


**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION**

Subject: Guidance Memo No. 14-2002
Implementation Guidance for the 2009 General Permit for Discharges of Stormwater from Construction Activities, 9VAC25-880

To: Regional Directors

From: Melanie D. Davenport, Director 

Date: March 7, 2014

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Summary:

Under the 2009 General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880) the development of a stormwater pollution prevention plan (SWPPP) is required prior to the submission of a registration statement. The SWPPP requirements of the general permit may be fulfilled by incorporating by reference an erosion and sediment control plan or an agreement in lieu or a plan. If an erosion and sediment control plan is incorporated by reference the plan must be approved by the Virginia Erosion and Sediment Control Program (VESCP) authority prior to the commencement of land disturbance.

The purpose of this guidance document is to clarify that erosion and sediment control plan approval is not required prior to submitting a registration statement for coverage under the 2009 general permit.

Electronic Copy:

An electronic copy of this guidance document in PDF format is available for staff internally on DEQNET, and for the general public on DEQ's website at:
<http://www.deq.virginia.gov/Programs/Water/LawsRegulationsGuidance/Guidance/WaterPermitGuidance.aspx>.

Contact Information:

Please contact Drew Hammond, Office of Stormwater Management, at (804) 698-4037 or Andrew.Hammond@deq.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 agency. However, it does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

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Background:

Section II A 1 of the 2009 general permit requires the development of a stormwater pollution prevention plan (SWPPP) prior to the submission of a registration statement. Furthermore, Section II D 2 a of the general permit states that the SWPPP shall include erosion and sediment controls (e.g., an erosion and sediment control plan or an agreement in lieu of a plan approved in accordance with the Erosion and Sediment Control Law and attendant regulations, or an erosion and sediment control plan developed in accordance with board-approved annual standards and specifications). The SWPPP requirements of the general permit may be fulfilled by incorporating by reference an erosion and sediment control plan or an agreement in lieu of a plan; see Section II A 3 of the general permit. Also, if an erosion and sediment control plan is incorporated by reference the plan must be approved by the Virginia Erosion and Sediment Control Program (VESCP) authority prior to the commencement of land disturbance.

Guidance:

The department will continue to issue coverage under the 2009 General Permit for Discharges of Stormwater from Construction Activities based upon the construction activity operator's certification of the registration statement. The registration statement requires the construction activity operator to certify that the SWPPP has been prepared in accordance with all requirements of the general permit. The SWPPP requires erosion and sediment controls, and this requirement may be fulfilled by incorporating by reference an erosion and sediment control plan or an agreement in lieu of a plan. If an erosion and sediment control plan is incorporated by reference the plan must be approved by the VESCP authority prior to the commencement of land disturbance. Erosion and sediment control plan approval is not required prior to submitting a registration statement for coverage under the 2009 general permit. The SWPPP also requires a description of, and necessary calculations supporting, all post-construction stormwater management measures that will be installed prior to the completion of construction to ensure compliance with the existing stormwater management technical criteria. DEQ may require additional confirmation that the aforementioned SWPPP requirements have been satisfied prior to issuing coverage under the 2009 general permit.

For reissuance under the 2014 general permit erosion and sediment control plan approval is not required prior to submitting a registration statement for existing construction activities. However, it is the department's expectation that an erosion and sediment control plan will be submitted to the appropriate VESCP authority for review and approval no later than 60 days after the date of coverage under the 2014 general permit. For new construction activities (no previous general permit coverage) erosion and sediment control plan approval is required prior to submitting a registration statement for coverage under the 2014 general permit.