



WILLIAMSBURG
ENVIRONMENTAL
GROUP, INC.

**2006
Summer Issue**

Inside this issue:

VSMP Things You Should Know...	1
Company News	1
WEG Wins LID Award	2
Did you Know...	2
WEG Partnering with ERP River Stars	2
VSMP Example Scenarios	3
VSMP Transfers And Permit Termination	4
VSMP Summary	5
Heads Up On Inspections	5
What Else Can WEG Do for You?	5

Virginia Stormwater Management Program (VSMP) Permitting

Things You Should Know...

**By: Toni E. B. Small, P.E.
And Jeffrey T. Hancock, P.E.**

Although the VSMP permit program (and VPDES before it) has been around for some time, certain situations arise that cause confusion for our clients. This technical update is provided to help clarify some of these VSMP permit issues. Two of the most common questions we get involve a) *determining when a permit is required* (for projects less than 1 acre) and b) *issues relating to transferability of permits*.

Thresholds for Permit Coverage

A VSMP general permit for discharge of stormwater from construction activities is required for: a) land disturbing activities of 1-acre or greater, or b) activities that are part of a larger common plan of development or sale that is 1-acre or greater of disturbance. The permit is also required for construction activities that involve land disturbance equal to or greater than 2,500 ft² in all areas of those jurisdictions designated as subject to the Chesapeake Bay Preservation Act (CBPA), which includes resource protection areas (RPA), resource management areas (RMA), intensely developed areas (IDA), and other special areas as designated by a locality. Therefore, if the construction project will disturb equal to or greater than 2,500 ft² in a locality that has county-wide CBPA requirements (such as county-wide RMA), a VSMP permit is required for that project. However, if the project will disturb 2,500 ft² or more (but less than 1 acre) in a locality that only has certain areas designated as CBPA, and no portion of the project is located within any of the CBPA areas (i.e., not in RPA, RMA, or IDA), then a permit is not required.

(Continued on Page 3—VSMP Example Scenarios)

Company News: WEG's Corporate (Williamsburg) Office has moved! The Corporate Office has taken up residence in the beautiful New Town Development located near Historic Williamsburg. This multi-purpose development is home to some of the finest professional businesses, as well as retail, restaurants and entertainment galore. WEG offices are located on the 2nd and 3rd floors of the building as well as part of the first floor. With 20,000+ ft² of space and new amenities, such as a large high-tech conference room, walk out patio/terrace, spacious layout areas, and attractive flex libraries, the WEG building is already a big hit among employees. "This is the kind of atmosphere where one could get some serious work done. Plus, it looks great!" commented one employee.



Feel free to stop by any time to see the new digs: **5209 Center Street**

WEG Wins Prestigious PREP Award for Excellence in LID

Williamsburg Environmental Group, Inc. (WEG) was recently awarded one of the inaugural PREP (Policy, Research, Education, Partnerships) awards for Low Impact Development (LID). The award program was developed by the U.S. Environmental Protection Agency, in conjunction with the Virginia Department of Conservation and Recreation. The program was developed to recognize leadership, innovation, and excellence in low impact development practices which help to reduce the volume and rate of runoff and improve water quality. "We are very honored to receive such a prestigious award," said WEG Senior Engineer, Doug Beisch, P.E. WEG was the only consultant recognized in the first round of awards.

Previously, many jurisdictions relied primarily on conventionally engineered stormwater techniques, such as detention basins and wet ponds to collect stormwater. More recently, developers and consultants, government agencies, and watershed groups have placed more focus on innovative LID techniques that are more reliant upon the natural filtering capacity of landscaped areas. The practices involved in low impact development include a more varied array of controls such as rain gardens, reduction of impervious cover, permeable pavements, engineered soils, roof runoff management, and directing stormwater across lawns and gardens to reduce overall runoff and irrigation needs.

Williamsburg Environmental Group, Inc. (WEG) has been leading the way for the implementation of sustainable/conservation design and LID techniques. Project team members have assisted clients in the public and private sector in developing sustainable site designs and stormwater management approaches which minimize the generation of runoff and provide full-spectrum hydrologic control and treatment.

WEG is also a recognized leader in incorporating LID practices into stormwater master plans. WEG staff members have worked on over 30 projects throughout Virginia incorporating low impact development concepts and/or designs. The application of LID techniques in a master plan setting provides a better framework for evaluating physical constraints and land planning factors to ensure a well thought-out, cost-effective application of LID practices.

Did you know...

In addition to VSMP inspections, WEG's Construction Administration Team can provide a variety of construction monitoring and reporting services to meet regulatory agency permit conditions, some of which include:

- Preparation of Regulatory Compliance Notebooks
- Flagging of buffer and non-impacted wetlands
- Installation of required preservation signs
- Educational brochures for preservation areas
- Permit Compliance Monitoring
- VSMP Monitoring
- Construction monitoring of wetland mitigation site construction
- Water quality monitoring associated with dredging and stream relocation projects

For more information on WEG's Construction Administration capabilities, contact your WEG project manager or any of our offices.

