

# VWP General Permit

- Each VWP General Permit Regulation currently contains an expiration date for the *regulation and for the authorizations for coverage*
- Challenging to operate in the current model, options for both public and staff are limited
- Propose to operate *general permits* more in line with Stormwater Construction Program General Permits and VPDES General Permits

# VWP General Permit

## Existing Model

- regulation contains regulation effective and expiration date
- GP text in each regulation has no specified effective or expiration date
- Each paper GP authorization contains a different effective and expiration date

## Proposed Model

- regulation does not expire
- GP contains specific effective and expiration dates
- paper cover page is signed and dated

# VWP General Permit

## Existing Model Cont'd

- Use the Notice of Planned Change or Continuation of Coverage as extension methods
- No admin continuance provisions included
- Point of application not considered in regulation

## Proposed Model Cont'd

- Use Statement of Intent to Continue as method to request extension (criteria apply)
- Admin continuance provisions included
- Point of application affects options to complete project

# VWP General Permit

Active VWP General Permit (Year 1 through Year x)

Application/Fee received

Board reviews application and issues authorization, issues authorization with conditions, or denies application

If board issues, permittee commences project

» Complete project by Year x

» Will not complete the project by Year x

- possibly via construction monitoring or inspection

# VWP General Permit

When complete project by Year x:

- Submit notice of completion
- Board does/does not terminate

# VWP General Permit

When have an existing authorization, but will not complete project by Year x:

## Option 1: Extension of authorization

- Eligible if have commenced authorized activities in surface waters, and by circumstance, compensation (if required)
- Submit Notice of Intent to Continue within 60 days of GP expiration (*not an application*); minimal project/permittee info
- No fee required
- Board letter within 15 days, have one year to complete (Year x +1) under existing authorization conditions (possible caveat for new const monit)
  - » Complete project
    - Submit notice of completion / Terminate auth
  - » Will not complete project
    - Submit JPA or alternate + fee for new authorization within 60 days, or for IP [180] days
    - Board issues permit/auth, issues permit/auth with conditions, denies application

# VWP General Permit

When have an existing authorization, but will not complete project by Year x:

## Option 2: New GP Authorization

- Submit JPA or approved alternative and fee within 60 days of GP expiration for new authorization
- Board issues, issues with conditions, denies

GP authorization valid until Year x, regardless of when in GP cycle the authorization is granted

# VWP General Permit

When have an existing authorization, but will not complete project by Year x:

## Option 3: Individual Permit

- Submit JPA or approved alternative and fee for new permit within [180] days of GP expiration
- Board issues, issues with conditions, denies

Permit valid for up to 15 years from date of issuance

# VWP General Permit

When applications received late in GP cycle:

Applicant options:

- 1) Apply authorization, finish by expiration of GP
- 2) Apply authorization, commence but don't finish: request extension or apply for new authorization
- 3) Wait until effective date of new GP to apply
- 4) Apply for IP

Board options:

- 1) Deny request, require application for new authorization
- 2) Require IP instead
- 3) Issue auth, issue auth w/ conditions, deny applic for new auth

# VWP General Permit

Proposed revisions:

1. Delete expiration date of general permit regulation, replace with expiration date in general permit (9VAC25-xxx-100 Part I – cover page)

9VAC25-xxx-20 C. This VWP general permit shall become effective on August 2, 2016, and shall expire on August 1, xxxx.

9VAC25-xxx-100. VWP general permit.

Any applicant whose application has been accepted by the board shall be subject to the following requirements:

VWP General Permit No. WPx  
Effective date: August 2, 2016  
Expiration date: August 1, xxxx  
Authorization Notes(s): ...

# VWP General Permit

Proposed revisions:

## 2. Add Administrative Continuance provisions:

- If the permittee has submitted a timely application, which is a complete application and, through no fault of the permittee, board does not issue a new permit/authorization on or before the expiration date of the previous general permit authorization, admin continuance of existing authorization until board does issue
- Existing authorizations administratively continued remain fully effective and enforceable

# VWP General Permit

3. Revise or add provisions to describe earlier slides to regulations and GPs
4. Add info requirements for a Notice of Intent to Continue to regulations
5. Delete from regulations and GPs any references to NOPC or COC as methods for implementing new model
6. Review and revise provisions for Duty to Comply, Duty to Re-apply, Duty to Cease or confine activity, if necessary to complement other revisions
7. Add or revise related provisions in 9VAC25-210