Module 1: Introduction to the Virginia Stormwater Management Program (VSMP)

1a. Overview of the Virginia Stormwater Management Program 3

Goal 3

Authority 3

Virginia Stormwater Management Program "VSMP" 4

Virginia Stormwater Management Program "VSMP" authority 4

Requirements to Administer a VSMP 4

Regulated land-disturbing activities 6

Chesapeake Bay Preservation Act Land-Disturbing Activity 7

Exemptions 8

Construction General Permit 9

Operator 9

Locality VSMP authority permit requirements 10

Roles 10

Program administrator 10

Inspector 11

Plan reviewer 11

Combined administrator 12

State Water Control Board 12

Department of Environmental Quality 12

1b. Training and Certification Requirements 13

How to obtain a certificate of competency 13

DEQ training courses 13

800 hours work experience 14

Licensed professionals 15

Examination 15

Dual certifications 17

Recertification 18

Objectives

- Differentiate between the localities that must adopt and administer a VSMP and those entities that may adopt and administer a VSMP.
- Explain the requirements for who must be certified.
- List the options for recertification.

1a. Overview of the Virginia Stormwater Management Program

GOAL

(§62.1-44.15:25)

The goal of the Virginia Stormwater Management Program (VSMP) is to ensure the general health, safety, and welfare of the citizens of the Commonwealth, and to protect the quality and quantity of state waters from the potential harm of unmanaged stormwater.

The VSMP addresses stormwater management at three critical phases:

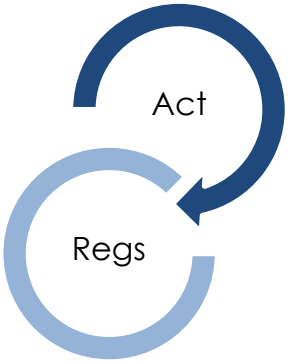
Before construction starts through the review and approval of plans to ensure the local and state regulatory design criteria have been satisfied to protect state waters from unmanaged stormwater.

During construction through the inspection of erosion and sediment control (ESC) practices, pollution prevention measures, and the installation of stormwater best management practices (BMPs) that are used to prevent or reduce the pollution of state waters after construction is complete.

After construction through the inspection of BMPs to ensure proper maintenance is being performed by the owner.

AUTHORITY

(§62.1-44.15:24 et al.)



The Virginia Stormwater Management Program (VSMP) is authorized by the Virginia Stormwater Management Act (Act), and administered through the Virginia Stormwater Management Program Regulations (Regulations).

It is important to remember that the Virginia Stormwater Management Program ***does not*** limit the applicability of other laws and regulations, including, but not limited to the Clean Water Act, Virginia Erosion and Sediment Control Law, and the Chesapeake Bay Preservation Act (9VAC25-870-47).

VIRGINIA STORMWATER MANAGEMENT PROGRAM "VSMP"

(§62.1-44.15:24)

A Virginia Stormwater Management Program is defined in the Act as:

> A program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board (Board) on and after June 30, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

VIRGINIA STORMWATER MANAGEMENT PROGRAM "VSMP" AUTHORITY

(§62.1-44.15:24)

A Virginia Stormwater Management Program authority is defined in the Act as:

> An authority approved by the Board after September 13, 2011, to operate a Virginia Stormwater Management Program or, until such approval is given, the Department of Environmental Quality (DEQ). An authority may include a locality, state entity, federal entity, or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.15:31, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102.

REQUIREMENTS TO ADMINISTER A VSMP

(§62.1-44.15:27)

The Act requires certain localities to adopt a VSMP and allows other localities and entities to choose whether to adopt or not. DEQ is the VSMP authority for all localities and entities that do not adopt a VSMP.

A VSMP authority may enter into agreements or contracts with soil and water conservation districts, adjacent localities, or other public or private entities to carry out or assist with the responsibilities of administering a VSMP.

