



VIRGINIA WATER PROTECTION PERMIT PROGRAM

Overview of Program and VWP Inspections



VIRGINIA WATER PROTECTION PERMIT PROGRAM

Regulatory Information



DEQ- VWP

State- DEQ

Statute: 62.1 Waters of the State, Ports and Harbors Chapter 3.1
State Water Control Law (§§ 62.1-44.2 through 62.1-44.34:28)

Regulation: Title 9 Environment Agency 25 State Water Control Board
9VAC-25-

Chapter **200**- Water Withdrawal Reporting

Chapter **210**- Individual Permits

Chapter **660**- General Permit WP1- Impact for less than 0.5 ac.

Chapter **670**- General Permit WP2- Facilities and Activities of Utility and Public
Service Co. regulated by FERC, SCC or other utility line Activities

Chapter **680**- General Permit WP3- Linear Transportation Projects

Chapter **690**- General Permit WP4- Development and Certain Mining Activities

What is regulated?



- Fill of a surface water
- Dredge or excavate in a surface water
- Water withdraw from a surface water
- Draining wetlands
- Permanently flood or impound a stream/wetland
- Otherwise alter the physical, chemical or biological properties and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.



Is anything excluded?

- Normal ongoing agricultural activities
- Normal ongoing silvicultural activities
- Normal residential lawn and yard maintenance and use activities (includes removing dead trees by hand, installing open fences, and children's swing sets)
- Certain surface water withdrawal activities



Federal Actions

- ENVIRONMENTAL PROTECTION AGENCY
- US ARMY CORPS of ENGINEERS
 - Section 10- Rivers and Harbors Act
 - Section 404 of the Clean Water Act

What is regulated?

- Fills and Mechanical Dredging of Waters of the US*
- Less than VWP jurisdiction, i.e. isolated wetlands

* Generally stated



State Actions

- VMRC-Permitting and appeals Board for Localities Wetlands Boards
- DEQ-VWP
- DEQ-SPGP
- DEQ-401 certifications- NWP/ RP
- DEQ-Waivers and NPR
- DEQ-Program reviews for Localities (E&S, SWM, CBPA)



Locality Actions

Locality Wetlands Board
E&S
SWM
Chesapeake Bay Preservation Area Overlays
-typically through Zoning Ordinances

 VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY		
<h1>VWPP Program, VMRC & USACE</h1>		
VWPP Program	U.S. Army Corps of Engineers (USACE)	VMRC
401 Certification under Section 404 of the Clean Water Act §§ 62.1-44.15 and 62.1-44.15:20 of the Code of VA 9 VAC 25-210, 9 VAC 25-660, 9 VAC 25-670, 9 VAC 25-680, 9 VAC 25-690 SURFACE WATERS	Section 404 of the Clean Water Act Section 10 of the Rivers and Harbors Act of 1899 WATERS OF THE U.S.	§§28.2.-1300-1320 Fisheries and Habitat of the Tidal Waters §§28.2.-1400-1420 Coastal Primary Sand Dunes and Beaches TIDAL WATERS AND RIVERS



 VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

VWP Permit Application Process

- Identification of Surface Waters
- Avoidance & Minimization
- Authorized Impacts
- Compensation

JOINT PERMIT APPLICATION

 <p style="font-size: x-small; margin: 0;">United States Army Corps of Engineers (USACE) Permitting Division 833 Front Street, ATTN: CE/AD-13-G Norfolk, Virginia 23504-5006 Phone: (757) 441-1800 Fax: (757) 441-7678 Mailing: (Attn: 1300-1320) 27183-0000/Regulatory/1300-1320 Web: www.usace.army.mil/cead/1300-1320</p>	 <p style="font-size: x-small; margin: 0;">Virginia Marine Resources Commission (VMRC) Permit Management Division 2000 Washington Avenue, 2nd Floor Newport News, Virginia 23607-0001 Phone: (757) 247-2000 Fax: (757) 247-8900 Website: www.vmr.com/vmrc/pdm/1300-1320</p>
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 Virginia Department of Environmental Quality (DEQ)
 Virginia Water Protection Program
 Post Office Box 1000000
 Richmond, Virginia 23261
 Phone: (804) 692-4000 Fax: (804) 699-6032
 Website: <http://www.deq.state.va.us>

The following instructions and information are provided to assist you in applying for permits from Federal, State, and Local regulatory agencies for work in waters and/or wetlands within the Commonwealth of Virginia. The intent is to provide general information on the permit process, not to act as a complete legal and technical reference.

