

# Stormwater Management Update



## **2014 Stormwater Legislation**

- July 1, 2014 requirement for VSMP implementation by MS4 localities.
- Non-MS4 localities can choose to “opt in” this year or in future years. If they opt out, DEQ administers the program for them.
- New MS4s counties may defer local program implementation until January 1, 2015, with DEQ administering it for them in the meantime.

## **2014 Stormwater Legislation**

- Allows agreement in lieu of a stormwater plan for construction of a single family residence.
- No registration under the construction general permit for single family residences separately built.
- Procedure for a stormwater management plan approved for a subdivision to govern development of individual parcels, even if developed by subsequent owners.
- Provide reciprocity with other states that have certified proprietary best management practices
- Clarifies that appeal of local decisions conducted in accordance with local procedures.

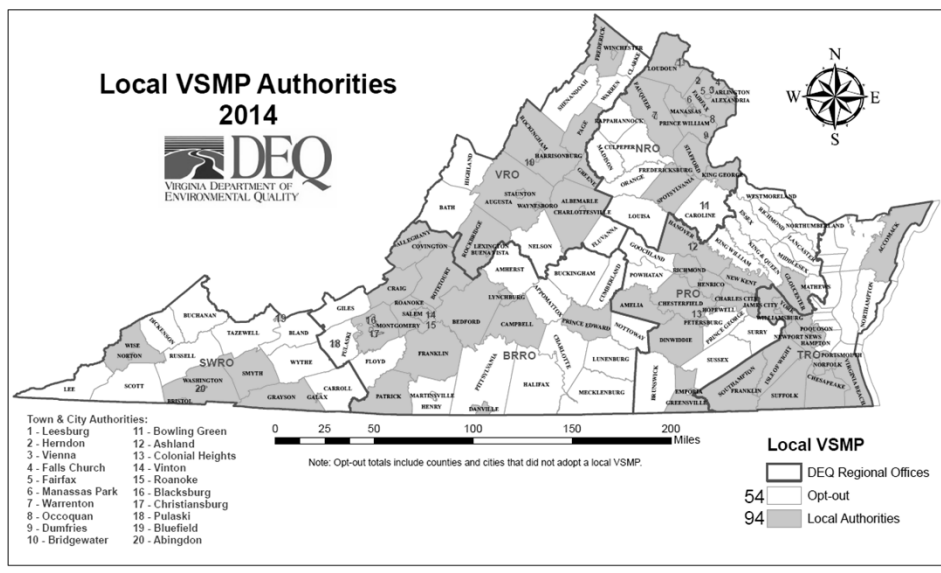
## **9VAC25-880 : 2014 CGP Reissuance**

- Local & Private Construction Projects
  - 2014 Registration Statement & Permit Fee Form
  - \$290 to \$9,600 (due to DEQ)
- DEQ still accepting Reissuance applications (were due June 1, 2014)
- Update existing SWPPP no later than 60 days after general permit coverage

## Local Programs (VSMP) Status

- DEQ has provided provisional or final approval for localities to become a VSMP Authority.
- Regulations amended to include 2014 legislation
- VSMP to receive local portion of Construction GP reissuance fee.
- DEQ/VSMP Construction General Permit Database in use for first time issuances.

## Local VSMPs & DEQ ROs



## **9VAC25-880 : 2014 CGP Issuance**

- **Local & Private Construction Activities**
  - **Locality is VSMP Authority**
    - Prepare SWPPP
    - 2014 Registration Statement & Permit Fee Form
    - ESC Plan, SWM Plan & Registration Statement reviewed by locality
    - \$209 to \$6,912 (due to locality)
    - \$81 to \$2,688 (due to DEQ)

## **9VAC25-880 : 2014 CGP Issuance**

- **Stormwater Pollution Prevention Plan (SWPPP) Requirements**
  - **Approved ESC Plan**
  - **Approved SWM Plan (LTM Agreement)**
    - **New Water Quality Requirements**
      - Virginia Runoff Reduction Method
      - Virginia Stormwater BMP Clearinghouse
    - **New Water Quantity Requirements**
      - Channel Protection (Energy Balance)
      - Flood Protection

## **July 1, 2014 - Construction GP Issuance**

- Operator submits information to the VSMP via a paper registration statement.
- The VSMP does all necessary information correction and checks for completeness.
- VSMP provides registration statement information to DEQ database.
- Database system verifies required fields and quality control checks have been met and immediately sends a confirmation email to the VSMP.