Localities that MUST adopt a VSMP

MS4 localities
Localities that operate a regulated MS4 (municipal separate storm sewer system) must adopt and administer a VSMP.

Entities that MAY adopt a VSMP

Non-MS4 localities	Non-localities

Localities that do not operate a regulated MS4 may adopt and administer a VSMP.	The following entities may adopt:
	• State entities
	• Federal entities
	• Linear projects subject to annual standards and specifications
	  o Electric
	  o Natural gas
	  o Telephone
	  o Interstate + intrastate natural gas pipeline companies
	  o Railroads
	  o Authorities (§ 15.2-5102)
	
	DEQ administers enforcement for these programs.

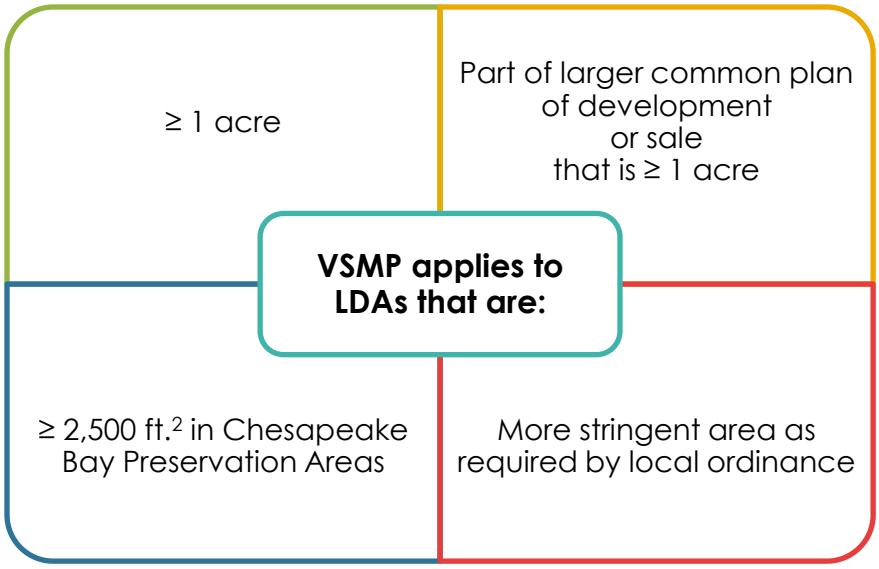
Regulated land-disturbing activities

(§ 62.1-44.15:24, §62.1-44.15:33, §62.1-44.15:34)

A land-disturbing activity (LDA) is defined in the Act as a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation.

The VSMP only applies to the following land-disturbing activities:

- Greater than or equal to one acre;
- Part of larger common plan of development or sale that is greater than or equal to one acre (e.g., commercial subdivision);
- Greater than or equal to 2,500 square feet in Chesapeake Bay Preservation Areas; and
- More stringent area as required by local ordinance.

