

Module 2: Administrative Requirements and Contents of a Plan

Module 2 Objectives

After completing this module, you will:

- Be familiar with the administrative requirements for plan review and applicant notification
- Know the minimum plan requirements for completeness
- Understand the technical criteria that must be addressed by plans

Module 2 Content

2a: Plan Review Schedule

2b: Completeness Review

2c: Applicable Technical Criteria

2d: Technical Review

2e: Applicant Notification

2a. Plan Review Schedule

Stormwater Management Plan Review (9VAC25-870-108)

The VSMP Regulations lay out the process for submittal, review, and denial or approval of SWM plans. Figure 2-1 on page 3 presents the SWM plan review process and schedule, while Figure 2-2 on page 4 compares of the VESCP and VSMP plan review schedules.

Review of completeness

The VSMP authority (program administrator) has **15 days** to determine the completeness of a stormwater management plan in accordance with 9VAC25-870-55 and notify the applicant of its determination. If the application is not complete, the VSMP authority must notify the applicant in writing or electronically of the reason(s).

Plan review

If a plan is complete and the applicant has been notified within 15 days of submission, the VSMP authority (plan reviewer) has **60 days from the time of notification** to review the plan.

If a determination of completeness is not made and communicated to the applicant within the 15 calendar days, the plan is determined complete as of the date of submission, and the VSMP authority (plan reviewer) has **60 days from the date of submission** to review the plan.

The VSMP authority (plan reviewer) has **45 days from the date of resubmission** to review a plan that was previously disapproved.

During the review period, the VSMP authority (plan reviewer) must notify the operator or the designated agent in writing of the decision to approve or disapprove the plan. The reason(s) for not approving a plan must be provided in writing, as required by 9VAC25-870-108 B.2 and discussed below in Section 2e.

Modifications

The VSMP authority has **60 days** to respond in writing for plans that have been modified after approval with either an approval or disapproval.

Based on an inspection, the VSMP authority may require amendments to the approved stormwater management plan to address any deficiencies within a time frame set by the VSMP authority.

