



GUIDANCE DOCUMENT ON VIRGINIA STORMWATER MANAGEMENT PROGRAM SITE INSPECTION STRATEGIES

(Approved March 7, 2011)

Summary:

This guidance document outlines the types of construction projects that Department of Conservation and Recreation (DCR) Soil and Water Conservation Division Regional field staff should consider as priorities in developing Virginia Stormwater Management Program (VSMP) site inspection strategies.

Electronic Copy:

An electronic copy of this guidance in PDF format is available on the Regulatory TownHall under the Virginia Soil and Water Conservation Board at <http://townhall.virginia.gov/L/GDocs.cfm>.

Contact Information:

Please contact the Department of Conservation and Recreation's Division of Soil and Water Conservation at swmesquestions@dcr.virginia.gov with any questions regarding the application of this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the Department of Conservation and Recreation in administering the Stormwater Management Program on behalf of the Virginia Soil and Water Conservation Board. The inspection priorities set out in this document are guidance and are not intended to carry the force of law. The guidance is not intended and cannot be relied on to create any rights, substantive or procedural, on the part of any person or entity. DCR reserves the right to modify the guidance at any time without public notice. In addition, DCR may deviate from this guidance as it deems necessary to carry out the intent of the Virginia Stormwater Management Act and Regulations.

Site Inspection Strategies

I. Background:

This document has been prepared to clarify for the public the types of construction projects that Department of Conservation and Recreation (DCR) Soil and Water Conservation Division Regional field staff should consider as priorities in developing VSMP site inspection strategies.

II. Definitions (pursuant to § 10.1-604 and 4VAC50-60-10):

"Total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources, load allocations (LAs) for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

"Virginia Stormwater Management Program (VSMP)" means the Virginia program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing requirements pursuant to the federal Clean Water Act, the Virginia Stormwater Management Act, the Virginia Stormwater Management Program (VSMP) Permit Regulations, and associated guidance documents.

III. Authority:

The Virginia Stormwater Management Act in the Code of Virginia contains the following authorities applicable to this guidance:

§10.1-603.2:1. Powers and duties of the Virginia Soil and Water Conservation Board.

In addition to other powers and duties conferred upon the Board, it shall permit, regulate, and control stormwater runoff in the Commonwealth. In accordance with the VSMP, the Board may issue, deny, revoke, terminate, or amend stormwater permits; adopt regulations; approve and periodically review local stormwater management programs and management programs developed in conjunction with a municipal separate storm sewer permit; enforce the provisions of this article; and otherwise act to ensure the general health, safety and welfare of the citizens of the Commonwealth as well as protect the quality and quantity of state waters from the potential harm of unmanaged stormwater. The Board may:

1. Issue, deny, amend, revoke, terminate, and enforce permits for the control of stormwater discharges from Municipal Separate Storm Sewer Systems and land disturbing activities.
2. Delegate to the Department or to an approved locality any of the powers and duties vested in it by this article except the adoption and promulgation of regulations. Delegation shall not remove from the Board authority to enforce the provisions of this article.....

§10.1-603.11. Monitoring, reports, investigations, and inspections.

A. The permit issuing authority (i) shall provide for periodic inspections of the installation of stormwater management measures (ii) may require monitoring and reports from the person responsible for meeting the permit conditions to ensure compliance with the permit and to determine whether the measures required in the permit provide effective stormwater management, and (iii) conduct such investigations and perform such other actions as are necessary to carry out the provisions of this article. If the permit issuing authority determines that there is a failure to comply with the permit conditions, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by registered or certified mail to the address specified in the permit application, or by delivery at the site of the development activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked by the permit issuing authority or the Board and the permittee or person responsible for carrying out the permit conditions shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by § 10.1-603.14.....

IV. Discussion and Interpretation:

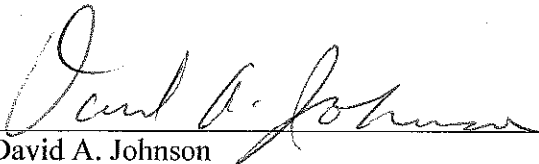
In developing VSMP site inspection strategies, DCR Regional field staff should consider the following types of construction projects as priorities:

- Projects for which DCR has received a complaint, particularly complaints related to sediment, or for which another agency of the Commonwealth, a local government, or a federal agency has requested review.
- Projects that are in significant noncompliance (SNC) or that have the potential to be designated as SNC and follow-up inspections necessary to ensure that a project is returned to compliance.
- Projects for which VSMP General Permit for Discharges of Stormwater from Construction Activities coverage appears not to have been obtained, particularly projects that discharge directly to receiving waters that are listed as impaired due to sediment in the current United States Environmental Protection Agency (USEPA)-approved 305(b)/303(d) Water Quality Assessment Integrated Report.
- Projects that discharge directly to receiving waters for which a TMDL wasteload allocation for sediment has been assigned to construction activities.
- Projects that discharge directly to receiving waters that are identified as impaired in the current USEPA-approved 305(b)/303(d) Water Quality Assessment Integrated Report and for which no TMDL has been developed, but that (a) are listed as impaired due to sediment; or (b) are listed as impaired due to benthic violations and DEQ has identified sediment as a potential or actual cause of the impairment.

In performing inspections and related informal enforcement actions, staff should continue to follow the guidance established in the Stormwater Management Enforcement Manual.

V. Adoption, Amendments, and Repeal:

This document will remain in effect until rescinded or superseded.



David A. Johnson
Director, Department of Conservation and Recreation

March 7, 2011
Date