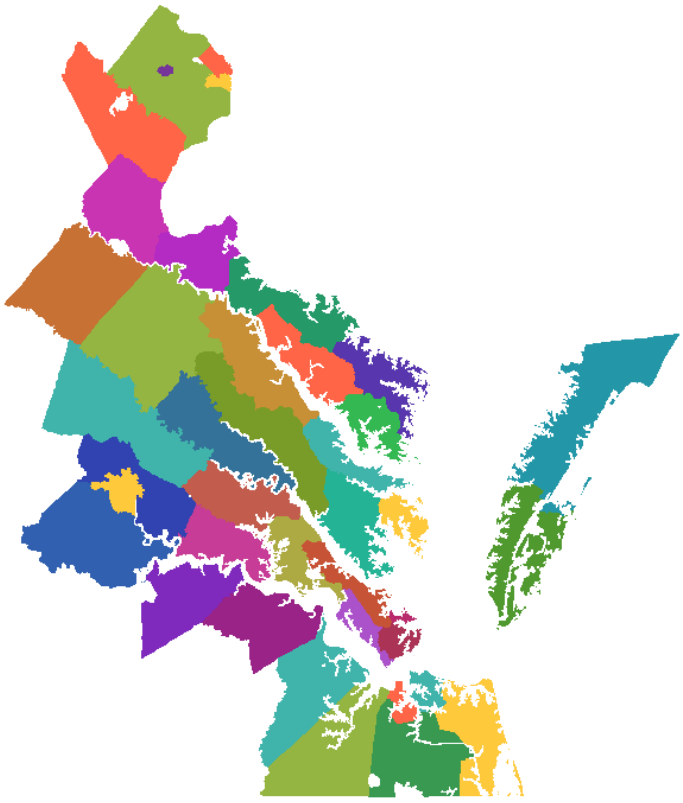


Chesapeake Bay Preservation Act Land-Disturbing Activity

(§62.1-44.15:24, :27, :34, 9VAC25-870-10, 51, 103)

A Chesapeake Bay Preservation Act Land-Disturbing Activity (CBPA LDA) is defined in the Act and Regulations as a land-disturbing activity including clearing, grading, or excavation that results in a land disturbance ***equal to or greater than 2,500 square feet and less than one acre*** in all areas of jurisdictions designated as ***subject to the Chesapeake Bay Preservation Area Designation and Management Regulations*** (9VAC25-830) adopted pursuant to the Chesapeake Bay Preservation Act.

Localities subject to the provisions of the Chesapeake Bay Preservation Act ***may*** regulate single-family residences separately built and disturbing less than one acre where land disturbance exceeds 2,500 square feet
(§ 62.1-44.15:34).



CBPA LDA:
≥ 2,500 ft.^{2} and < 1 acre

Exemptions

(§ 62.1-44.15:34)

The following activities are exempt from the Act**:**

	Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1
	Clearing of lands specifically for agricultural purposes, harvesting of forest crops, livestock feedlot operations, and agricultural engineering operations
	Single-family residences separately built and disturbing less than one acre and that are not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures. ***However, localities subject to the provisions of the Chesapeake Bay Preservation Act may regulate these single-family residences where land disturbance exceeds 2,500 ft²***.
	Discharges to a sanitary sewer or a combined sewer system
	Activities regulated under a state or federal reclamation program to return abandoned property to an agricultural or open land use
	Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders is considered routine maintenance if performed in accordance with the pervious statement
	Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VSMP authority shall be advised of the disturbance within seven days of commencing land-disturbing activity, and shall submit a permit application within 30 days of starting the land-disturbing activity

Construction General Permit

(9VAC25-880)

Land-disturbing activities that will disturb one acre or more or are part of a larger common plan of development or sale that will disturb one acre or more, must obtain coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (Construction GP), which authorizes stormwater discharges from large and small construction activities. The permit cycle is July 1, 2014 through July 30, 2019. Noncompliance with the Construction GP is a violation of the Virginia Stormwater Management Act.

The VSMP authority reviews the application package for coverage under the Construction GP. The permit is issued by DEQ. This process is discussed in Module 4. DEQ is responsible for enforcing the Construction GP while locality VSMP authorities are responsible for enforcing the local permit (discussed in Module 4f).

Operator

(9VAC25-870-10)

An operator is defined in the Regulations as:

> The owner or operator of any facility or activity subject to the Act and Regulations. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria:
>
> 1. The person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, or
> 2. The person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other state permit or VSMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions).
>
> In the context of stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s), operator means the operator of the regulated MS4 system.

Locality VSMP authority permit requirements

(§62.1-44.15:27)

Locality VSMP authorities must issue a consolidated stormwater management and erosion and sediment control permit that is consistent with the provisions of the Erosion and Sediment Control Law. The permit must also include a copy of or reference to the Construction GP.

A locality VSMP authority may only approve the start of land disturbance ***after*** DEQ has issued the Construction GP. When the Construction GP is not required, authorization may be given after the required plans have been approved, initial terms of the long-term maintenance agreement have been submitted (as required), and any local fees have been paid (§62.1-44.15:27, 62.1-44.15:34).

