

"Initiation of stabilization activities" means:

1. Prepping the soil for vegetative or nonvegetative stabilization;
2. Applying mulch or other nonvegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the above activities on a portion of the area to be stabilized, but not on the entire area; or
5. Finalizing arrangements to have the stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

This list of examples is not exhaustive.

"Measurable storm event" means a rainfall event producing 0.25 inches of rain or greater over 24 hours.

4VAC50-60-1110. Purpose.

This general permit regulation authorizes stormwater discharges from regulated construction activities. For the purposes of this part, these discharges are defined as stormwater discharges associated with large construction activity, and stormwater discharges associated with small construction activity. ~~Stormwater discharges associated with other types of industrial activity shall not have coverage under this general permit.~~ This general permit covers only discharges through a point source to state surface waters or through a municipal or nonmunicipal separate storm sewer system to state surface waters. Stormwater discharges associated with industrial activity that originate from ~~the site after~~ construction activities that have been completed and the site has undergone final stabilization are not authorized by this state permit. ~~The goal of this state permit is to minimize the discharge of stormwater pollutants from construction activity by requiring that the operator plan and implement appropriate control measures.~~

4VAC50-60-1120. Effective date of the permit.

This general permit is effective on July 1, ~~2009~~ 2014. The general permit will expire on June 30, ~~2014~~ 2019. This general permit is effective for any covered operator upon compliance with all provisions of 4VAC50-60-1130.

4VAC50-60-1130. Authorization to discharge.

A. Any operator ~~governed~~ covered by this general permit is authorized to discharge ~~to state stormwater associated with construction activities including stormwater associated with emergency-related construction related activities to surface~~ waters of the Commonwealth of Virginia ~~in accordance with 4VAC50-60-1150 A 4 provided that the operator has filed~~ submits a complete and accurate registration statement in accordance with 4VAC50-60-1150 and receives acceptance of the registration statement by the board, submitted submits any fees required by 4VAC50-60-700 et seq. (Part XIII) unless exempted pursuant to 4VAC60-60-1150 A 3 (a); ~~complied with the requirements of 4VAC50-60-1150, complies with the requirements of 4VAC50-60-1180 through 4VAC50-60-1190, and complies with the requirements of 4VAC50-60-1170 and provided that:~~

1. ~~Prior to commencing construction land disturbing activities, the operator shall obtain approval of an erosion and sediment control plan from the VESCP authority in the locality in which the construction activity is to occur unless the operator receives from the VESCP authority an "agreement in lieu of a plan" as defined in 4VAC50-30-10, or is exempt from the requirement to submit an erosion and sediment control plan by the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and Erosion and Sediment Control Regulations (4VAC50-30); obtains approval of:~~

- a. An erosion and sediment control plan from the appropriate VESCP authority as authorized under the Virginia Erosion and Sediment Control Regulations, 4VAC50-

30, unless the operator receives from the VESCP an "agreement in lieu of a plan" as defined in 4VAC50-30-10 or prepares the erosion and sediment control plan in accordance with annual standards and specifications approved by the board. The operator of any land-disturbing activity that is not required to obtain erosion and sediment control plan approval from a VESCP authority or is not required to adopt department-approved annual standards and specifications shall submit the erosion and sediment control plan to the department for review and approval prior to land disturbance; and

b. A stormwater management plan from the appropriate VSMP authority as authorized under the Virginia Stormwater Management Program Regulations, 4VAC50-60. The operator of any land-disturbing activity that is not required to obtain stormwater management plan approval from a VSMP authority or is not required to adopt department-approved annual standards and specifications shall submit the stormwater management plan to the department for review and approval prior to land disturbance.

Emergency related construction activities are not required to obtain the approvals specified in subdivisions 1 a and b of this subsection prior to the commencement of land disturbance.

~~2. The stormwater discharge~~ Discharges authorized by this state permit may be ~~combined commingled~~ with other sources of stormwater that are not required to be covered under a state permit, so long as the ~~combined commingled~~ discharge is in compliance with this state permit. ~~Any discharge~~ Discharges authorized by a ~~different separate~~ state or a VPDES permit may be commingled with discharges authorized by this state permit so long as all such discharges comply with all applicable state permits permit requirements;

~~3. Discharges to impaired waters for which a "total maximum daily load" (TMDL) wasteload allocation has been established, including discharges to surface waters located within a TMDL watershed are not eligible for coverage under this general permit unless they are otherwise authorized in accordance with 4VAC50-60-1170 Section II D 6 and the operator develops, implements, and maintains a stormwater pollution prevention plan that minimizes applicable observed sources identified in the 2012 § 305(b)/303(d) Water Quality Assessment Integrated Report, minimizes pollutants of concern identified in a TMDL approved prior to July 1, 2014, and is consistent with the requirements and assumptions assumptions and requirements of the wasteload allocations in the TMDL all applicable TMDL wasteload allocations. This only applies when construction activities discharge or are reasonably expected to discharge an applicable observed source identified in the 2012 § 305(b)/303(d) Water Quality Assessment Integrated Report or a pollutant of concern identified in a TMDL approved prior to July 1, 2014; and~~

~~4. Discharges to waters that have been identified as impaired in the 2008 § 305(b)/303(d) Water Quality Assessment Integrated Report are not eligible for coverage under this general permit unless they are otherwise authorized in accordance with 4VAC50-60-1170 Section I H.~~

4. Authorized nonstormwater discharges. The following nonstormwater discharges are authorized by this permit:

a. Discharges from fire fighting activities;

b. Fire hydrant flushings;

c. Water used to wash vehicles where detergents have not been used and the wash water has been treated;

- d. Water used to control dust that has been filtered, settled, or similarly treated prior to discharge;
- e. Potable water source, including uncontaminated waterline flushings;
- f. Routine external building wash down that does not use detergents, solvents, or other wash chemicals and that have been filtered, settled, or similarly treated prior to discharge;
- g. Pavement washwater where spills or leaks of toxic or hazardous materials have not occurred (or where all spilled material has been removed prior to washing); where detergents, solvents, or other wash chemicals are not used; and where the washwater has been filtered, settled, or similarly treated prior to discharge;
- h. Uncontaminated air conditioning or compressor condensate;
- i. Uncontaminated ground water or spring water;
- j. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
- k. Uncontaminated excavation dewatering, including dewatering of trenches and excavations that have been filtered, settled, or similarly treated prior to discharge; and
- l. Landscape irrigation.
- B. ~~In addition to other prohibitions, the following discharges are not eligible for coverage under this general permit~~ The board will notify an operator that the discharge is not eligible for coverage under this general permit in the event of any of the following:
- ~~1. Discharges for which the operator has been~~ The operator is required to obtain an individual permit according to 4VAC50-60-410 B;
 - ~~2. Discharges~~ The operator is proposing discharges to state surface waters specifically named in other State Water Control Board or Virginia Soil and Water Conservation Board regulations or policies that prohibit such discharges; and
 - ~~3. Stormwater discharges that the department in consultation with the State Water Control Board determines cause, may reasonably be expected to cause, or contribute to a violation of water quality standards (9VAC25-260). The discharges cause, may reasonably be expected to cause, or contribute to a violation of water quality standards (9VAC25-260) as determined in consultation with the State Water Control Board;~~
 4. The discharges violate or would violate the antidegradation policy in the Virginia Water Quality Standards (9VAC25-260-30) as determined in consultation with the State Water Control Board; or
 5. The discharges are not consistent with the assumptions and requirements of a TMDL approved prior to July 1, 2014.
- C. This state permit may also ~~be used to~~ authorize stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) located on-site or off-site provided that:
- ~~1. The support activity is directly related to a construction site that is required to have state permit coverage for discharges of stormwater associated with construction activity applying for state permit coverage;~~
 2. The support activity is not a commercial operation serving or does not serve multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and

