Update on Stormwater Permitting

Virginia Asphalt Association

December 9, 2014

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9VAC25-880: 2014 CGP Issuance

- State & Federal Agencies
  - w/ Annual Standards & Specifications
    - Prepare SWPPP (ESC Plan, SWM Plan, P2 Plan)
    - 2014 Registration Statement & Permit Fee Form
    - ESC Plan & SWM Plan reviewed by state/federal agency
    - Registration Statement reviewed by DEQ
    - $450 or $750 (due to DEQ)
State & Federal Agencies

- w/o Annual Standards & Specifications
  - Prepare SWPPP (ESC Plan, SWM Plan, P2 Plan)
  - 2014 Registration Statement & Permit Fee Form
  - ESC Plan, SWM Plan & Registration Statement reviewed by DEQ
  - $290 to $9,600 (due to DEQ)
9VAC25-880 : 2014 CGP Issuance

- Local & Private Construction Activities
  - Locality is VSMP Authority
    - Prepare SWPPP (ESC Plan, SWM Plan, P2 Plan)
    - 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

- Local & Private Construction Activities
  - DEQ is VSMP Authority
    - Prepare SWPPP (ESC Plan, SWM Plan, P2 Plan)
    - 2014 Registration Statement & Permit Fee Form
    - ESC Plan reviewed by locality
    - SWM Plan & Registration Statement reviewed by DEQ
    - $290 to $9,600 (due to DEQ)
Local VSMP Authorities 2014

DEQ
Virginia Department of Environmental Quality

Town & City Authorities:
1 - Leesburg 10 - Ashland
2 - Herndon 11 - Colonial Heights
3 - Vienna 12 - Vinton
4 - Falls Church 13 - Roanoke
5 - Fairfax 14 - Blacksburg
6 - Warrenton 15 - Christiansburg
7 - Dumfries 16 - Pulaski
8 - Bridgewater 17 - Bluefield
9 - Bowling Green 18 - Abingdon

Note: Opt-out totals include counties and cities that did not adopt a local VSMP.

Local VSMP

- DEQ Regional Offices
- Opt-out
- Local Authorities

55
92
- **Virginia Stormwater Management Program (VSMP)**
  - 92 local VSMP authorities (not including DEQ) as of July 1, 2014
    - 59 localities required to adopt a local VSMP
    - 33 localities opted to adopt a local VSMP
  - DEQ is local VSMP authority in 55 opt-out localities
    - 105 SWM plans received as of July 1, 2014
    - SWM plan review time approx. 30 calendar days
New 2014 Construction General Permit as of July 1, 2014

Prior to permit issuance Stormwater Pollution Prevention Plan (SWPPP) must be prepared, which includes:

- Locality-approved Erosion and Sediment Control (ESC) Plan
- Locality or DEQ-approved Stormwater Management (SWM) Plan
- Pollution Prevention (P2) Plan

229 new construction general permits issued as of December 4, 2014

3,990 construction general permits reissued as of December 4, 2014
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
9VAC25-880 : 2014 CGP Issuance

- 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 Issuance

- 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 ≥ 1.0 acre
  - SFD Residences outside a Common Plan & land disturbance ≥ 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
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
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
Compliance

- **FFY 2015 Stormwater minimum inspection commitment to EPA**

  - EPA’s requirement is 10% of the active universe determined at the beginning of the fiscal year.
  - On October 1st DEQ’s database indicated that the universe of active 2014 CGP was 3450 permittees. This is the number shared with EPA and VA will at a minimum be held accountable for 345 inspections and each permittee accounts for a single inspection regardless as to how many visits are made.
  - DEQ’s goal for FFY2015 is to increase field presence and inspections as much as practicable to educate, influence, and improve the rate of compliance.
Currently finalizing 2015 Compliance Monitoring Strategy

EPA Review

Expect final by February-March 2015

Included the CMS will be revised inspection checklist
Focused Checklist – Concentration on the basic elements of compliance as required by the VSMP regulation and used to expeditiously evaluate compliance

- Does site have CGP coverage?
- Does site have an approved Erosion and Sediment Control Plan?
- Does site have Stormwater Management Plan?
- Does site have a P2 plan?
- Are plans in place being implemented?

Comprehensive Checklist – Checks all items identified under the focused checklist and requires an involved comprehensive evaluation of the site SWPPP

Focused Inspection can also serve as a auditing tool to evaluate the performance of the local VSMP authorities that are required to perform the comprehensive inspections on their construction sites
Questions ?