

1 **Project 4018 - none**

2 **STATE WATER CONTROL BOARD**

3 **General Permit for Discharges of Stormwater from Construction Activities - 2014**

4 **Statutory Changes**

5

6 **9VAC25-880-30. Authorization to discharge.**

7 A. Any operator governed by this general permit is authorized to discharge to surface waters  
8 of the Commonwealth of Virginia provided that:

9 1. The operator submits a complete and accurate registration statement, if required to do  
10 so, in accordance with 9VAC25-880-50 and receives acceptance of the registration by  
11 the board;

12 2. The operator submits any permit fees, if required to do so, in accordance with  
13 9VAC25-870-700 et seq.;

14 3. The operator complies with the applicable requirements of 9VAC25-880-70;

15 4. The operator obtains approval of:

16 a. An erosion and sediment control plan from the appropriate VESCP authority as  
17 authorized under the Erosion and Sediment Control Regulations (9VAC25-840),  
18 unless the operator receives from the VESCP authority an "agreement in lieu of a  
19 plan" as defined in 9VAC25-840-10 or prepares the erosion and sediment control  
20 plan in accordance with annual standards and specifications approved by the  
21 department. The operator of any land-disturbing activity that is not required to obtain  
22 erosion and sediment control plan approval from a VESCP authority or is not  
23 required to adopt department-approved annual standards and specifications shall

24 submit the erosion and sediment control plan to the department for review and  
25 approval; and

26 b. A stormwater management plan from the appropriate VSMP authority as  
27 authorized under the Virginia Stormwater Management Program (VSMP) Regulation  
28 (9VAC25-870), unless the operator receives from the VSMP authority an “agreement  
29 in lieu of a stormwater management plan” as defined in 9VAC25-870-10 or prepares  
30 the stormwater management plan in accordance with annual standards and  
31 specifications approved by the department. The operator of any land-disturbing  
32 activity that is not required to obtain stormwater management plan approval from a  
33 VSMP authority or is not required to adopt department-approved annual standards  
34 and specifications shall submit the stormwater management plan to the department  
35 for review and approval; and

36 5. The board has not notified the operator that the discharge is not eligible for coverage  
37 in accordance with subsection B of this section.

38 B. The board will notify an operator that the discharge is not eligible for coverage under this  
39 general permit in the event of any of the following:

40 1. The operator is required to obtain an individual permit in accordance with 9VAC25-  
41 870-410 B;

42 2. The operator is proposing discharges to surface waters specifically named in other  
43 board regulations that prohibit such discharges;

44 3. The discharge causes, may reasonably be expected to cause, or contributes to a  
45 violation of water quality standards (9VAC25-260);

46 4. The discharge violates or would violate the antidegradation policy in the Water Quality  
47 Standards (9VAC25-260-30); or

**48 9VAC25-880-40. Delegation of authorities to state and local programs.**

49 A board-approved VSMP authority is authorized to administer requirements of this general  
50 permit, including but not limited to: (i) registration statement acceptance; (ii) fee collection; and  
51 (iii) stormwater management plan review and approval; ~~and (iv) permit compliance and~~  
52 ~~enforcement~~ dependent upon conditions established as part of the board approval.

**53 9VAC25-880-50. General permit application (registration statement).**

54 A. Deadlines for submitting registration statement. Any operator seeking coverage under  
55 this general permit, and that is required to submit a registration statement, shall submit a  
56 complete and accurate general VPDES permit registration statement in accordance with this  
57 section, which shall serve as a notice of intent for coverage under the general VPDES permit for  
58 discharges of stormwater from construction activities.

59 1. New construction activities.

60 a. Any operator proposing a new stormwater discharge from construction activities  
61 shall submit a complete and accurate registration statement to the VSMP authority  
62 prior to the commencement of land disturbance.

63 b. Any operator proposing a new stormwater discharge from construction activities in  
64 response to a public emergency where the related work requires immediate  
65 authorization to avoid imminent endangerment to human health or the environment is  
66 authorized to discharge under this general permit, provided that:

67 (1) The operator submits a complete and accurate registration statement to the  
68 VSMP authority no later than 30 days after commencing land disturbance; and

69 (2) Documentation to substantiate the occurrence of the public emergency is  
70 provided with the registration statement.

71 c. Any operator proposing a new stormwater discharge associated with the  
72 construction of a ~~single-family residence separately built, disturbing less than one~~  
73 ~~acre and part of a larger~~ single-family detached residential structure, within or  
74 outside a common plan of development or sale, is authorized to discharge under this  
75 general permit and is not required to submit a registration statement or the  
76 department portion of the permit fee, ~~provided that the stormwater management plan~~  
77 ~~for the larger common plan of development or sale provides permanent control~~  
78 ~~measures (i.e., stormwater management facilities) encompassing the single-family~~  
79 ~~residence.~~

80 2. Existing construction activities.

