ to determine if your project qualifies for Choose an item., the following information is required. SPGP verification cannot be completed until all of the information requested in this letter is submitted and all necessary coordination is completed.

1. Please submit a signed jurisdictional determination letter from the USACE, and the approved delineation map and associated data sheets or a completed Preliminary Screening Form.
2. [Insert each item of information needed for a complete application.]

[8]In accordance with the Choose an item. , DEQ will coordinate the JPA with the USACE [delete if SPGP app is complete: when the SPGP application is received]. The USACE will review the project for federal coordination, including Section 106, Federal Endangered Species Act, Tribal, Section 408, and EPA, in accordance with USACE policies and procedures. All inquiries on the status of the coordination should be directed to the assigned USACE project manager.

[9][If mitigation required, add: Please note that this project appears to require compensatory mitigation based on the information provided in the application. If the purchase of mitigation credits is required, credit prices are derived by individual mitigation bank sponsors, not DEQ, and are subject to market fluctuations. Applicants should inquire with any approved mitigation banks or in-lieu fee programs in the watershed in which impacts are proposed to determine the availability and current price of mitigation credits. DEQ also encourages applicants to avoid and minimize impacts as much as possible, which may ultimately affect the amount of mitigation required and thus the cost of mitigating those impacts. Mitigation banking information can be found on the U.S. Army Corps of Engineers’ [RIBITS](https://ribits.ops.usace.army.mil) website (<https://ribits.ops.usace.army.mil/>), or through a general internet search.]

[10]Thank you for your cooperation in this matter. Please contact DEQ at [select processing office email and phone #] Choose an item. or Choose an item. if you have any questions.

Respectfully,

Name, VWP Permit Writer

Virginia Department of Environmental Quality

Office

Address

Enclosure(s): Property Access Agreement; Permit Application Fee Form [if applicable]

cc: Authorized Agent Name, Company

Name, U.S. Army Corps of Engineers

Beth Howell, Virginia Marine Resources Commission, Building 96, 380 Fenwick Road, Ft.

Monroe, VA 23651, or [jpa.permits@mrc.Virginia.gov](mailto:jpa.permits@mrc.Virginia.gov)