3. The support activity is identified in the registration statement at the time of state permit coverage;

~~3.~~ 4. Appropriate control measures that will be implemented to minimize pollutant discharges from the support activity are identified in a stormwater pollution prevention plan covering the discharges from the support activity areas; and

5. All applicable, state, federal, and local approvals are obtained for the support activity.

D. Support activities located off-site are not required to be covered under this general permit. Discharges of stormwater from off-site support activities may be authorized under another state or a VPDES permit. Where stormwater discharges from off-site support activities are not authorized under this general permit, the land area of the off-site support activity need not be included in determining the total land disturbance acreage of the construction activity seeking general permit coverage.

E. ~~Receipt of Approval for coverage under~~ this general permit does not relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

~~F. The department may allow exceptions to technical criteria contained in the state permit in accordance with Part III of this chapter.~~

F. Continuation of permit coverage. Any operator that was authorized to discharge under the general permit issued in 2009 under 4VAC50-60-1170 Section III M and that submits a complete registration statement that is stamped as received by the department or postmarked 90 days prior to the effective date of this general permit is authorized to continue to discharge under the terms of the 2009 general permit until such time as the board either:

1. Issues coverage to the operator under this general permit or

2. Notifies the operator that the discharge is not eligible for coverage under this general permit.

4VAC50-60-1140. ~~Virginia erosion and sediment control programs~~ Delegation of authorities to state and local programs.

~~VESCP requirements may be incorporated by reference into the Stormwater Pollution Prevention Plan (SWPPP) required by 4VAC50-60-1170 of this state permit. Where a VESCP does not include one or more of the elements in this section, then the operator must include those elements as part of the SWPPP required by 4VAC50-60-1170 of this permit. A VESCP is one that is approved by the board, meets the requirements of 4VAC50-60-460 L and includes:~~

~~1. Requirements for construction site operators to implement appropriate erosion and sediment control measures;~~

~~2. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality; and~~

~~3. Requirements for construction site operators to develop and implement a SWPPP in accordance with 4VAC50-60-1170 Section II.~~

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

4VAC50-60-1150. State permit application (registration statement).

A. Deadlines for submitting registration statement.

1. Except as provided in subdivision 3 of this subsection, operators must certify that all information required in subsection B of this section has been entered completely and

accurately into the available electronic database provided by the department and submit a complete and accurate registration statement to the VSMP authority in accordance with the requirements of this section prior to the issuance of coverage under the general permit that authorizes the commencement of land-disturbing activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).

2. For stormwater discharges from construction activities where the operator changes, the new operator must certify that all information required in subsection B of this section has been entered completely and accurately into the available electronic database provided by the department and submit a complete registration statement or transfer form prior to assuming operational control over site specifications or commencing work on-site.

3. In order to continue state permit coverage, operators of ongoing construction activity projects as of July 1, 2009 2014, that received authorization to discharge for those projects under the construction stormwater general permit issued in 2004 2009 must:

a. ~~Submit~~ Certify that all information required in subsection B of this section has been entered completely and accurately into the available electronic database provided by the department and submit a complete and accurate registration statement ~~by June 1, 2009 to the department 90 days prior to the effective date of this general permit.~~ Provided that a complete and accurate registration statement is submitted by the ~~June 1 reapplication date~~ at least 90 days before the expiration date of the existing state permit, the state permit application (registration statement) fee will be waived for land-disturbing activities for which the department initially issued state permit coverage on or after July 1, 2008 2013; and

b. Update their stormwater pollution prevention plan to comply with the requirements of this general permit within no later than 30 days after the date of coverage under this general permit.

~~4. Effective date of state permit coverage. The operator of a construction activity is authorized to discharge stormwater under the terms and conditions of this state permit 15 business days following submission of a complete and accurate registration statement to the VSMP authority as the administering entity for the board unless notification of coverage is made by the department at an earlier time. For the purposes of this state permit, a registration statement that is mailed is considered to be submitted once it is postmarked. Operators are not authorized to discharge if the registration statement is incomplete or incorrect, or if the discharge(s) was not eligible for coverage under this state permit. NOTE: A stormwater pollution prevention plan (SWPPP) must be prepared in accordance with the requirements of the General Permit for Stormwater Discharges from Construction Activities prior to submitting the registration statement. By signing the registration statement the operator certifies that the SWPPP has been prepared.~~

~~5.~~ 4. Late notifications. Operators are not prohibited from submitting registration statements after initiating clearing, grading, excavation activities, or other land-disturbing activities. When a late registration statement is submitted, authorization for discharges shall not occur until coverage under the general permit is issued. The department VSMP authority, department, board, and the EPA reserves the right to take enforcement action for any unpermitted discharges that occur between the commencement of construction and discharge authorization.

281 5. Any discharge from a construction activity that was previously permitted under the
282 2009 General Permit but failed to maintain uninterrupted permit coverage is considered
283 an unauthorized discharge.

284 B. Registration statement. The operator shall submit a registration statement on the official
285 department form a form specified by the department that shall contain the following information:

286 1. Name, mailing address and telephone number of the construction activity operator. No
287 more than one operator may receive coverage under each registration statement.
288 (NOTE: The state permit will be issued to this operator, and the certification in
289 subdivision 12 of this subsection must be signed by the appropriate person associated
290 with this operator);

291 2. Name and location of the construction activity, including town, city, or county, and
292 latitude and longitude (degrees, minutes, seconds), and all off-site support activities to
293 be covered under the state permit. ~~If a street address is unavailable, provide latitude and~~
294 ~~longitude;~~

295 3. Status of the activity: federal, state, public, or private;

296 4. Nature of the construction activity (e.g., commercial, industrial, residential, agricultural,
297 oil and gas, etc.);

298 5. Name of the receiving water(s) and HUC. Direct discharges to any receiving water
299 identified as impaired on the 2008 2012 § 305(b)/303(d) Water Quality Assessment
300 Integrated Report or for which a TMDL WLA has been established for stormwater
301 discharges from a construction activity shall be noted;

302 6. If the discharge is through a municipal separate storm sewer system (MS4), the name
303 of the municipal operator of the storm sewer;

304 7. Estimated project start date and completion date;

305 8. Total land area of development and estimated area to be disturbed by the
306 construction activity (to the nearest one-tenth of an acre);

307 9. Whether the area to be disturbed by the construction activity is part of a larger
308 common plan of development or sale;

309 ~~10. An indication of whether nutrient offsets are intended to be acquired in accordance~~
310 ~~with § 10.1-603.8:1 of the Code of Virginia;~~

