

## **Summary of edits to Basic Stormwater Course participant guide in version 2.2**

**Module 4 page 5 and 6:** Updated flow charts

## **Summary of edits to Basic Stormwater Course participant guide in version 2.1**

**Module 4 page 5:** Updated to reflect State Water Control Board amended language of 9VAC25-870-47 by removing the sentence stating “If state permit coverage is not maintained, the portions of the project not under construction shall become subject to the any new technical criteria.”

## **Summary of edits to Basic Stormwater Course participant guide in version 2.0**

**Module 1 page 7:** Revised VSMP overview language.

**Module 1 page 12:** Clarified language for provisional certification.

Once you are enrolled in the DEQ training program, you are “provisionally” certified. You have 12 months to complete the training program and 12 months from completion of the training program to obtain a passing score on the certification examination. See [9VAC25-850-50](#) for details and applicability.

**Module 1 page 13:** Removed Section 1c. which included an index of the 2013 Stormwater Handbook, which is not approved.

**Module 3 page 6:** Revised language for current VSMP overview.

**Module 3 page 6:** Clarified language for regulated land-disturbing activities.

Under the VSMA, land-disturbing activity of one acre or more, 2,500 square feet in all areas of jurisdictions designated as subject to the Chesapeake Bay Preservation Act, part of a larger common plan of development or sale that is one acre or more, or a more stringent area as established in local ordinance, must follow the provisions of the VSMA and obtain state permit coverage, where applicable, and VSMP authority permit coverage.

**Module 3 page 15:** Corrected language for Chesapeake Bay Preservation Act LDAs.

Starting July 1, 2014

- Not required to obtain coverage under the Construction GP
- Must hold VSMP authority permit and follow Part II B criteria of VSMP Regulations

**Module 3 page 21:** Corrected language for felony punishment for non individuals.

Maximum fine and imprisonment doubled for subsequent convictions of same non individual

**Module 4 page 4 – 5:** Edited language for applicability of other laws and regulations – time limits on applicability of approved design criteria (9VAC25-870-47) to reflect State Water Control Board amendments effective 2/26/14.

**Permits issued before July 1, 2014**

Land-disturbing activities that obtain an initial state permit or commence land disturbance prior to July 1, 2014, shall be conducted in accordance with the Part II C technical criteria. Such projects shall remain subject to the Part II C technical criteria for two additional state permit cycles (permit cycle is five years). After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the Board.

~~If state permit coverage is not maintained, the portions of the project not under construction shall become subject to the any new technical criteria. (Sentence removed in version 2.1)~~

**Permits issued on July 1, 2014 and after**

Land-disturbing activities that obtain an initial state permit on or after July 1, 2014 shall be conducted in accordance with the Part II B technical criteria, except as provided for in section 48. Land-disturbing activities conducted in accordance with the Part II B technical criteria shall remain subject to the Part II B technical criteria for **two additional** state permit cycles (permit cycle is five years). After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

★ Nothing in this section precludes an operator from constructing to a more stringent standard at their own discretion.

**Module 4 page 6 – 7:** Edited language for grandfathering (9VAC25-870-48) to reflect State Water Control Board amendments effective 2/26/14.

Any land-disturbing activity shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical provided:

1. 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 (i) was approved by the locality prior to July 1, 2012, (ii) provided a layout as defined in [9VAC25-870-10](#), (iii) will comply with the Part II C technical criteria, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;
2. A state permit has not been issued prior to July 1, 2014; and a
3. Land disturbance did not commence prior to July 1, 2014

Locality, state, and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria provided:

1. There has been an obligation of locality, state, or federal funding, in whole or in part, prior to July 1, 2012, or the Department has approved a stormwater management plan prior to July 1, 2012;
2. A state permit has not been issued prior to July 1, 2014; and
3. Land disturbance did not commence prior to July 1, 2014

Land disturbing activities grandfathered under the provisions listed above, shall remain subject to the Part II C technical criteria for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the Board.

In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of Part II C.

★Nothing in this section precludes an operator from constructing to a more stringent standard at their own discretion.

**Module 4 page 12:** Edited language for stormwater management plans (9VAC25-870-55) to reflect State Water Control Board amendments effective 2/26/14.

... The plan must:

1. Apply the appropriate technical criteria to the entire LDA. Individual lots in new residential, commercial, or industrial developments shall not be considered separate LDAs.
2. Consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.

...

**Module 4 page 19:** Clarified language for introduction to Part II B – technical criteria for regulated land-disturbing activities and omitted reference to Virginia Stormwater Management Handbook, which is still in draft form.

This part of the Regulations addresses Virginia’s new approach to stormwater management by improving water quality through runoff reduction (i.e. reduce and treat stormwater runoff) and by establishing water quantity standards (i.e. storage and release of stormwater runoff) for channel and flood protection.

**Module 4 page 46 – 48:** Clarified language for enforcement.

A locality’s VSMP authority must adopt ordinances that outline the steps to be taken regarding enforcement actions under the VSMA and VSMP Regulations.

**Informal and formal administrative enforcement procedures**

- A locality’s VSMP authority shall incorporate components of the following informal and formal administrative enforcement procedures into local ordinance: Verbal warnings and inspection reports
- Notice of corrective action
- Consent orders including civil charges in accordance with § [62.1-44.15:48 D 2](#)
- Notices to comply in accordance with § [62.1-44.15:37](#)

**Civil and criminal judicial enforcement procedures**

A locality’s VSMP authority must incorporate enforcement authority and schedule of civil penalties for enforcement actions into local ordinance. The maximum penalty the court may issue is \$32,500 per violation per day. Criminal misdemeanor and felony charges are also an option.

...

Any civil penalty assessed by a court as a result of a summons issued by a locality VSMP authority shall be paid into the locality’s treasury and is to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and reducing environmental pollution in such manner as the court may direct.

**Permit revocation**

The Board may revoke or amend state permits for good cause or when the violation meets specific statutory conditions related to environmental harm or culpability, or for failure to comply with a notice to comply.

**Module 4 page 47- 50:** Added DEQ enforcement model and additional enforcement resources.

**Module 5 page 2-6:** Add the following steps to the VSMP process:

- 11. Operator submits notice of termination to VSMP authority
- 12. VSMP authority inspects site if necessary and confirms maintenance agreements have been recorded
- 13. Construction GP terminated by DEQ
- 14. VSMP authority maintains records and documentation
- 15. VSMP administrator returns bonds or securities
- 16. Inspections after construction

**Module 5 page 3:** Added DEQ VEGIS and TMDL report search links

**Module 5 page 8:** Removed reference to 2013 Handbook, which is not approved

**Module 6 page 2:** Removed reference to 2013 Handbook, which is not approved

**Module 6 page 5:** Removed reference to 2013 Handbook, which is not approved