ROLES

Program administrator

	Confirm VSMP staff have the required certification(s)
	Ensure local ordinances or program documentation meet regulatory requirements
	Oversee permit application and termination processes for adherence to submittal requirements and timeframes
	Oversee inspection programs for adherence to regulatory requirements
	Coordinate enforcement proceedings
	Retain project records and inspection reports for required timeframes

	Compile and submit annual reports to DEQ

Inspector

	Conduct regular inspections of active construction sites for: • Compliance with the approved stormwater management plan to ensure proper construction and function of BMPs and other stormwater management facilities • Compliance with the approved erosion and sediment control plan • Development, updating and implementation of a pollution prevention (P2) plan • Development and implementation of any additional control measures necessary to address a TMDL
SWPPP	Ensure stormwater pollution prevention plan (SWPPP) documentation is updated and implemented as required
	Conduct post construction inspection to ensure stormwater management facilities are being adequately maintained as designed
	Document inspections
	Initiate enforcement action when needed
	Ensure compliance to correct deficiencies or violations

Plan reviewer

	Responsible for review of stormwater management plans to ensure they adhere to the Regulations and local ordinance(s)

Combined administrator

Responsible for performing the combined duties of a program administrator, plan reviewer, and project inspector

State Water Control Board

(§62.1-44.15:25)

The State Water Control Board (Board), composed of Virginia citizens appointed by the Governor, is responsible for the adoption of the Virginia Stormwater Management Program Regulations, among other requirements. DEQ administers the regulations as approved by the Board.

In addition to the other powers and duties of the Board, the Act requires the Board to ***permit, regulate and control stormwater runoff*** and 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 has oversight over all VSMPs.

Department of Environmental Quality

(§62.1-44.15:30, 62.1-44.15:32)

DEQ is responsible for:

Providing technical assistance, training and certification, research, and coordination in stormwater management technology to VSMP authorities.

Reviewing stormwater management plans for any project with real or potential inter-jurisdictional impacts at the request of one or more of the involved localities to determine plan consistency. DEQ has ***90 days*** to complete the review and submit a report to each of the localities involved.

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1b. Training and Certification Requirements

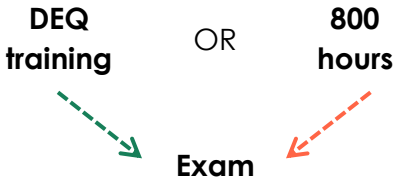
The Act requires staff of a VSMP to obtain and maintain a certificate of competency in the area of stormwater management (§ 62.1-44.15:30). Anyone who is contracted by a VSMP authority to perform any or all of the functions of that authority must also obtain and maintain a certificate of competency (9VAC25-850-30).

DEQ administers the training and certification program in accordance with the Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850).

HOW TO OBTAIN A CERTIFICATE OF COMPETENCY

There are two ways to become eligible to take a certification examination:

1. Complete DEQ training courses
2. Complete the DEQ 800 Hour Work Experience Form



DEQ training courses

Program Administrator	Inspector	Plan Reviewer	Combined Administrator*
Program Administrator Course 1 day	Inspector Course 2 days	Plan Reviewer Course 3 days	Program Administrator Course 1 day
			Inspector Course 2 days
			Plan Reviewer Course 3 days

* The Combined Administrator Courses may be taken in any order.

Provisional certification

From the day you complete your first required training course, you have ***two years*** to complete all required training courses and obtain a passing score on the certification exam. This provisional certification allows individuals to continue working for an authority while they seek full certification.

NOTE:

Individuals can only be provisionally certified ***once*** per classification.

If an individual does not obtain a certification within two years, they will not be considered certified until they pass the respective exam, which may include qualifying for the exam through 800 hours of work experience.