WEG Partnering with ERP "River Stars"

WEG was recently selected by The Elizabeth River Project (ERP) to provide stormwater engineering services for its "River Stars" program including work on the revitalization of Money Point in Chesapeake, Virginia. Under this contract, WEG will assist the ERP in providing stormwater solutions to existing industrial sites with the focus on improving water quality through innovative practices to remove sediment and pollutants in runoff. Also as part of this project, WEG will attend site visits with ERP "River Stars" industries to understand the project site limitations and opportunities as well as to develop a dialogue with the "River Stars" community to improve the quality of stormwater runoff through creative engineering solutions.

VSMP Example Scenarios

(Continued from page 1)

Several example scenarios are provided below to help clarify this issue:

Example 1

A single-family home is being constructed in a locality with a county-wide RMA. The proposed project will disturb 4,000 ft² (less than 1 acre). Since the project disturbs greater than 2,500 ft² in a CBPA area, coverage under a VSMP permit is required.

Example 2

A gas station is proposed for construction in a locality without a CBPA program. The proposed project will disturb approximately 0.9 acres. This project is part of a larger site plan for a 12-acre commercial tract, but it is separately owned. Since the project is part of a larger common plan of development or sale that disturbs 1 acre or greater, a VSMP permit is required.

Example 3

A small commercial site disturbing 0.25-acres (~11,000 ft²) is proposed for construction in a locality with specific designated CBPA areas. A portion of the proposed small commercial site is located within the RMA. Since a portion of the project is located within a CBPA area and the disturbance exceeds 2,500 ft², a VSMP permit is required.



Example 4

A single-family home is being constructed in a locality without a CBPA program. The project is proposed for an infill lot in an existing neighborhood that was previously constructed and is now permanently stabilized. The proposed project will disturb 4,000 ft². Since the project disturbs less than 1-acre and is not in a CBPA area, coverage under a VSMP permit is not required, as the activity is not part of a larger common plan of development (i.e., the neighborhood was previously constructed and stabilized).

Example 5

A single-family home is being constructed in a locality without a CBPA program. The project is not located in a neighborhood and consists of the conversion of agricultural land. The proposed project will disturb 33,000 ft² (~¾-acre). Since the project disturbs less than 1 acre and is not in a CBPA area, coverage under a VSMP permit is not required, as the activity is not part of a larger common plan of development or sale.

The VSMP permit is issued to the Construction Activity Operator (hereby referred to as "operator") as noted on the VSMP General Permit Registration Statement. According to the VSMP Permit Regulation (4 VAC 50-60-840 to 4 VAC 50-60-1000), the operator can be the owner but can also include someone who has direct operational control over construction plans and specifications or day-to-day operational control of construction activities. For construction projects where the operator is the permit holder and the operator changes, the permit needs to be transferred to the new operator.





VSMP Transfers and Permit Termination



A permit can be transferred to a new permittee if: (1) the DCR is notified in writing at least 30 days prior to the proposed transfer of the title to the facility or property; and, (2) the notification includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them. This automatic transfer of a permit is only valid if the DCR does not notify the existing and proposed permittees of its intent to modify or revoke and reissue the permit. If the DCR does not provide notification then the transfer is effective on the date specified in the written agreement.

As an alternative to permit transfer, or if the new operator is not the new owner of the property, coverage under a new VSMP permit would be required. Once coverage under an alternate permit is achieved, the original permit may be terminated through submittal of a Notice of Termination form.

Several **example scenarios** are provided below to help clarify these issues:

Example 1

"Developer A" obtains a VSMP permit for a 100-acre residential development. "Developer A" completes all initial infrastructure work including roads and utilities and then sells all the proposed lots to "Developer B" who will build and sell single-family homes on those lots. For this example, since "Developer B" is only purchasing the lots and not the entire project area, "Developer B" should obtain a new VSMP permit to cover his/her project area (the lots) and "Developer A" should submit a Notice of Termination indicating on the form that another operator has assumed control over all areas that have not been finally stabilized and coverage under an alternative VSMP permit has been obtained.

Example 2

"Developer A" obtains a VSMP permit for a 50-acre commercial site. "Developer B" purchases 5 acres of the 50-acre site. In this case, "Developer B" should obtain a new VSMP permit to cover those 5 acres that he owns. "Developer A" should keep his/her current VSMP permit to provide coverage to the remaining 45 acres. However, "Developer A" needs to revise the Stormwater Pollution Prevention Plan (SWPPP) for his/her project to indicate that 5 acres of the original 50-acre site were sold (specifying area, individual sold to, and date of sale) and coverage for those 5 acres is now provided under a separate VSMP permit.

Example 3

"Developer A" obtains a VSMP permit for a 20-acre site. "Developer A" begins construction on the parcel but then decides to sell the entire site to "Developer B". For this example, since the entire parcel is being sold to "Developer B", a transfer of the existing VSMP permit could be accomplished through submittal of the appropriate paperwork to the DCR.

Example 4

"Developer A" obtains a VSMP permit for a 75-acre residential development. "Developer A" completes initial infrastructure and then sells portions of the project to three separate builders, each purchasing 25 acres. In this case, "Developer A" no longer owns the property and, therefore, no longer has direct operational control over the construction activities. Therefore, the three builders should each obtain VSMP coverage (3 separate permits) for their respective portions of the project. Once alternate permit coverage has been obtained, "Developer A" should submit a Notice of Termination of the original permit.