Figure 2-1 VSMP Plan Review Process and Schedule

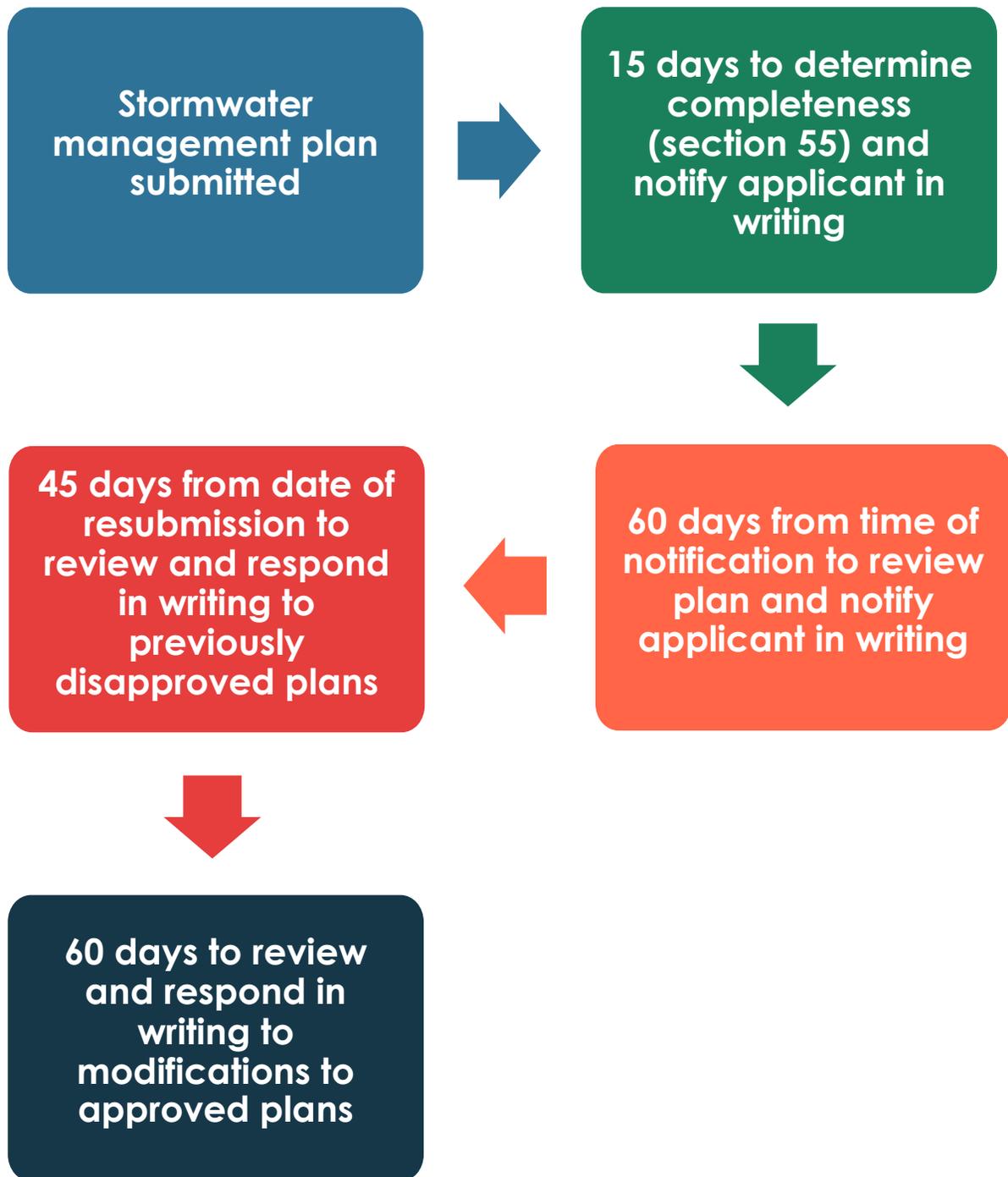


Figure 2-2 Comparison of VSMP and VESCP Plan Review Processes and Schedules



P2 plan

The VSMP Regulations and Construction GP do not require P2 plans to be reviewed or approved by a VSMP plan reviewer prior to permit issuance. In some cases, certain local VSMP authorities may require a Construction GP applicant to submit the P2 plan for review and approval.

Additional requirements to address impaired waters, TMDLs, and exceptional waters

Under the Construction GP, an operator can only discharge stormwater from construction activities to surface waters identified as impaired in the 2012 § 305(b)/303(d) Water Quality Assessment Integrated Report or for which a TMDL wasteload allocation has been established and approved before July 1, 2014 for (i) sediment or a sediment-related parameter (i.e., total suspended solids or turbidity) or (ii) nutrients (i.e., nitrogen or phosphorus) if the operator **develops, implements, and maintains a SWPPP that minimizes the pollutants of concern** and, when applicable, is consistent with the assumptions and requirements of the approved TMDL wasteload allocations (9VAC25-880-70 Part II B 4).

Additionally, the operator must identify the impaired water(s), approved TMDL(s), and pollutant(s) of concern, when applicable, in the SWPPP. The operator must also follow the requirements for rapid stabilization (7 days), appropriate use of fertilizers and nutrient management plans, and enhanced inspection schedules (9VAC25-880-70 Part I B 4, B 5, and Part II A 5). Unless more stringent local requirements are applicable, compliance with these stated requirements will be considered sufficient to address the additional requirements necessary to address discharges to impaired waters, surface waters with an assigned TMDL wasteload allocation or exceptional waters (9VAC25-260-30 A 3 c).

During plan review, the VSMP authority can identify any additional stormwater or erosion and sediment control design requirements that may be needed to satisfy the assumptions and requirements of a waste load allocation (WLA) applicable to the Construction GP for a local TMDL. A majority of TMDLs in Virginia do not have additional stormwater/construction related assumptions and requirements; however, the Chesapeake Bay TMDL does apply to regulated construction activities within the Chesapeake Bay watershed.