311 10. Certifications. All information required by 4VAC-50-60-1150 B has been entered into
312 the electronic database provided by the department. By signing the registration
313 statement, the operator certifies that all information has been entered completely and
314 accurately. By signing the registration statement, the operator certifies that all necessary
315 approvals required by the permit will be obtained prior to land disturbance;

316 11. A stormwater pollution prevention plan (SWPPP) must be prepared in accordance
317 with the requirements of the General Permit for Stormwater Discharges from
318 Construction Activities prior to ~~submitting the registration statement~~ land disturbance. By
319 signing the registration statement the operator certifies that the SWPPP ~~has been~~ will be
320 prepared prior to land disturbance; and

321 12. The following certification: "I certify under penalty of law that I have read and
322 understand this registration statement and that this document and all attachments were
323 prepared in accordance with a system designed to assure that qualified personnel
324 properly gathered and evaluated the information submitted. Based on my inquiry of the
325 person or persons who manage the system or those persons directly responsible for
326 gathering the information, the information submitted is to the best of my knowledge and
327 belief true, accurate, and complete. I am aware that there are significant penalties for

submitting false information including the possibility of fine and imprisonment for knowing violations."

C. The registration statement shall be signed in accordance with 4VAC50-60-1170, Section III K.

D. Where to submit. The registration statement shall be submitted to the VSMP authority as the administering entity for the board.

E. Registration statements in the custody of the VSMP authority or the department are subject to requests made pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).

4VAC50-60-1160. Termination of state permit coverage.

A. Requirements. The operator shall certify that all information required in subsection B of this section has been entered completely and accurately into the electronic database provided by the department and shall submit a notice of termination on the official department form on a form specified by the department after one or more of the following conditions have been met:

1. Necessary postconstruction control measures included in the SWPPP for the site are in place and functioning effectively and final stabilization has been achieved on all portions of the site for which the operator is responsible;
2. Another operator has assumed control over all areas of the site that have not been finally stabilized and obtained coverage for the ongoing discharge;
3. Coverage under an alternative VPDES or state permit has been obtained; or
4. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

The notice of termination ~~must~~ should be submitted within 30 days of one of the above conditions being met. Authorization to discharge terminates at midnight on the date that the notice of termination is submitted unless otherwise notified by the VSMP authority or the department.

B. Notice of termination. The notice of termination shall contain the following information:

1. Name, mailing address and telephone number of the construction activity operator.
2. Name and location of the construction activity. ~~If a street address is unavailable, latitude and longitude shall be provided.~~
3. The ~~stormwater~~ general permit registration number.
4. The basis for submission of the notice of termination, pursuant to subsection A.
5. Where applicable, a list of the permanent control measures (both structural and nonstructural) that were installed or employed to meet the post-development stormwater quality criteria at the construction activity site. For each permanent control measure that was installed or employed, the following information shall be included:
 - a. Where applicable, the following information related to onsite control measures:
 - (1) Type of onsite permanent control measure installed and the date that it became functional as a permanent control measure;
 - b. ~~Geographic location (county or city and Hydrologic Unit Code);~~ (2) Latitude and longitude ~~may additionally be included if available; (in degrees, minutes, and seconds to the nearest 15 seconds)~~ of the permanent control measure outfall;
 - c. ~~Waterbody the control measure discharges into; and~~
 - d. ~~Number of acres treated (to the nearest one-tenth of an acre).~~
 - (3) Construction activity acres treated onsite (to the nearest one-tenth of an acre); and

- (4) Construction activity nutrient reductions achieved onsite (lbs. per acre per year).
6. ~~Where applicable, the following information related to participation in a regional stormwater management plan:~~
- b. ~~Where applicable, the following information related to offsite control measures:~~
- (1) Type of offsite permanent control measure to which the construction activity contributes (e.g., a permanent control measure installed as part of a larger common plan of development or a permanent control measure installed in accordance with a comprehensive stormwater management plan adopted pursuant to 4VAC50-60-92);
- (2) Approximate latitude and longitude (in degrees, minutes, and seconds to the nearest 15 seconds) of the offsite control measure; and
- (3) Construction activity nutrient reductions achieved offsite (lbs. per acre per year).
- a. ~~Type of regional facility or facilities to which the site contributes;~~
- b. ~~Geographic location of any regional facility to which the site contributes (county or city and Hydrologic Unit Code);~~
- c. ~~Geographic location of the site (county or city and Hydrologic Unit Code). Latitude and longitude may additionally be included if available; and~~
- d. ~~Number of acres treated by a regional facility.~~
- ~~7. c.~~ Where applicable, the following information related to perpetual nutrient offsets credits that were acquired in accordance with § 10.1-603.8:1 of the Code of Virginia:
- (1) Name of the nonpoint source nutrient bank from which nutrient credits were acquired; and
- (2) Number of nutrient credits acquired (lbs. per acre per year).
- a. ~~Name of the broker from which offsets were acquired;~~
- b. ~~Geographic location (county or city and Hydrologic Unit Code) of the broker's offset generating facility;~~
- c. ~~Number of nutrient offsets acquired (lbs. per acre per year); and~~
- d. ~~Nutrient reductions achieved on site (lbs. per acre per year).~~
6. Any instrument recorded for the long term maintenance of any permanent stormwater management facilities, required pursuant to 4VAC50-60-112 has been submitted to the VSMP authority.
- ~~8.~~ 7. The following certification: "I certify under penalty of law that I have read and understand this notice of termination and that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."
- C. The notice of termination shall be signed in accordance with 4VAC50-60-1170 Section III
- K.
- D. Where to submit. The notice of termination shall be submitted to the VSMP authority as the administering entity for the board.
- E. Termination by the department in coordination with the VSMP authority. ~~The department in coordination with the VSMP authority board~~ may terminate coverage under this state permit

during its term and require application for an individual permit or deny a state permit renewal application on its own initiative in accordance with the Act and this chapter.

4VAC50-60-1170. General permit.

Any operator whose registration statement is accepted by the ~~department~~ board or its designated authority will receive the following state permit and shall comply with the requirements in it and ~~be subject to all requirements of the Virginia Stormwater Management Act (Chapter 6, Article 1.1 (§ 10.1-603.1 et seq.) of Title 10.1 of the Code of Virginia) and the Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60) therein.~~ No more than one operator may receive coverage under each registration statement.

General Permit No.: VAR10

Effective Date: July 1, ~~2009~~ 2014

Expiration Date: June 30, ~~2014~~ 2019

GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA STORMWATER MANAGEMENT PROGRAM AND THE VIRGINIA STORMWATER MANAGEMENT ACT

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the Virginia Stormwater Management Act and attendant regulations, operators of construction activities covered by this state permit with stormwater discharges are authorized to discharge to state surface waters, ~~including discharges to a regulated MS4 system,~~ within the boundaries of the Commonwealth of Virginia, except those specifically named in State Water Control Board and Virginia Soil and Water Conservation Board regulations that prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Section I - Discharge Authorization and Special Conditions, Section II - Stormwater Pollution Prevention Plan, and Section III - Conditions Applicable To All State Permits as set forth herein.

