



Virginia Stormwater Management Program Regulatory Update

Summary: Please note that all on-going construction activities will require a new registration statement and modifications to the SWPPP prior to July 1, 2009. WEG will notify our current clients regarding the need for updates and new permit issuance as the date approaches, but feel free to contact your WEG project manager or any one of our Water Resource Engineers with any questions or concerns. Also, feel free to email us at info@wegnet.com

In February of 2005, the Virginia Department of Conservation and Recreation (DCR) took over responsibility for permitting non-industrial stormwater discharges from the Virginia Department of Environmental Quality (DEQ). Since that time, DCR has been issuing the General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities under the *Virginia Stormwater Management Program Permit Regulations*. The current construction general permit expires on June 30, 2009 and a new permit will become effective on July 1, 2009. On-going land-disturbing activities that discharge construction-related stormwater will have to seek coverage under the new construction general permit prior to July 1, 2009. New discharges beginning after July 1, 2009 will also have to obtain coverage. **This eNewsflash summarizes this regulatory action and highlights some of the proposed changes to the construction general permit (CGP) that may affect the planning, design, and construction of land-disturbing activities in Virginia.**

In March of 2008, DCR issued a Notice of Intended Regulatory Action (NOIRA) for amending the VSMP regulations to develop the new CGP. In July of 2008, DCR formed a Technical Advisory Committee (TAC) made up of state and local regulators, developers, builders, consultants, and environmental groups to advise DCR on the draft regulations. The TAC finished meeting in early September of 2008, and the draft amendments were presented to the Virginia Soil and Water Conservation Board (SWCB) at its September 2008 meeting. The SWCB approved the draft regulation for public review and comment, and it was subsequently published in the Virginia Register on October 27, 2008.

<http://legis.state.va.us/codecomm/Register/vol25/iss04/p4v5060.html>
<http://legis.state.va.us/codecomm/Register/vol25/iss04/v25i04.pdf>.

A number of new and revised special conditions have been proposed for the CGP, requiring additional planning, record keeping, and reporting of the permittee. The following list highlights the conditions and requirements that are most likely to affect land-disturbing activities under the new CGP:

- Permitting
 - Ongoing activities will be required to submit a complete and accurate registration statement and fee (no grandfathering of currently permitted activities)

- No authorization to discharge until notification of coverage under the CGP is received from the permitting authority (old permit authorized discharge immediately upon submission of a complete and accurate registration statement)
- Stormwater Pollution Prevention Plan (SWPPP)
 - Any SWPPP for an existing activity must be revised to comply with the new requirements within 30 days after date of coverage under the new permit (no grandfathering of SWPPPs for on-going activities)
 - If at anytime it is determined that the discharge has the potential to cause or contribute to an exclusion of any applicable water quality standard, the SWPPP shall be modified to include control measures that address the water quality concern
 - A sign or notice must be posted near the main entrance (or at public access points for linear projects) and must contain:
 - A copy of the permit coverage letter from DCR
 - Location of the SWPPP and a contact for scheduling a viewing of the SWPPP (the SWPPP must be made available to the general public for review upon request a minimum of twice per month)
 - Inspection Requirements
 - Inspections may now be conducted once every 7 days as an alternative to the previous requirement of once every 14 days and within 48 hours of a runoff producing rain event
 - Inspections must document rainfall at the site
 - Inspection records must be retained for 3 years
 - Endangered Species - SWPPP must include any applicable correspondence regarding listed species and critical habitat and a description of measures determined necessary to protect federally listed endangered or threatened species, or federally designated critical habitat
 - Total Maximum Daily Load (TMDL) - SWPPP must identify pollutant sources listed in a TMDL WLA and address the WLA through the use of strategies and control measures consistent with the TMDL
 - Impaired Waters - SWPPP must include control measures protective of water quality standards for waters identified as impaired for pollutants discharged from construction activities
 - The SWPPP must include a description of and all calculations supporting the design of post-construction stormwater management practices
 - The post-construction stormwater management criteria for water quantity and quality are incorporated into the CGP to clarify that the requirements are applicable to all regulated dischargers (this will provide limited grandfathering for projects designed and permitted before new technical criteria are adopted by DCR)

A number of public hearings have been proposed by the SWCB and DCR to collect input before finalizing the amended regulation and CGP. Public comments on the proposed amendments to the regulation and CGP are due to DCR by 5:00 p.m. on December 26, 2008 (information is provided below on the public hearings and contact for submitting comments in writing).

WEG recommends that developers and builders with current and future projects review the draft permit and regulations and comment on the proposed amendments. Comments can be made at the three public hearings planned by DCR or in writing to DCR using the information provided below. If you have questions or concerns regarding this regulatory action, please contact your WEG project manager or one of our water resources engineers to discuss your questions and

concerns. We offer a number of services to help your project obtain environmental permits and maintain compliance with those permits, including the General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities.

Hearing Date and Time	Hearing Location
December 2, 2008 - 7 p.m.	City of Manassas Council Chambers 9027 Center Street Manassas, VA
December 3, 2008 - 7 p.m.	City of Roanoke Council Chambers Noel C. Taylor Municipal Building 215 Church Avenue Roanoke, VA
December 10, 2008 - 7 p.m.	City of Williamsburg Council Chambers 412 North Boundary Street Williamsburg, VA
Public comments may be submitted until 5 p.m. on December 26, 2008.	
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