Additional plan requirements may be required by a VSMP authority in accordance with the applicable local ordinance. Table 2-1 below provides a brief overview of additional requirements that could be required for regulated LDAs:

Table 2-1 Additional Requirements

To address:	Plan Requirements:
<ul style="list-style-type: none"> • Impaired waters identified in <u>2012 § 305(b)/303(d)</u> Water Quality Assessment Integrated Report • TMDL wasteload allocation has been established prior to July 1, 2014 • Exceptional Waters as per <u>9VAC25-260-30 A 3 c</u> 	<p>SWPPP must incorporate:</p> <ul style="list-style-type: none"> • Rapid stabilization (7 days) • Appropriate use of fertilizers and nutrient management plans • 3. Enhanced inspection schedules (pursuant to <u>9VAC25-880-70 Part I B 4, B 5, and Part II A 5</u> of the permit)
<p>By local ordinance:</p> <ul style="list-style-type: none"> • Protection of water resources or exceptional state waters • TMDL requirements • Specific existing water pollution: <ul style="list-style-type: none"> ○ nutrient and sediment loadings ○ stream channel erosion ○ depleted groundwater resources ○ excessive localized flooding within watershed 	<p>Implementation of any other more stringent requirements included in local stormwater management ordinance in accordance with <u>Va. Code §62.1-44.15:33</u></p>

2b. Completeness Review

During the 15 days allowed for the VSMP authority to determine the completeness of a stormwater management plan in accordance with 9VAC25-870-55, the VSMP authority must review the submittal to determine that the application, including the SWM plan, is administratively complete. The purposed of the completeness review is to determine that the minimum SWM plan components needed for a certified plan reviewer to complete a technical plan review are included with the submittal. The completeness review does not include a detailed technical review of the SWM plan to determine if the contents address all of the technical criteria. The VSMP authority must notify the applicant in writing or electronically of the acceptance or denial of the submittal and provide the reason(s) for their determination.

According to the VSMP Regulations, a complete SWM plan submittal must include the following items:

- Information on the **type of and location of stormwater discharges**, information on the features to which stormwater is being discharged including surface waters or karst features if present, and predevelopment and postdevelopment drainage areas;
- **Contact information** including the name, address, telephone number, and email address of the owner and the tax reference number and parcel number of the property or properties affected;
- A **narrative** that includes a description of current site conditions and final site conditions or if allowed by the VSMP authority, the information provided and documented during the review process that addresses the current and final site conditions;
- A **general description of the proposed stormwater management facilities** and the mechanism through which the facilities will be operated and maintained after construction is complete;
- **Information on the proposed stormwater management facilities**, including (i) the type of facilities; (ii) location, including geographic coordinates; (iii) acres treated; and (iv) the surface waters or karst features into which the facility will discharge;
- **Hydrologic and hydraulic computations**, including runoff characteristics;

- **Documentation and calculations verifying compliance with the water quality and quantity requirements** of these regulations;
- A **map or maps of the site** that depicts the topography of the site and includes:
 - All contributing **drainage areas**;
 - **Existing** streams, ponds, culverts, ditches, wetlands, other **water bodies**, and floodplains;
 - Soil types, **geologic formations** if karst features are present in the area, **forest cover**, and **other vegetative areas**;
 - **Current land use** including existing structures, roads, and locations of known utilities and easements;
 - Sufficient information on **adjoining parcels** to assess the impacts of stormwater from the site on these parcels;
 - The **limits of clearing and grading**, and the **proposed drainage patterns** on the site;
 - Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - **Proposed land use** with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements;
- If an operator intends to meet the requirements established in 9VAC25-870-63 or 9VAC25-870-66 through the use of **off-site compliance options**, where applicable, then a letter of availability from the off-site provider must be included; and
- If **payment of a fee** is required with the stormwater management plan submission by the VSMP authority, the fee and the required fee form in accordance with Part XIII (9VAC25-870-700 et seq.) must have been submitted.
- **Long-term maintenance agreement** (9VAC25-870-58) for the long-term maintenance of permanent stormwater management facilities:
 - VSMP authority review and approval prior to the approval of the stormwater management plan
 - Must convey with the land

- Provide for access to the property for purposes of maintenance and inspections
- Provide for inspections and maintenance and the submission of inspection and maintenance reports to the VSMP authority
- Be enforceable by all appropriate governmental parties

A sample completeness review checklist is included in Appendix I. Checklists, or another means of documenting completeness review, can be incorporated into the plan review process and maintained with other VSMP documentation.