SECTION I

DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS

A. Coverage under this state permit.

1. During the period beginning with the date of coverage under this general permit and lasting until the state permit's expiration date, the operator is authorized to discharge stormwater from the following construction activities-:

a. New construction activities. Construction activities for which initial permit coverage is sought under this permit provided permit compliance is maintained or construction activities previously covered under the 2009 Virginia General Permit for Stormwater Discharges for Construction Activities and for which a registration statement was submitted in accordance with Section III M of the 2009 permit in order to maintain uninterrupted coverage.

b. Previously covered construction activities. Construction activities that have obtained VSMP permit coverage under the 2009 Construction Activities and submitted a registration statement in accordance with Section III M of the 2009 permit in order to maintain uninterrupted permit coverage.

c. Emergency-related construction activities. Construction activities in response to a public emergency (e.g., natural disaster, disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment. The operator shall have coverage under this permit in order to address these public emergencies provided that:

- 465 (1) The operator advises the VSMP authority of the construction activity within seven
466 days of commencing land disturbance;
- 467 (2) State permit coverage is applied for within 30 days of commencing the land-
468 disturbing activity; and
- 469 (3) Documentation is provided with the registration statement to substantiate the
470 occurrence of the public emergency.
- 471 2. This state permit ~~may also authorize~~ authorizes stormwater discharges from support
472 activities (e.g., concrete or asphalt batch plants, equipment staging yards, material
473 storage areas, excavated material disposal areas, borrow areas) located on-site or off-
474 site provided that:
- 475 a. The support activity is directly related to the construction ~~site that is required to~~
476 ~~have activity applying for~~ state permit coverage for discharges of stormwater
477 ~~associated with construction activity;~~
- 478 b. The support activity is not a commercial operation ~~serving or does not serve~~
479 multiple unrelated construction projects by different operators, and does not operate
480 beyond the completion of ~~the construction activity at~~ the last construction project it
481 supports; and
- 482 c. The support activity is identified in the registration statement at the time of
483 coverage;
- 484 ~~e. d.~~ d. Appropriate control measures are identified in a stormwater pollution prevention
485 plan and implemented to address the discharges from the support activity areas;
486 and
- 487 e. All applicable state, federal, and local approvals are obtained for the support
488 activity.
- 489 ~~3. There shall be no discharge of floating solids or visible foam that contravenes~~
490 ~~established standards or interferes directly or indirectly with designated uses of surface~~
491 ~~waters.~~
- 492 B. Limitation Limitations on coverage.
- 493 1. Post-construction discharges. This state permit does not authorize stormwater
494 discharges that originate from the site after construction activities have been completed
495 and the site, including any ~~temporary~~ support activity ~~site~~ sites covered under the permit
496 registration, has undergone final stabilization. ~~Post-construction industrial stormwater~~
497 ~~discharges may need to be covered by a separate VPDES permit and permit coverage~~
498 has been terminated. Post-construction industrial stormwater discharges may need to be
499 covered by a separate VPDES permit.
- 500 ~~2. Discharges mixed with nonstormwater. This state permit does not authorize~~
501 ~~discharges that are mixed with sources of nonstormwater, other than those discharges~~
502 ~~that are identified in Section I D 2 (Exceptions to prohibition of nonstormwater~~
503 ~~discharges) and are in compliance with Section II D 5 (Nonstormwater discharge~~
504 ~~management).~~
- 505 ~~3. 2.~~ 2. Discharges covered by another state permit. This state permit does not authorize
506 stormwater discharges associated with construction activity that have been covered
507 under an individual permit or are required to obtain coverage under an alternative
508 general permit.
- 509 4. TMDL limitation. ~~Discharges to waters for which a wasteload allocation (WLA) for a~~
510 ~~pollutant has been established in a "total maximum daily load" (TMDL) approved by the~~
511 ~~State Water Control Board that would apply to stormwater discharges from a~~

construction activity are not eligible for coverage under this state permit unless the stormwater pollution prevention plan (SWPPP) developed by the operator is consistent with the requirements related to TMDLs contained in Section II D 6.

5. Impaired waters limitation. Discharges to waters that have been identified as impaired in the 2008 § 305(b)/303(d) Water Quality Assessment Integrated Report are not eligible for coverage under this state permit unless the operator implements strategies and control measures consistent with Sections I H and II D 7.

3. Limitations on coverage for discharges to impaired waters. This only applies when construction activities discharge or are reasonably expected to discharge an applicable observed source identified in the 2012 § 305(b)/303(d) Water Quality Integrated Report or a pollutant of concern identified in a TMDL approved prior to July 1, 2014.

a. Discharges to impaired waters, including discharges to surface waters located within a TMDL watershed, are not eligible for coverage under this general permit unless the following requirements are implemented:

(1) The impaired water(s), associated impairment(s), TMDL name(s), and TMDL pollutant(s) of concern when applicable shall be identified in the registration statement and in the SWPPP;

(2) The operator shall develop, implement, and maintain a SWPPP that minimizes applicable observed sources identified in the 2012 § 305(b)/303(d) Water Quality Assessment Integrated Report, minimizes pollutants of concern identified in a TMDL approved prior to July 1, 2014, and is consistent with the assumptions and requirements of all associated TMDL wasteload allocations when applicable; and

(3) The following modifications to the SWPPP inspection schedule shall be implemented:

(a) Inspections shall be conducted at a frequency of:

(i) At least once every four days; or

(ii) At least once every seven days and no later than 48 hours following any measurable storm event. In the event that a measurable storm event occurs when there are more than 48 hours between normal working days, the inspection shall be conducted on the next working day.

(b) Where areas have been temporarily stabilized or runoff is unlikely due to winter conditions (e.g., the site is covered with snow or ice, or continuous frozen ground exists), the inspection frequency may be reduced to once every 30 days. If unexpected weather conditions (such as above freezing temperature or rain or snow events) make discharges likely, the operator shall immediately resume the regular inspection frequency.

(c) Representative inspections utilized by utility line installation, pipeline construction, or other similar linear construction activities in Section II F 2 c shall also inspect all outfalls discharging directly to an impaired water.

(4) The requirements of Sections I B 3 a (1) through I B 3 a (3) shall be implemented for:

(a) All construction activities outside of Tidewater Virginia, as defined in § 10.1-2101 of the Code of Virginia, that discharge to a surface water in the Chesapeake Bay watershed and disturb greater than or equal to 20 acres;

(b) All construction activities inside of Tidewater Virginia, as defined in § 10.1-2101 of the Code of Virginia, that discharge to a surface water in the Chesapeake Bay watershed and disturb greater than or equal to 10 acres;

(c) All construction activities that discharge to a surface water located within a TMDL watershed other than the Chesapeake Bay watershed and disturb greater than or equal to five acres; and

(d) All construction activities that discharge directly to an impaired water. For the purposes of this permit, a construction activity will be considered to discharge directly to an impaired water if the first surface water to which it discharges has been identified in the 2012 § 305(b)/303(d) Water Quality Assessment Integrated Report as not meeting an applicable water quality standard. For discharges that enter a storm sewer system prior to discharge, the surface water to which the operator discharges is the first surface water that receives the stormwater discharge from the storm sewer system.

b. Discharges to impaired waters, including discharges to surface waters located within a TMDL watershed, where sediment, a sediment related parameter (e.g., total suspended solids or turbidity) or nutrients (e.g., nitrogen or phosphorus) are an applicable observed source identified in the 2012 § 305(b)/303(d) Water Quality Assessment Integrated Report or a pollutant of concern identified in a TMDL approved prior to July 1, 2014, shall also implement the following requirements:

(1) Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site; and

(2) Nutrients shall be applied in accordance with manufacturer's recommendations and shall not be applied during rainfall events.