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## **July 1, 2014 - Construction GP Issuance**

- VSMP Authority may issue the land disturbing permit upon receipt of this email.
- NO land disturbing activity can commence until the DEQ Construction GP coverage is received by the permittee.
- DEQ processes complete registration information and provides permit coverage.
- Permit TMDL applicability included in DEQ coverage letter.
- DEQ provides e-mail with permit information to the VSMP and the operator.

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## **July 1, 2014 - Construction GP Issuance**

### Fees

- The VSMP authority may choose to collect one payment that includes both the state and local fee (the VSMP authority will be billed on a monthly basis (after permit issuance) or
- If the VSMP authority chooses not to collect the state fee DEQ will collect the state fee before permit issuance by DEQ.
- Operator may make payment through electronic payment service or mail.

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## **July 1, 2014 - Construction GP Issuance**

For localities that collect the State portion of the registration fee:

- DEQ will continue permit processing and coverage letter provided in 2-3 days.

For localities that do not collect the State portion of the registration fee:

- System sends another e-mail to the permittee allowing the option to pay online or to pay by mail.
- After receipt of payment permit processing continues and coverage letter provided in 2-4 days.

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## **9VAC25-880 : 2014 CGP Coverage**

- Stormwater Pollution Prevention Plan (SWPPP) Requirements
  - Pollution Prevention (P2) Plan
  - Measures to address nutrient & sediment impairments and TMDLs
    - Increased operator inspections
    - More aggressive stabilization schedule
    - Nutrient applications in accordance with manufacturer recommendations or approved NMP

## **9VAC25-880 : 2014 CGP Coverage**

- Stormwater Pollution Prevention Plan (SWPPP) Requirements
  - Modification Documentation
  - Public Notification
  - Availability Information
  - Operator Inspection Reports
  - Corrective Action Documentation
- Notice of Termination
  - Recorded LTM Agreement

**9VAC25-880 : 2014 CGP**  
**Single Family Detached Residences**

- General Permit Coverage Required
  - SFD Residences within a Common Plan & land disturbance < 1.0 acre
  - SFD Residences within a Common Plan & land disturbance  $\geq$  1.0 acre
  - SFD Residences outside a Common Plan & land disturbance  $\geq$  1.0 acre
- Authorized under 2014 general permit
  - No registration statement & No DEQ permit fee
  - Local permit fee may be required

**9VAC25-880 : 2014 CGP**  
**Single Family Detached Residences**

- Must comply with 2014 general permit
  - Develop, Implement, and Maintain a SWPPP
    - ESC Plan or “Agreement in lieu of ESC Plan”
    - SWM Plan or “Agreement in lieu of SWM Plan”
    - Pollution Prevention (P2) Plan
  - “Agreement in lieu of SWM Plan”
- Stormwater Pollution Prevention Plan (SWPPP) template



## Questions ?



### **9VAC25-870-47 : Time Limits...**

- Existing Construction Projects w/ 2009 Construction GP Coverage
- Subject to existing (Part IIC) technical criteria for 2 additional Construction GP cycles (10 years)
- After 10 years, portions not under construction become subject to any new technical criteria adopted by the SWCB

### **9VAC25-870-48 : Grandfathering**

- Construction Projects w/o 2009 Construction GP Coverage but w/ locality approval
- Subject to existing (Part IIC) technical criteria for 1 additional Construction GP cycle (5 years)
- After 5 years, portions not under construction become subject to any new technical criteria adopted by the SWCB

### **9VAC25-870-48 : Grandfathering**

- Documentation approved by the locality prior to July 1, 2012
- Documentation provided a “layout” at the time of approval
- Documentation has not be subsequently amended or modified...
- Construction Project designed to comply with existing (Part IIC) technical criteria
- 2009 Construction GP Coverage has not been issued
- Land Disturbance did not commence prior to July 1, 2014