2c. Applicable Technical Criteria

Before a certified plan reviewer can effectively complete a technical plan review as discussed in the next section, the VSMP authority must determine what technical criteria from the VSMP Regulations and Construction GP apply to the LDA. As discussed during the Stormwater Management Basic Course, the technical criteria in Part II A of the Construction GP applies to all LDAs permitted after July 1, 2014. However, the applicability of technical criteria in Part II B or Part II C of the Construction GP will depend upon the date of prior plan or document approvals and coverage of the LDA under a prior Construction GP, as discussed below.

★ An operator that qualifies for the Part II C technical criteria **may choose** to meet the Part II B criteria instead. However, the operator is not able to mix the technical requirements or the BMP efficiencies.

Implementation date (9VAC25-870-45)

Starting **July 1, 2014**, the technical criteria in Part II A and Part II B are incorporated in the Construction GP and apply to Construction GP permittees. Until then, the required technical criteria are listed in Part II C, except as noted in sections below on continued coverage and grandfathering. Figures 2-3 and 2-4 below are flow charts for determining which technical criteria apply based upon the dates of plan approval, initial permit coverage, and commencement of land disturbing activity.

Prior Coverage (9VAC25-870-47B)

If a regulated LDA received a Construction GP or commenced land disturbance prior to July 1, 2014, it must meet the technical criteria of Part II C through two additional five-year permit cycles, with the exception of some government financed projects.

After the two additional permit cycles, the portions of the project not under construction shall become subject to the technical criteria of Part II B or any new technical criteria adopted since original state permit coverage was issued.

Grandfathering (9VAC25-870-48)

Until June 30, 2019, an LDA that received locality approval for a conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined to be equivalent before July 1, 2012, but was not issued a Construction GP before July 1, 2014, is grandfathered and subject to Part II C technical

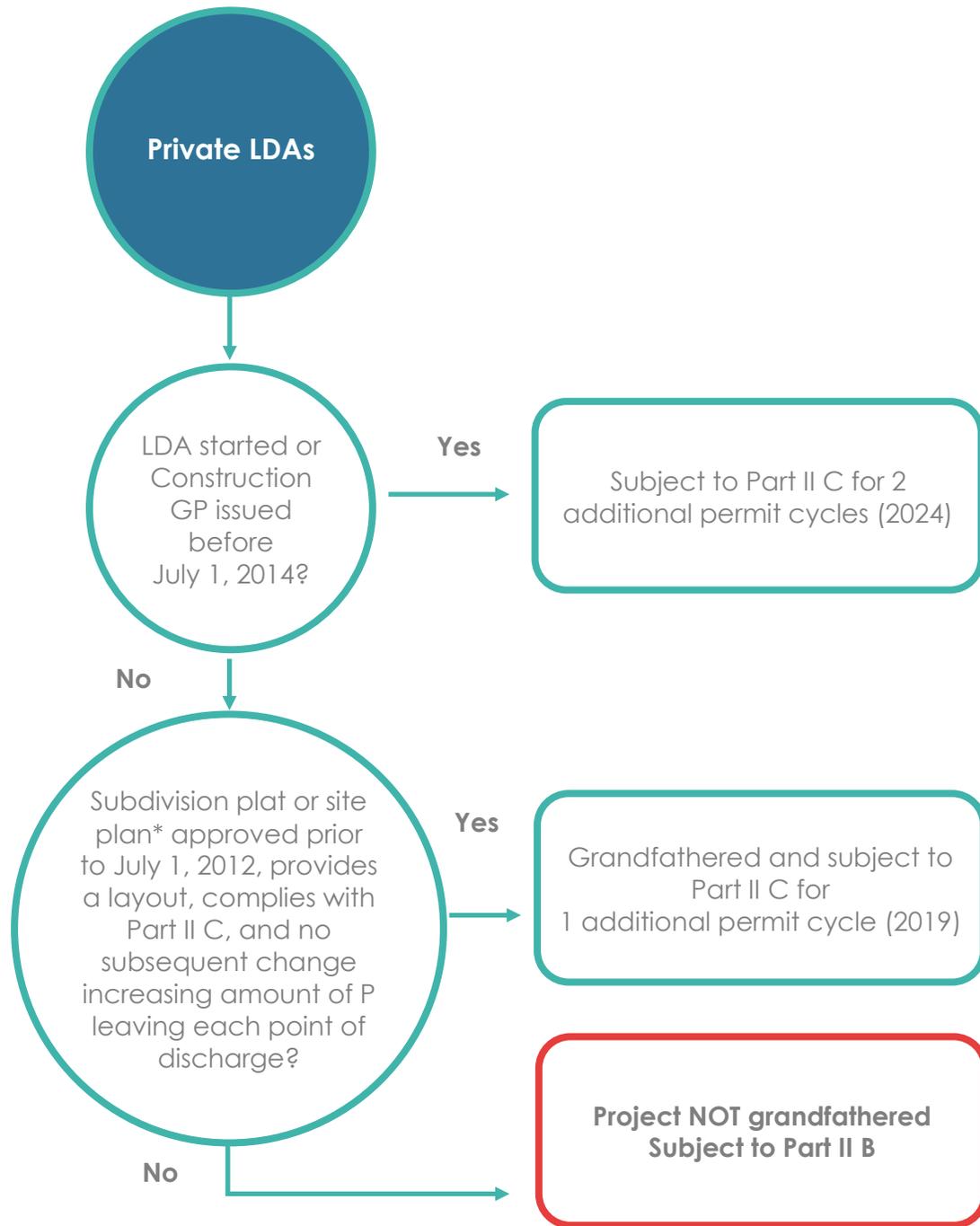
criteria. **It is important to note that the VSMP authority must find that the document provides for a “layout” and that the resulting LDA will be compliant with the requirements of Part II C.** The VSMP Regulations define a layout as “a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval (9VAC25-810-10).”