4. Limitations on coverage for new discharges to exceptional waters identified in 9VAC25-260-30 A 3 c Discharges from new construction activities to exceptional waters are not eligible for coverage under this general permit unless the following requirements are implemented:

a. The exceptional water shall be identified in the registration statement and in the SWPPP;

b. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site;

c. The following modifications to the SWPPP inspection schedule shall be implemented;

(1) Inspections shall be conducted at a frequency of:

(a) At least once every four days; or

(b) At least once every seven days and no later than 48 hours following any measurable storm event. In the event that a measurable storm event occurs when there are more than 48 hours between normal working days, the inspection shall be conducted on the next working day.

(c) Where areas have been temporarily stabilized or runoff is unlikely due to winter conditions (e.g., the site is covered with snow or ice, or continuous frozen ground exists), the inspection frequency may be reduced to once every 30 days. If unexpected weather conditions (such as above freezing temperature or rain or snow events) make discharges likely, the operator shall immediately resume the regular inspection frequency.

(2) Representative inspections utilized by utility line installation, pipeline construction, or other similar linear construction activities in Section II F 2 c shall also inspect all outfalls discharging directly to an exceptional water.

5. There shall be no discharges of floating solids or visible foam in other than trace amounts.

C. ~~Commingled discharges. Any discharge authorized by a different state or VPDES permit may be commingled with discharges authorized by this state permit. Discharges authorized by this permit may be commingled. Discharges authorized by a separate VSMP or VPDES permit may be commingled with discharges authorized by this permit.~~

D. Prohibition of nonstormwater discharges. 4. Except as provided in Sections I A 2, I C and I D 2 Sections I A 2, I C and I E, all discharges covered by this state permit shall be composed entirely of stormwater associated with construction activity. All other discharges including the following are prohibited:

1. Wastewater from washout of concrete, unless managed by an appropriate control as described at Section II A 2 d (5) (e);

2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

4. Oils, toxic substances, or hazardous substances from spills or other releases; and

5. Soaps and solvents used in equipment and vehicle washing.

~~2. The following nonstormwater discharges from active construction sites are authorized by this state permit provided the nonstormwater component of the discharge is in compliance with Section II D 5 (Nonstormwater discharges):~~

E. Authorized nonstormwater discharges. The following nonstormwater discharges from construction activities are authorized by this permit when discharged in compliance with this permit:

~~a.~~ 1. Discharges from fire fighting activities;

~~b.~~ 2. Fire hydrant flushings;

~~c.~~ 3. Waters used to wash vehicles where detergents are not have not been used and the wash water has been treated;

~~d.~~ 4. Water used to control dust that has been filtered, settled or similarly treated prior to discharge;

~~e.~~ 5. Potable water sources, including uncontaminated waterline flushings;

~~f.~~ 6. Routine external building wash down which does not use detergents, solvents or other wash chemicals and that have been filtered, settled, or similarly treated prior to discharge;

~~g.~~ 7. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) (or where all spilled material has been removed) and; where detergents, solvents, or other wash chemicals are not used; and where the washwater has been filtered, settled, or similarly treated prior to discharge;

~~h.~~ 8. Uncontaminated air conditioning or compressor condensate;

~~i.~~ 9. Uncontaminated ground water or spring water;

~~j.~~ 10. Foundation or footing drains where flows are not contaminated with process materials such as solvents;

~~k.~~ 11. Uncontaminated excavation dewatering, including dewatering of trenches and excavations that have been filtered, settled, or similarly treated prior to discharge; and

~~l.~~ 12. Landscape irrigation.

~~E. Releases of hazardous substances or oil in excess of reportable quantities. The discharge of hazardous substances or oil in the stormwater discharges from the construction site shall be prevented or minimized in accordance with the stormwater pollution prevention plan for the site. This state permit does not relieve the state permittee of the reporting requirements of 40 CFR Part 110 (2002), 40 CFR Part 117 (2002) and 40 CFR Part 302 (2002) or § 62.1-44.34:19 of the Code of Virginia.~~

~~Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (2002), 40 CFR Part 117 (2002), 40 CFR Part 302 (2002), or § 62.1-44.34:19 of the Code of Virginia occurs during a 24-hour period:~~

~~1. The operator is required to notify the Department of Environmental Quality, the department, and the VSMP authority in accordance with the requirements of Section III G as soon as he has knowledge of the discharge;~~

~~2. Where a release enters a municipal separate storm sewer system (MS4), the operator shall also notify the operator of the MS4; and~~

~~3. The stormwater pollution prevention plan required under Section II D of this state permit must be reviewed by the operator to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate within seven calendar days of knowledge of a release.~~

~~F. Spills. This state permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.~~

~~G. E. Termination of state permit coverage. Coverage under this state permit may be terminated in accordance with 4VAC50-60-1160.~~

~~H. G. Water quality protection.~~

~~1. The operator must select, install, implement and maintain control measures as identified in the SWPPP at the construction site that minimize pollutants in the discharge as necessary to ensure that the operator's discharge does not cause or contribute to an excursion above any applicable water quality ~~standards~~ standard.~~

~~2. If it is determined by the department in consultation with the State Water Control Board at ~~any time~~ that the operator's stormwater discharges are causing, have reasonable potential to cause, or ~~contribute~~ are contributing to an excursion above any applicable water quality standard, the department ~~shall, in consultation with the VSMP authority, may take appropriate enforcement action and~~ require the operator to:~~

~~a. Modify control measures in accordance with Section II ~~G~~ B to adequately address the identified water quality concerns;~~

~~b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or~~

~~c. Cease discharges of pollutants from construction activity and submit an individual permit application according to 4VAC50-60-410 B 3.~~

~~All written responses required under this part must include a signed certification consistent with Section III K.~~

SECTION II STORMWATER POLLUTION PREVENTION PLAN

A. Stormwater Pollution Prevention Plan Framework.

~~1. A stormwater pollution prevention plan (SWPPP) shall be developed prior to land disturbance ~~submission of a registration statement and implemented~~ for the construction~~

activity covered by this state permit. SWPPPs shall be prepared in accordance with good engineering practices. Construction activities that are part of a common plan of development and disturb less than one acre may utilize a SWPPP template provided by the department and need not provide a separate stormwater management plan if one has been prepared and implemented for the planned development.

2. The SWPPP shall include:

- ~~a. Identify potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site;~~
- ~~b. Describe control measures that will be used to minimize pollutants in stormwater discharges from the construction site; and~~
- ~~c. Comply with the terms and conditions of this state permit.~~

a. General Information.