VSMP Summary:

The guidance regarding permit issues we address in this newsletter is based on our best understanding of the Virginia Stormwater Management Act, Virginia Stormwater Management Program Regulations, and the permit process as laid out during various discussions and correspondence with staff of the Virginia Department of Conservation and Recreation (DCR). Please note that, to our knowledge, no written guidance has been provided by the DCR to substantiate these interpretations. If an applicant or permittee has questions regarding permit coverage, transferability, or other such issues, we recommend that person or their consultant coordinate with DCR staff to obtain a direct interpretation as it pertains to his/her project.

Heads Up on Inspections!

**By: Mark C. Eversole
Williamsburg Environmental Group, Inc.**

Now that the Department of Conservation and Recreation (DCR) has had time to more fully develop their inspection and enforcement programs relating to VSMP permits, we are seeing an increase in the number and frequency of inspections carried out by DCR staff. These inspections are typically unannounced and are focused on both existing site conditions, as well as the availability and completeness of documents required to be at the job site. One of the requirements of a VSMP permit is that a Stormwater Pollution Prevention Plan (SWPPP) be developed for each project and that it be stored on site. Copies of the VSMP permit, approved erosion control plans, and bi-monthly inspection sheets are but a few of the items that must accompany the SWPPP onsite, and be available to the DCR inspector at all times.

Many projects do not have a construction trailer on site, or one that is open to an inspector at all times. In these instances, WEG recommends that a large mailbox be installed at the site to house all of these documents. The mailbox should be installed in a conspicuous location and be labeled "VSMP/SWPPP". A combination lock should secure the box and the combination be provided to the DCR inspector responsible for that particular City or County. If the notebooks and plans are kept up-to-date and reviewed regularly by the permit holders, then a project should never be cited for not having required items available.

If you have any questions about the VSMP/SWPPP permit process, please contact any of WEG's four Virginia offices. We stand ready to assist you in obtaining a VSMP permit, as well as providing inspection and review services to assist you in compliance with VSMP permit requirements.

What Else Can WEG Do For You?

In addition to WEG's core services, the company offers support in the following areas:

- Soils Survey and Evaluation
- Drainfield Design
- Threatened and Endangered Species Survey
- Nationwide Permitting
- Construction Auditing
- Herbicide Application
- Mitigation Monitoring
- Tree Preservation Plan
- Forest Stand Delineation
- Low Impact Development Design



Did You Know...?

WEG staff has coordinated more permit actions than any other consultant in Virginia and has developed over 300 regional scale stormwater management plans including low impact development practices. WEG has also been involved with more than 250 golf course projects along the eastern coast.

SUMMER 2006 NEWSLETTER



5209 Center Street
Williamsburg, Virginia 23188
Phone: (757) 220-6869
Fax: (757) 229-4507
Email: info@wegnet.com
Website: www.wegnet.com

Branch Offices:

13921 Park Center Road, Ste. 160
Herndon, Virginia 20171
Phone: (703) 437-3096
Fax: (703) 437-6920

7501 Boulders View Drive, Ste. 205
Richmond, Virginia 23225
Phone: (804) 267-3474
Fax: (804) 267-3470

5705 Salem Run Blvd., Ste. 105
Fredericksburg, Virginia 22407
Phone: (540) 785-5544
Fax: (540) 785-1742

WEG Team Wins Multi-Million Dollar Project

Williamsburg Environmental Group, Inc., along with CDM, WSSI, and Kerr Environmental, was chosen by the City of Newport News, Virginia for the King William Reservoir Wetland Mitigation Project. The team will be responsible for one of the largest wetland and stream compensation projects to ever occur in the Commonwealth of Virginia, including 806 acres of wetland mitigation and 21 miles of stream mitigation.

After extensive research and preparation, the submittal package was delivered to the City. Shortly thereafter, 3 teams were selected to go on to a short-list interview. In the end, WEG's team won out. "We are so excited about moving forward with this project," stated Principal Ron Boyd,

"this will be one for the books!" Collectively, this team has an unrivaled amount of experience in stream and wetland mitigation.

The team is currently in negotiations with the City for Phase I of the project. This phase will involve detailed site assessment on over thirteen (13) previously identified sites, as well as regulatory coordination and the development of conceptual designs.



For more information about this project, please contact WEG at 757-220-6869 or email info@wegnet.com

WEG Presents...

WEG Senior Water Resource Engineer, Doug Beisch, presented at a Lorman seminar entitled "Low Impact Development and Stormwater Management in Virginia" on July 19, 2006 in Richmond, Virginia. The speakers provided information about LID obstacles, typical practices, costs vs. benefits, and other useful information. Doug will also be presenting at the Virginia Department of Conservation and Recreation's Land Use and Water Quality workshop in September and at another Lorman event entitled, "Current Issues in Stormwater Regulation" in December of this year.

For more information, please contact Doug Beisch at 757-220-6869 or dbeisch@wegnet.com