81 a. Any operator that was authorized to discharge under the general permit issued in  
82 2009 and that intends to continue coverage under this general permit shall:

83 (1) Submit a complete and accurate registration statement to the VSMP authority on  
84 or before June 1, 2014; and

85 (2) Update its stormwater pollution prevention plan to comply with the requirements  
86 of this general permit no later than 60 days after the date of coverage under this  
87 general permit.

88 b. Any operator with an existing stormwater discharge associated with the  
89 construction of a ~~single-family residence separately built, disturbing less than one~~  
90 ~~acre and part of a larger~~ single-family detached residential structure, within or  
91 outside a common plan of development or sale, ~~and~~ that intends to continue  
92 coverage under this general permit, is authorized to discharge under this general  
93 permit and is not required to submit a registration statement or the department  
94 portion of the permit fee, provided that:

95 ~~(1) The stormwater management plan for the larger common plan of development or~~  
96 ~~sale provides permanent control measures (i.e., stormwater management facilities)~~  
97 ~~encompassing the single-family residence; and~~

98 ~~(2) The~~ the operator updates its stormwater pollution prevention plan to comply with  
99 the requirements of this general permit no later than 60 days after the date of  
100 coverage under this general permit.

101 3. For stormwater discharges from construction activities where the operator changes,  
102 the new operator must submit a complete and accurate registration statement or transfer  
103 agreement form to the VSMP authority prior to assuming operational control over site  
104 specifications or commencing work on-site.

105 4. Late notifications. Operators are not prohibited from submitting registration statements  
106 after commencing land disturbance. When a late registration statement is submitted,  
107 authorization for discharges shall not occur until coverage under the general permit is  
108 issued. The VSMP authority, department, board, and the EPA reserve the right to take  
109 enforcement action for any unpermitted discharges that occur between the  
110 commencement of land disturbance and discharge authorization.

111 **9VAC25-880-70. General permit.**

112 PART II

113 STORMWATER POLLUTION PREVENTION PLAN

114 A. Stormwater pollution prevention plan contents. The SWPPP shall include the following  
115 items:

116 1. General information.

117 a. A signed copy of the registration statement, if required, for coverage under the  
118 general VPDES permit for discharges of stormwater from construction activities;

- 119 b. Upon receipt, a copy of the notice of coverage under the general VPDES permit for  
120 discharges of stormwater from construction activities (i.e., notice of coverage letter);
- 121 c. Upon receipt, a copy of the general VPDES permit for discharges of stormwater from  
122 construction activities;
- 123 d. A narrative description of the nature of the construction activity, including the function  
124 of the project (e.g., low density residential, shopping mall, highway, etc.);
- 125 e. A legible site plan identifying:
- 126 (1) Directions of stormwater flow and approximate slopes anticipated after major grading  
127 activities;
- 128 (2) Limits of land disturbance including steep slopes and natural buffers around surface  
129 waters that will not be disturbed;
- 130 (3) Locations of major structural and nonstructural control measures, including sediment  
131 basins and traps, perimeter dikes, sediment barriers, and other measures intended to  
132 filter, settle, or similarly treat sediment, that will be installed between disturbed areas and  
133 the undisturbed vegetated areas in order to increase sediment removal and maximize  
134 stormwater infiltration;
- 135 (4) Locations of surface waters;
- 136 (5) Locations where concentrated stormwater is discharged;
- 137 (6) Locations of support activities, when applicable and when required by the VSMP  
138 authority, including but not limited to (i) areas where equipment and vehicle washing,  
139 wheel wash water, and other wash water is to occur; (ii) storage areas for chemicals  
140 such as acids, fuels, fertilizers, and other lawn care chemicals; (iii) concrete wash out  
141 areas; (iv) vehicle fueling and maintenance areas; (v) sanitary waste facilities, including

142 those temporarily placed on the construction site; and (vi) construction waste storage;  
143 and

144 (7) When applicable, the location of the on-site rain gauge or the methodology  
145 established in consultation with the VSMP authority used to identify measurable storm  
146 events for inspection purposes.

147 3. Stormwater management plan.

148 a. New construction activities. A stormwater management plan approved by the  
149 VSMP authority as authorized under the Virginia Stormwater Management Program  
150 (VSMP) Regulation (9VAC25-870), or an “agreement in lieu of a stormwater  
151 management plan” as defined in 9VAC25-870-10 from the VSMP authority, or a  
152 stormwater management plan prepared in accordance with annual standards and  
153 specifications approved by the department. Any operator proposing a new  
154 stormwater discharge from construction activities that is not required to obtain  
155 stormwater management plan approval from a VSMP authority or does not adopt  
156 department-approved annual standards and specifications shall submit the  
157 stormwater management plan to the department for review and approval.