Review the DEQ Provisional Certification Guidance at:
http://www.deq.virginia.gov/ConnectWithDEQ/TrainingCertification/LearningResources/ExamInformation.aspx

800 hours work experience

Individuals with at least 800 hours of on-the-job work experience as a stormwater management program administrator, inspector, plan reviewer, or combined administrator may complete the 800 Hour Work Experience Form on the DEQ website instead of completing the DEQ training course(s). Individuals still need to pass the exam.

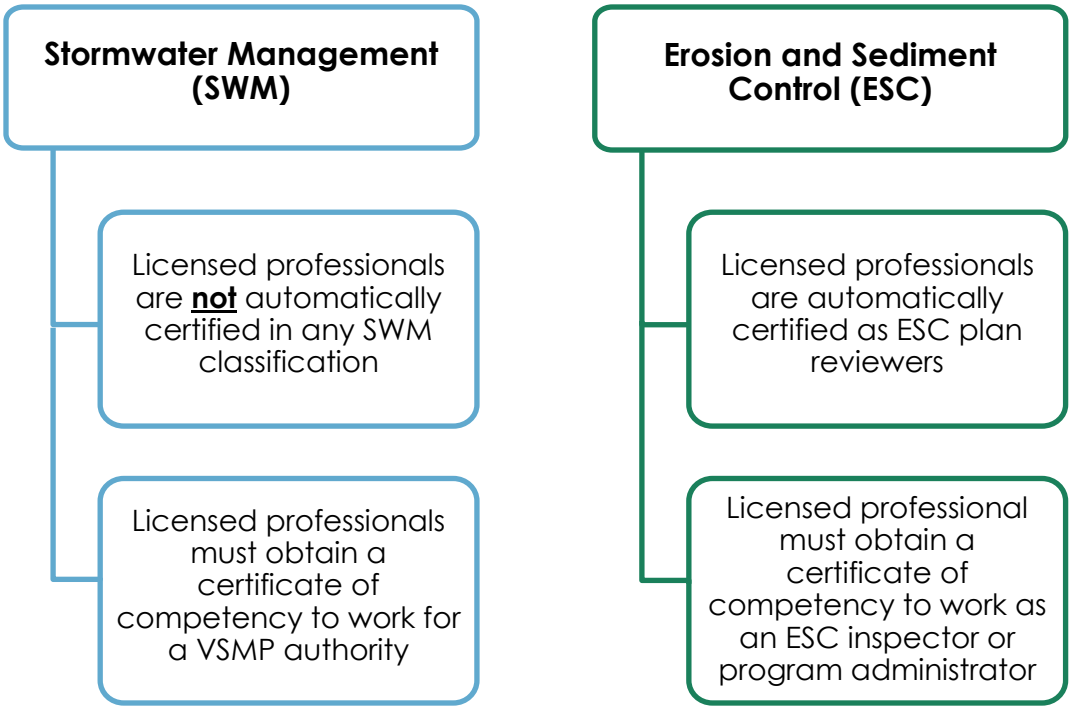
The Work Experience Form is located on the DEQ web site at:
http://www.deq.virginia.gov/Portals/0/DEQ/ConnectwithDEQ/Training/Work_Experience_Form.pdf

Licensed professionals

(9VAC25-850-50)

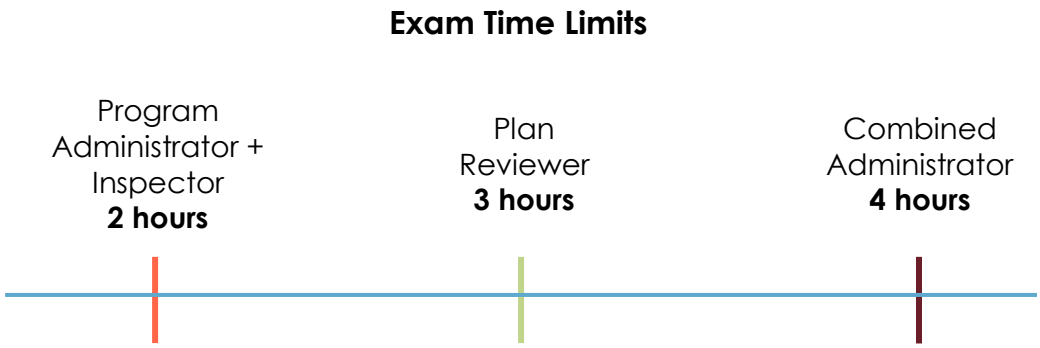
Please see DEQ's Professional Engineers FAQ at:

