



Virginia Stormwater Management Program Regulatory Update

Summary: On Thursday, March 19, 2009, the Virginia Soil and Water Conservation Board (SWCB) adopted the Final General Permit for Discharges of Stormwater from Construction Activities following a public hearing and debate. As a result, all on-going construction activities will require a new registration statement submitted by June 1, 2009. Modifications to existing Stormwater Pollution Prevention Plans (SWPPPs) to meet new requirements must be completed by July 31, 2009. Feel free to contact your WEG project manager or any one of our Water Resource Engineers with questions or concerns or email us at info@wegnet.com.

In February of 2005, the Virginia Department of Conservation and Recreation (DCR) took over responsibility for permitting construction stormwater discharges from the Virginia Department of Environmental Quality (DEQ). Since that time, DCR has been issuing the General Permit for Discharges of Stormwater from Construction Activities under the Virginia Stormwater Management Program (VSMP) Permit Regulations. The current construction general permit expires on June 30, 2009 and the 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 by June 1, 2009. New discharges beginning after July 1, 2009 will also have to obtain coverage. **This is a follow-up to WEG's eNewsflash sent November 2008 and highlights some of the final changes to the construction general permit (CGP) that will affect the permitting, planning, design, and construction of land-disturbing activities in Virginia.**

The public comment period for the draft construction general permit ended on December 26, 2008. Since that time, DCR has been working to review and address those comments, resulting in a proposed final general permit, which was adopted by the SWCB on Thursday, March 19, 2009. The following changes were noted from the draft general permit published in the Virginia Register on October 27, 2008:

Permitting

- On-going activities must submit a complete registration statement and fee to DCR by June 1, 2009 to maintain coverage.
- If an on-going project was permitted after July 1, 2008, then the permit fee is waived, but a new registration statement must be submitted by June 1, 2009.
- For new projects, permit coverage begins 15 days from submission of a complete registration statement and permit fee or sooner if the permit is received from DCR.

Stormwater Pollution Prevention Plan (SWPPP)

- For on-going activities, the SWPPP must be updated to meet the new requirements of the permit within 30 days of the new permit coverage, which begins July 1, 2009.

- For new discharges commencing on or after July 1, 2009, the up-to-date SWPPP must be made available to the public for review, either as:
 - An electronic copy on the internet, or
 - A hard copy made available upon request at a public location convenient to the operator no less than once per month during normal business hours.
- 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 that includes the registration number, and the
 - Location of the SWPPP (website address for the internet copy) or a contact for accessing the SWPPP.
- Total Maximum Daily Load (TMDL): The SWPPP must identify pollutant sources listed in a TMDL Wasteload Allocation (WLA) and address the WLA through the use of strategies and control measures consistent with the TMDL.
- Impaired Waters: The SWPPP must include control measures protective of water quality standards for waters identified as impaired for pollutants discharged from construction activities.
- Stormwater Management: The SWPPP must include a description of and all calculations supporting the design of post-construction stormwater management practices.

Inspections

- Inspections may now be conducted once every 7 days as an alternative to the requirement of once every 14 days and within 48 hours of a runoff-producing rain event.
- Inspections must document rainfall at the site since the previous inspection.
- Inspection records must be retained for 3 years.

If you have any questions or concerns regarding this regulatory action, please contact your WEG project manager or one of our Water Resources Engineers at any of our offices: Williamsburg (757) 220-6869, Richmond (804) 267-3474, Herndon (703) 437-3096, or Fredericksburg (540) 785-5544. We offer a number of services to assist you with obtaining environmental permits and maintaining compliance with those permits, including the VSMP General Permit for Discharges of Stormwater from Construction Activities.

Dedicated to developing simple, cost-effective solutions to today's complex environmental issues without "headaches" for our clients.