(1) A copy of the Registration for Coverage under the General Permit for Discharges of Stormwater for Construction Activities signed in accordance with 4VAC50-60-370;

(2) Upon receipt of coverage, a copy of the Notice of Coverage under the General Permit for Discharges of Stormwater from Construction Activities;

(3) A copy of the General Permit for Discharges of Stormwater from Construction Activities;

(4) A narrative description of the nature of the construction activity, including the function of the project (e.g., low density residential, shopping mall, highway, etc.);

(5) A legible site plan identifying:

(a) Directions of stormwater flow and approximate slopes anticipated after major grading activities;

(b) Limits of land disturbance including steep slopes and natural buffers around surface waters that will not be disturbed;

(c) Locations of major structural and nonstructural control measures including sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to filter or similarly treat sediment that will be installed between disturbed areas and the undisturbed vegetated areas, in order to increase sediment removal and maximize stormwater infiltration;

(d) Locations of surface waters;

(e) Locations where concentrated stormwater is discharged;

(f) Location of the on-site rain gauge, or a description of the methodology to identify measurable storm events established in consultation with the VSMP authority, used to identify a measurable storm event for inspection purposes; and

(g) Locations of on-site and off-site, when applicable and when required by the VSMP authority, support activities, including: (i) areas where equipment and vehicle washing, wheel wash water, and other wash water is to occur; (ii) storage areas for chemicals such as acids, fuels, fertilizers and other lawn care chemicals; (iii) concrete wash-out areas; (iv) vehicle fueling and maintenance areas; (v) sanitary waste facilities, including those temporarily placed on the construction site; and (vi) construction waste storage.

(6) Previously covered construction activities, as identified in Section I A 1 b, shall review and update their SWPPP no later than 30 days following permit coverage to include the required information listed in Section II A 2 a.

b. Erosion and Sediment Control Plan.

(1) An erosion and sediment control plan or an agreement in lieu of a plan, as defined in 4VAC50-30-10, approved by a board-approved VESCP authority or, where appropriate, an erosion and sediment control plan designed in accordance with annual standards and specifications approved by the department. The operator of any land-disturbing activity that is not required to obtain erosion and sediment control plan approval from a VESCP authority or adopts department-approved annual standards and specifications shall submit the erosion and sediment control plan to the department for review and approval prior to land disturbance. Plan approval prior to land disturbance does not apply to emergency-related construction activities.

(2) For off-site support activities such as borrow or fill areas, all required erosion and sediment control plans approved by a VESCP authority or, where appropriate, an erosion and sediment control plan designed in accordance with annual standards and specifications approved by the department. The operator of any land disturbing activity that is not required to obtain erosion and sediment control plan approval from a VESCP authority or adopts department-approved annual standards and specifications shall submit the erosion and sediment control plan to the department for review and approval prior to land disturbance.

(3) All erosion and sediment control plans shall include a statement describing the maintenance responsibilities required for the erosion and sediment controls utilized.

(4) Unless there is evidence as the result of an inspection as required under Section II F, an approved and properly implemented erosion and sediment control plan; an agreement in lieu of a plan approved by the VESCP authority without exception; or an erosion and sediment control plan designed and implemented in accordance with annual standards and specifications approved by the department that adequately:

(a) Controls the volume and velocity of stormwater runoff within the site to minimize soil erosion;

(b) Controls stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;

(c) Minimizes the disturbance of steep slopes;

(d) Minimizes the amount of soil exposed during construction activity;

(e) Minimizes sediment discharges from the site in a manner that addresses the amount, frequency, intensity, and duration of precipitation, the nature of resulting stormwater runoff and soil characteristics, including the range of soil particle sizes expected to be present on the site;

(f) Provides and maintains natural buffers around surface waters, directs stormwater to vegetated areas to increase sediment removal, and maximizes stormwater infiltration, unless infeasible;

(g) Minimizes soil compaction and preserves topsoil where feasible;

(h) Ensures that stabilization will begin immediately upon installation of earthen structures such as dams, dikes, and diversions and that stabilization of denuded areas shall be initiated immediately upon reaching final grade or for areas that may not be at final grade but will remain dormant for longer than 14 days. Temporary stabilization shall be installed within seven days of initiation; and

(i) Discharges stormwater from the surface of basins and other impoundments when the impoundment is designed to include wet storage and is designed to discharge above the permanent pool elevation.

(5) Previously covered construction activities, as identified in Section I A 1 b, shall implement the inspection requirements in Section II F and update their erosion and sediment control plan no later than 30 days following permit coverage to include the required modifications resulting from the inspection requirements.

c. Stormwater Management Plan. A stormwater management plan from the appropriate VSMP authority as authorized under the Virginia Stormwater Management Program Regulations, 4VAC50-60. The operator of any land-disturbing activity that is not required to obtain stormwater management plan approval from a VSMP authority or is not required to adopt department-approved annual standards and specifications shall submit the stormwater management plan to the department for review and approval prior to land disturbance. Plan approval prior to land disturbance does not apply to emergency-related construction activities.

d. Pollution Prevention Plan. A pollution prevention plan that addresses expected pollutant-generating activities from both on-site and off-site support activities covered under the general permit that may reasonably be expected to affect the quality of stormwater discharges. In order to comply with 4VAC50-60-56, the pollution prevention plan shall:

(1) Identify the potential pollutant-generating activities and the pollutant that is expected to be exposed to stormwater for on-site and off-site activities, including support activities;

(2) Describe the location where the pollutant-generating activities will occur, or if identified on the site plan, reference to the site plan;

(3) Identify all nonstormwater discharges, as authorized in Section I E of this permit, that are or will be commingled with stormwater discharges from the construction activity at the site;

(4) Identify the person responsible for the pollution prevention activities for each pollutant-generating activity (if other than the person listed as the qualified personnel);

(5) Describe procedures and practices that will be implemented to:

(a) Prevent and respond to leaks, spills and other releases including (i) procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases; and (ii) procedures for reporting leaks, spills, and other releases in accordance with Section III G;

(b) Eliminate the discharge of spilled and leaked fuels and chemicals from vehicle fueling and maintenance activities (e.g., providing secondary containment such as spill berms, decks, spill containment pallets, providing cover where appropriate, and having spill kits readily available);

(c) Prevent the discharge of soaps, detergents, solvents, and wash water from construction materials, such as clean up of stucco, paint form release oils, and curing compounds, by providing (i) cover (e.g., plastic sheeting or temporary roofs) to prevent contact with stormwater; (ii) collection and proper disposal in a manner to prevent contact with stormwater; and (iii) a similarly effective means designed to prevent discharge of these pollutants.

(d) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water and other types of washing (e.g., locating activities away from surface waters and stormwater inlets or conveyance and directing wash waters to sediment basins or traps, using filtration devices such as filter bags or sand filters or using similarly effective controls);

(e) Direct concrete wash water into a leak-proof container or leak-proof settling basin that is designed so that no overflows can occur due to inadequate sizing or precipitation. Hardened concrete wastes shall be removed and disposed of in a manner consistent with the handling of other construction wastes. Liquid concrete wastes shall be removed and disposed of in a manner consistent with the handling of other construction wash waters and shall not be discharged to surface waters;

(f) Minimize the discharge of pollutants from storage, handling, and disposal of construction products, materials and wastes including (i) building products such as asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures; (ii) pesticides, herbicides, insecticides, fertilizers, and landscape materials; and (iii) construction and domestic wastes such as packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials;

(g) Prevent the discharge of fuels, oils, and other petroleum products, hazardous or toxic wastes, and sanitary wastes; and

(h) Address any other discharges from the potential pollutant generating activity not addressed above.