http://www.deq.virginia.gov/Portals/0/DEQ/ConnectwithDEQ/Training/PE_FAQ.pdf



EXAMINATION

All exams are administered by PearsonVue. Visit: http://www.pearsonvue.com/va/deq/ to register for an exam. The exams are delivered on a computer, are open book, and have time limits.

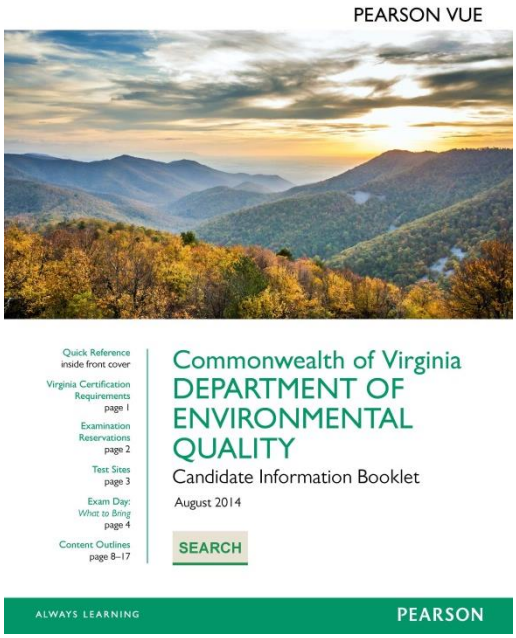


Candidate Information Booklet

You are strongly encouraged to download and read the ***Candidate Information Booklet (CIB)*** before taking the exam. The CIB is available at: http://www.pearsonvue.com/va/deq/

The CIB includes information about:

- Exam reservations
- What to bring into the exam
- What not to bring into the exam
- Candidate identification
- Course certifications
- Exam content outlines



Use the exam content outlines to help you study!