If the plan for the grandfathered project is modified after approval, there can be no increase in the amount of phosphorus (P) discharged through stormwater runoff and no increase in the volume or rate of runoff above that in the previously approved plan.

Grandfathered projects must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical criteria of Part II B.

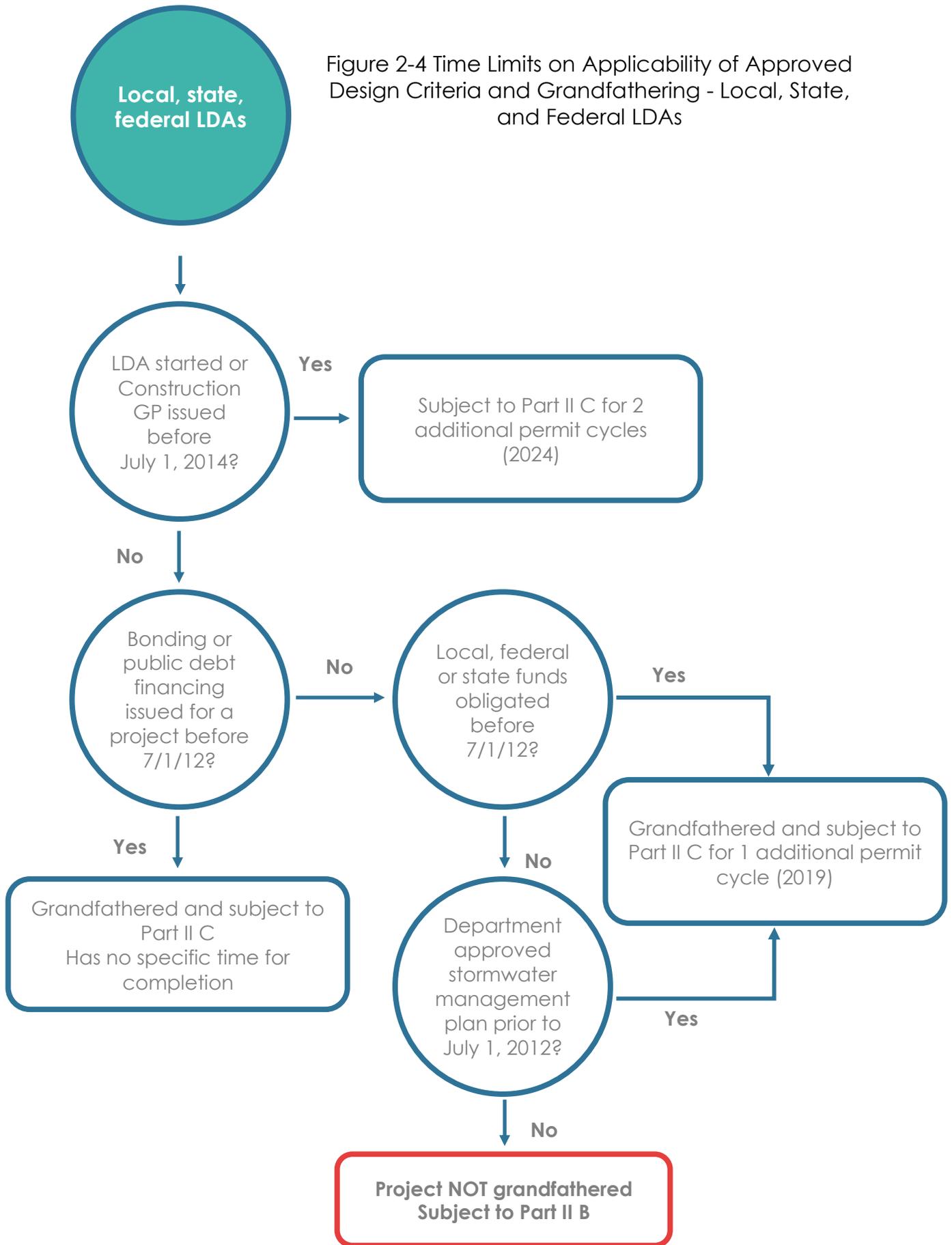
The exception is government projects where bonding or public debt financing has been issued or where local/federal/state funds have been obligated for a project prior to July 1, 2012. Those projects are subject to the technical criteria of Part II C and have no specified time for completion. The flow charts on the next two pages help to explain the time limits.