(6) The pollution prevention plan shall describe procedures for providing pollution prevention awareness of all applicable wastes, including any wash water, disposal practices and applicable disposal locations of such wastes, to personnel in order to comply with the conditions of this permit. The operator shall implement the procedures described in the SWPPP.

(7) Previously covered construction activities, as identified in Section I A 1 b, shall review and update their pollution prevention plan no later than 30 days following permit coverage to ensure compliance with these permit conditions.

e.Applicable state or local programs. Certain requirements of this general permit may be fulfilled by incorporating by reference other plans such as a spill prevention control and countermeasure (SPCC) plan developed for the site under § 311 of the federal Clean Water Act or BMP programs otherwise required for the facility provided that the incorporated plan meets or exceeds the SWPPP requirements of Section II A 2 a. All plans incorporated by reference into the SWPPP become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the SWPPP, the operator must develop the missing elements and include them in the SWPPP.

f. SWPPP requirements for discharges to impaired waters, surface waters located within a TMDL watershed, and exceptional waters. The SWPPP shall:

(1) Identify impaired water(s) associated impairment(s), TMDL name(s), TMDL pollutant(s) of concern, and exceptional waters when applicable; and

(2) Provide clear direction that:

(a) Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site, when applicable;

(b) Nutrients shall be applied in accordance with manufacturer's recommendations and shall not be applied during wet weather events when applicable; and

(c) A modified inspection schedule shall be implemented, when applicable.

g. Qualified personnel. The name, phone number, and qualifications of the qualified personnel conducting inspections required by this permit.

- 887 h. Delegation of authority. The individuals or positions with delegated authority, in
888 accordance with Section III K, to sign inspection reports or modify the SWPPP.
- 889 i. SWPPP signature. The SWPPP shall be signed and dated in accordance with
890 Section III K.
- 891 ~~3. The SWPPP requirements of this general permit may be fulfilled by incorporating by~~
892 ~~reference other state or local plans such as (i) an erosion and sediment control (ESC)~~
893 ~~plan, (ii) an agreement in lieu of a plan as defined in 4VAC50-30-10, (iii) a stormwater~~
894 ~~management plan, (iv) a spill prevention control and countermeasure (SPCC) plan~~
895 ~~developed for the site under § 311 of the federal Clean Water Act or (v) best~~
896 ~~management practices (BMP) programs otherwise required for the facility provided that~~
897 ~~the incorporated plan meets or exceeds the SWPPP requirements of Section II D. If an~~
898 ~~erosion and sediment control plan for the land-disturbing activity is being incorporated by~~
899 ~~reference, the referenced plan must be approved by the VESCP authority of the locality~~
900 ~~in which the construction activity is to occur prior to the commencement of land~~
901 ~~disturbance.~~
- 902 ~~4. All plans incorporated by reference into the SWPPP become enforceable under this~~
903 ~~state permit. If a plan incorporated by reference does not contain all of the required~~
904 ~~elements of the SWPPP of Section II D, the operator must develop the missing elements~~
905 ~~and include them in the required SWPPP.~~
- 906 ~~5. Once a definable area has been finally stabilized, the operator may mark this on the~~
907 ~~SWPPP and no further SWPPP or inspection requirements apply to that portion of the~~
908 ~~site (e.g., earth-disturbing activities around one of three buildings in a complex are done~~
909 ~~and the area is finally stabilized; one mile of a roadway or pipeline project is done and~~
910 ~~finally stabilized, etc.).~~
- 911 ~~6. The SWPPP shall identify all properties that are no longer under the control of the~~
912 ~~operator and the dates on which the operator no longer had control over each property.~~
- 913 ~~7. The operator must implement the SWPPP as written and updated in accordance with~~
914 ~~Section II C from commencement of construction activity until final stabilization is~~
915 ~~complete.~~
- 916 **B. Signature, SWPPP review and making SWPPPs available.**
- 917 ~~1. The SWPPP shall be signed in accordance with Section III K.~~
- 918 ~~2. The SWPPP shall be retained, along with a copy of this state permit, registration~~
919 ~~statement, and acknowledgement letter from the department, at the construction site or~~
920 ~~other location easily accessible during normal business hours from the date of~~
921 ~~commencement of construction activity to the date of final stabilization. Operators with~~
922 ~~day-to-day operational control over SWPPP implementation shall have a copy of the~~
923 ~~SWPPP available at a central location on-site for the use of all operators and those~~
924 ~~identified as having responsibilities under the SWPPP whenever they are on the~~
925 ~~construction site. The SWPPP must be made available, in its entirety, to the department,~~
926 ~~the VSMP authority, and the operator of a municipal separate storm sewer system~~
927 ~~receiving discharges from the site for review at the time of an on-site inspection. If an on-~~
928 ~~site location is unavailable to store the SWPPP when no personnel are present, notice of~~
929 ~~the SWPPP's location must be posted near the main entrance at the construction site.~~
- 930 ~~3. The operator shall make SWPPPs and all updates available upon request to the~~
931 ~~department; the VSMP authority; EPA; a state or local agency approving erosion and~~
932 ~~sediment control plans, grading plans, or stormwater management plans; local~~
933 ~~government officials; or the operator of a municipal separate storm sewer system~~
934 ~~receiving discharges from the site.~~

4. A sign or other notice must be posted conspicuously near the main entrance of the construction site. The sign or other notice must contain the following information:

a. A copy of the state permit coverage letter that includes the registration number for the construction activity; and

b. The Internet address at which a copy of the SWPPP may be found or the location of a hard copy of the SWPPP and name and telephone number of a contact person for scheduling viewing times.

For linear projects, the sign or other notice must be posted at a publicly accessible location near an active part of the construction project (e.g., where a pipeline project crosses a public road).

5. For discharges that commence on or after July 1, 2009, that have not previously held coverage under a state or VPDES permit, the operator shall make the SWPPP available to the public for review. A copy of the SWPPP for each site shall be made available on the Internet or in hard copy. The website address or contact person for access to the SWPPP shall be posted on the sign required by subdivision B 4 of this section. If not provided electronically, access to the SWPPP may be arranged upon request at a time and at a publicly accessible location convenient to the operator or his designee but shall be no less than once per month and shall be during normal business hours. If a reproduced copy of the SWPPP is provided to the requestor, the requestor shall be responsible for the costs of reproduction. Information excluded from disclosure under applicable law shall not be required to be released. Information not required to be contained within the SWPPP by this state permit is not required to be released.

C. Maintaining an updated SWPPP.

1. The operator shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the SWPPP.

2. The SWPPP must be amended if during inspections or investigations by the operator's qualified personnel, or by VESCP authority, VSMP authority, state or federal officials, it is determined that the existing control measures are ineffective in minimizing pollutants in stormwater discharges from the construction site. Revisions to the SWPPP shall include additional or modified control measures designed to correct problems identified. If approval by a VSMP authority is necessary for the control measure, revisions to the SWPPP shall be completed within seven calendar days of approval. Implementation of these additional or modified control measures must be accomplished as described in Section II D 3 b.