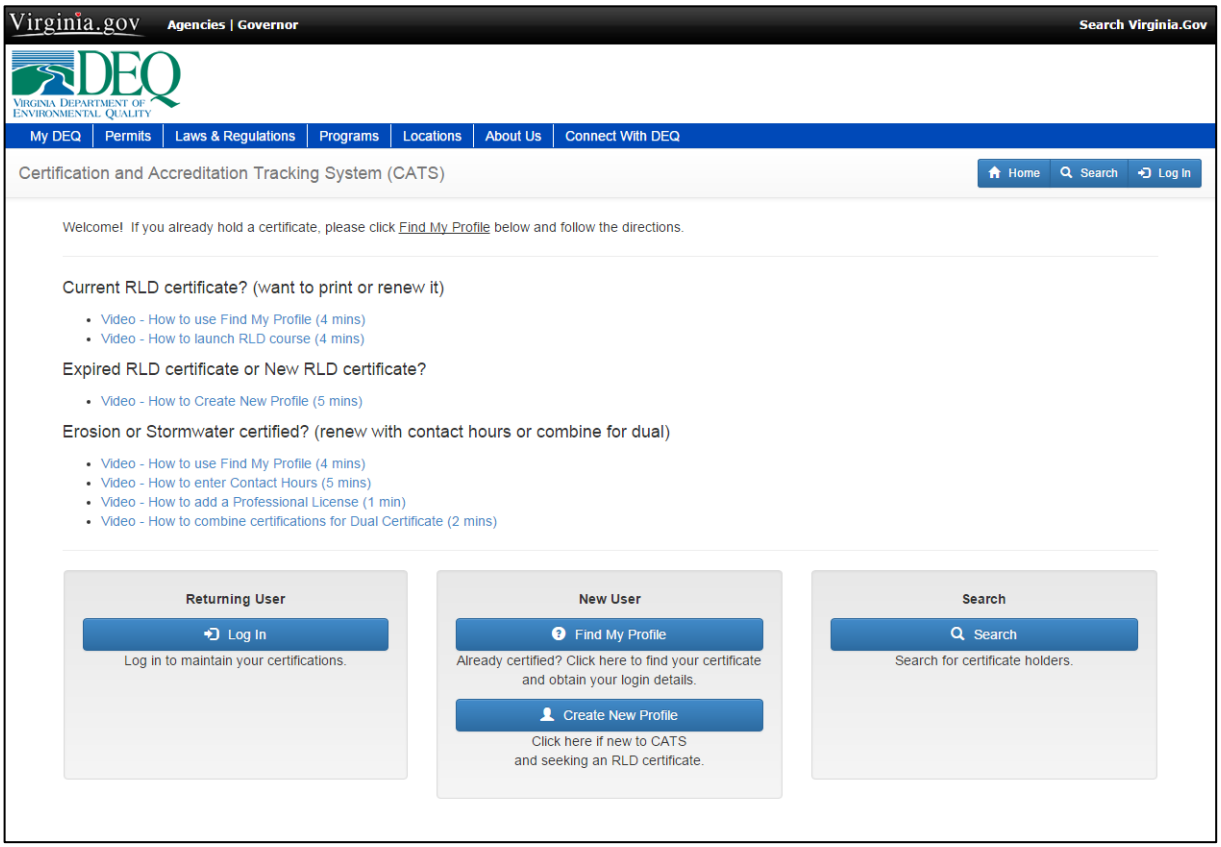
Examination results

You will be notified of your examination results at the examination center. You must attain a minimum score of ***70%*** to pass. If you receive a passing score on your exam, you will receive an email from DEQ prompting you to log into the DEQ Certification Accreditation Tracking System (CATS) to receive your certificate https://apps.deq.virginia.gov/CATS/

It is very ***important*** that you activate your CATS profile!
Please keep your information current.
CATS will send recertification reminders via email.

If you do not pass the examination, you can reschedule another examination after 24 hours.

Certification Accreditation Tracking System (CATS)
https://apps.deq.virginia.gov/cats/



DUAL CERTIFICATIONS

Individuals who perform both erosion and sediment control (ESC) and stormwater management (SWM) may obtain a Dual Certificate of Competency by combining the valid certificates and paying the required administrative fee through CATS. The dual certificate will expire three years from ***the latest date of the certificates***.

RECERTIFICATION

3 Years

Recertification is tracked in CATS. Certificates of competency are valid for ***three years***. In order to maintain your certificate, you must recertify ***before*** your certificate expires.

Recertification Options		
Re-take exam	**Complete contact hours***	**Maintain professional license**
1. Retake the certification examination with PearsonVue before certificate expires.	1. Complete required contact hours by completing DEQ courses or other relevant training before certificate expires. *Program admin = 12 hours* *Inspector = 18 hours* *Plan reviewer = 21 hours* *Combined admin = 24 hours* 2. Enter contact hour information into CATS and pay recertification fee.	1. Keep professional license valid. 2. Enter license number into CATS and pay recertification fee.

* Review the DEQ Contact Hour guidance at:
http://www.deq.virginia.gov/ConnectWithDEQ/TrainingCertification/CATS.aspx

If your certificate expires, you must re-take the certification exam. It is your responsibility to enter contact hours into CATS. Contact hours can be entered anytime. You can pay recertification fees up to one year prior to your certificate's expiration date.

Please send any questions regarding training and certification to certification@deq.virginia.gov