JOINT PERMIT APPLICATION PROCESS: The Joint Permit Application (JPA) process and standard JPA form are used by the United States Army Corps of Engineers (USACE), the Virginia Marine Resources Commission (VMRC), the Virginia Department of Environmental Quality (DEQ), and the Local Wetlands Boards (LWB) for permitting purposes involving water and/or wetlands. If you are a commercial, construction, or other activity, you may have different informational requirements. For more information on current activities, §§28.2 use the application process and may have different informational requirements. You are responsible for contacting these agencies for information regarding their permitting requirements.

The Telewater Joint Permit Application form may be used for most commercial and noncommercial activities in tidal waters and tidal wetlands in Virginia which require the review and/or authorization by local wetlands boards. The Telewater JPA may be downloaded from the same web page as when the standard JPA is located at www.deq.state.va.us. The Telewater JPA may be used for most commercial and noncommercial activities in tidal waters and tidal wetlands in Virginia which require the review and/or authorization by local wetlands boards. If you are a commercial, construction, or other activity, you may have different informational requirements. For more information on current activities, §§28.2 use the application process and may have different informational requirements. You are responsible for contacting these agencies for information regarding their permitting requirements.

REGULATORY AUTHORITIES OF PARTICIPATING AGENCIES:
 The USACE regulates activities in waters of the United States and wetlands, under Section 404 of the Clean Water Act (33 U.S.C. §1344), Section 10 of the Rivers and Harbors Act (33 U.S.C. §403), and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 (16 U.S.C. §1453).
 The VMRC regulates activities in saltwater and coastal resources (tidal wetlands and coastal sand dunes/beaches) under Code of Virginia Title 28, Chapters 12, 13, and 14.
 The DEQ regulates activities in state waters and wetlands under Section 403 of the Clean Water Act (33 U.S.C. §1343), under State Water Control Law (Code of Virginia Title 62.1), and Virginia Administrative Code Regulations 62AC25-210 et seq., 62AC25-600 et seq., 62AC25-670 et seq., 62AC25-680 et seq., and 62AC25-690 et seq.
 The LWB regulate activities in state wetlands under Code of Virginia Title 28.2, Chapters 13 and 14.

LOCAL WETLANDS BOARD CONTACT INFORMATION: Links to LWB information on the Web can be found at <http://www.deq.state.va.us/water/wetlandsboards/>. In addition, the following phone numbers can be used to contact the LWB. Please be advised that these phone numbers are subject to change at any time.
 Accomack County (757) 325-2771, Cape Charles (757) 331-3206, Charles City County (804) 826-9296, Chesapeake (757) 382-0246, Colonial Heights (804) 326-6712, Essex County (804) 642-4401, Fairfax County (703) 261-0264, Fluvanna-Stafford (434) 370-1176, Gloucester County (804) 690-2744, Hampton (757) 727-6142, Henrico (804) 841-2267, Isle of Wight County (757) 368-0211, James City County (757) 363-6873, King and Queen County (804) 749-1819, Loudoun County (540) 776-1111, Loudoun County (804) 750-4207, Lancaster County (804) 482-5320, Mathews County (804) 725-5202, Middlesex County (804) 786-5202, New Kent County (804) 690-6900, Newport News (757) 261-6400, Norfolk (757) 624-6800, Northampton County (757) 678-0442, Northumberland County (804) 588-5910, Petersburg (757) 688-5040, Portsmouth (757) 393-8838, Prince William County (703) 792-6984, Richmond County (804) 333-9410, Stafford County (804) 668-6665, Suffolk (757) 923-6800, Virginia Beach (757) 427-4246, Westmoreland County (804) 403-0120, West Point (804) 843-5330, Williamsburg (757) 235-6130, York County (757) 890-3538

Common Permitting Scenarios



Type of Project	Lead Agency	USACE Permit	VWP Permit
Utility Project	USACE	Nationwide Permit (NWP) 12 or 18	No Permit Required (if §401 cert)
Residential, Commercial, Institutional Developments	DEQ-VWPP	State Programmatic General Permit (SPGP)	WP4 General Permit
Linear Transportation Projects	DEQ-VWPP	State Programmatic General Permit (SPGP)	WP3 General Permit
Larger-scale Developments	DEQ-VWPP; USACE	USACE Individual Permit	VWP Individual Permit

Program Comparison



- DEQ-VWP and Army Corps of Engineers
- DEQ- VWP and SWM

Questions?