Figure 2-3 Time Limits on Applicability of Approved Design Criteria and Grandfathering - Private LDAs



*Or a proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the locality to be equivalent thereto

Figure 2-4 Time Limits on Applicability of Approved Design Criteria and Grandfathering - Local, State, and Federal LDAs



2d. Technical Review

Following the determination by the VSMP authority that a SWM plan submittal is administratively complete, the VSMP plan reviewer has **60 days from the date of notification of completeness** to review the plan. At this stage, the VSMP plan reviewer will complete a detailed technical review to determine if the submittal demonstrates compliance with the requirements of Part II A and either Part II B or II C of the VSMP Regulations. Later sections of the participants guide will go into great detail on the use and application of the technical criteria during the technical review.

A sample technical plan review checklist is included in Appendix II and can be used to document the technical adequacy of a SWM plan and supporting documents.

In addition, the SWM plan reviewer should confirm that the proposed post-construction BMPs are properly planned and designed in accordance with the specifications of the Virginia BMP Clearinghouse. Sample bmp review checklists have been developed and included in Appendix III to assist the SWM plan reviewer with the review and documentation of the adequacy of BMP design in the plan and supporting documents.

The sample checklists, or equivalent means of documenting technical review, may be incorporated into the VSMP authority's program for plan review and maintained with other VSMP documentation. In addition to being useful to the VSMP authority for documenting the technical plan review, the checklists can be used to notify the applicant of deficiencies found during the technical review. Also, the checklist can be provided by the VSMP authority to the applicant prior to plan submittal as a means for the applicant to confirm the potential technical adequacy of the plan prior to submittal.

2e. Applicant Notification

The VSMP Authority is required to notify the applicant of the results of both the completeness review and the technical plan review, whether it is approval or denial of the SWM plan. The VSMP Regulations require the VSMP authority to provide notification “in writing... [and where] available to the applicant, electronic communication may be considered communication in writing (9VAC25-870-108 B).” When a SWM plan is denied the reasons for not approving the plan shall be provided in writing and based upon the plan's compliance with the requirements of this chapter and of the VSMP authority (9VAC25-870-108 B).

To ensure that the denial and notification is consistent with these requirements placed on the VSMP authority, the specific reasons for the decision should be well documented during the plan review and provided to the applicant with the notification. The documentation should reference pertinent sections of the regulations or the VSMP authority's program that have not been satisfied as a result of the technical plan review. The sample checklists provided in the Appendix provide references to applicable sections of the VSMP Regulations and Construction GP, but need to be modified by the VSMP authority to address requirements specific to their approved VSMP program.