3. Revisions to the SWPPP must be dated and signed in accordance with Section III K 2, but are not required to be certified in accordance with Section III K 4.

4. The SWPPP must clearly identify the contractor(s) or subcontractor(s) that will implement and maintain each measure identified in the SWPPP. The SWPPP shall be revised to identify any new contractor that will implement a measure.

D. Stormwater pollution prevention plan contents. The SWPPP shall include the registration statement, this state permit, and the following items:

1. Site and activity description. Each SWPPP shall provide the following information:

a. A narrative description of the nature of the construction activity, including the function of the project (e.g., low density residential, shopping mall, highway, etc.);

b. The intended sequence and timing of activities that disturb soils at the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation);

982 ~~c. A record of the dates when major grading activities occur, when construction~~
 983 ~~activities temporarily or permanently cease on a portion of the site, and when~~
 984 ~~stabilization measures are initiated;~~
 985 ~~d. Estimates of the total area expected to be disturbed by excavation, grading, or~~
 986 ~~other construction activities including off-site borrow and fill areas;~~
 987 ~~e. A description of any other potential pollutant sources, such as vehicle fueling,~~
 988 ~~storage of fertilizers or chemicals, sanitary waste facilities, etc.;~~
 989 ~~f. Identification of the nearest receiving waters at or near the construction site that~~
 990 ~~will receive discharges from disturbed areas of the project;~~
 991 ~~g. The location and description of any discharge associated with industrial activity~~
 992 ~~other than construction at the site. This includes stormwater discharges from~~
 993 ~~dedicated asphalt plants and dedicated concrete plants that are covered by this state~~
 994 ~~permit;~~
 995 ~~h. A legible general location map (e.g., USGS quadrangle map, a portion of a city or~~
 996 ~~county map, or other map) with sufficient detail to identify the location of the~~
 997 ~~construction activity and surface waters within one mile of the construction activity;~~
 998 ~~and~~
 999 ~~i. A legible site map identifying:~~
 1000 ~~(1) Directions of stormwater flow and approximate slopes anticipated after major~~
 1001 ~~grading activities;~~
 1002 ~~(2) Areas of soil disturbance and areas of the site which will not be disturbed;~~
 1003 ~~(3) Locations of major structural and nonstructural control measures identified in the~~
 1004 ~~SWPPP, including those that will be permanent after construction activities have~~
 1005 ~~been completed;~~
 1006 ~~(4) Locations where stabilization practices are expected to occur;~~
 1007 ~~(5) Locations of surface waters;~~
 1008 ~~(6) Locations where concentrated stormwater discharges;~~
 1009 ~~(7) Locations of off-site material, waste, borrow or equipment storage areas covered~~
 1010 ~~by the SWPPP;~~
 1011 ~~(8) Locations of other potential pollutant sources, such as vehicle fueling, storage of~~
 1012 ~~chemicals, concrete wash-out areas, sanitary waste facilities, including those~~
 1013 ~~temporarily placed on the construction site, etc.; and~~
 1014 ~~(9) Areas where final stabilization has been accomplished.~~
 1015 ~~2. Controls to minimize pollutants. The SWPPP shall include a description of all control~~
 1016 ~~measures that will be implemented as part of the construction activity to minimize~~
 1017 ~~pollutants in stormwater discharges. For each major activity identified in the project~~
 1018 ~~description, the SWPPP shall clearly describe appropriate control measures, the general~~
 1019 ~~sequencing during the construction process in which the control measures will be~~
 1020 ~~implemented, and which operator is responsible for the control measure's~~
 1021 ~~implementation.~~
 1022 ~~a. Erosion and sediment controls.~~
 1023 ~~(1) An erosion and sediment control plan or an agreement in lieu of a plan shall be~~
 1024 ~~approved by the appropriate VESCP authority for the land-disturbing activity in~~
 1025 ~~accordance with the Virginia Erosion and Sediment Control Law (§ 10.1-560 et seq.)~~
 1026 ~~and regulations (4VAC50-30). Where applicable, a plan shall be developed in~~

1027 ~~accordance with board-approved annual general erosion and sediment control~~
1028 ~~specifications.~~

1029 ~~(2) All control measures required by the plan shall be designed, installed, and~~
1030 ~~maintained in accordance with good engineering practices and the minimum~~
1031 ~~standards of the Virginia Erosion and Sediment Control Law (§ 10.1-560 et seq. of~~
1032 ~~the Code of Virginia) and regulations (4VAC50-30).~~

1033 ~~b. Management practices.~~

1034 ~~(1) Plans should ensure that existing vegetation is preserved where possible and that~~
1035 ~~disturbed portions of the site are stabilized.~~

1036 ~~(2) All control measures must be properly selected, installed, and maintained in~~
1037 ~~accordance with good engineering practices and, where applicable, manufacturer~~
1038 ~~specifications. If periodic inspections or other information indicates a control has~~
1039 ~~been used inappropriately or incorrectly, the operator must replace or modify the~~
1040 ~~control for site situations as soon as practicable and update the SWPPP in~~
1041 ~~accordance with Section II C.~~

1042 ~~(3) If sediment escapes the construction site, off-site accumulations of sediment~~
1043 ~~must be removed as soon as practicable to minimize off-site impacts. If approval by~~
1044 ~~a VESCP authority is necessary, control measures shall be implemented to minimize~~
1045 ~~pollutants in stormwater discharges until such approvals can be obtained.~~

1046 ~~(4) Construction debris and construction chemicals exposed to stormwater shall be~~
1047 ~~prevented from becoming a pollutant source in stormwater discharges.~~

1048 ~~(5) Litter exposed to stormwater shall be prevented from becoming a pollutant source~~
1049 ~~in stormwater discharges and the construction site shall be policed daily to control~~
1050 ~~litter.~~

1051 ~~c. Stormwater management.~~

1052 ~~(1) The operator shall ensure compliance with the requirements of 4VAC50-60-1180~~
1053 ~~through 4VAC50-60-1190 of the Virginia Stormwater Management Regulations,~~
1054 ~~including but not limited to water quality and quantity requirements. The SWPPP~~
1055 ~~shall include a description of, and all necessary calculations supporting, all post-~~
1056 ~~construction stormwater management measures that will be installed prior to the~~
1057 ~~completion of the construction process to control pollutants in stormwater discharges~~
1058 ~~after construction operations have been completed. Structural measures should be~~
1059 ~~placed on upland soils to the degree possible. Such measures must be designed and~~
1060 ~~installed in accordance with applicable VESCP authority, VSMP authority, state, and~~
1061 ~~federal requirements, and any necessary permits must be obtained.~~

1062 ~~(2) Control measures contained in Part II of the Virginia Stormwater Management~~
1063 ~~Regulations, 4VAC50-60-1184, or on the Virginia BMP Clearinghouse may be~~
1064 ~~utilized. Innovative or alternate control measures may be allowed by the department~~
1065 ~~provided such measures effectively address water quality and quantity in accordance~~
1066 ~~with the requirements of 4VAC50-60-1180 through 4VAC50-60-1190 and are not~~
1067 ~~restricted by the locality.~~

1068 ~~(3) Where applicable, the SWPPP shall contain additional information related to~~
1069 ~~participation in a regional stormwater management plan, including:~~

1070 ~~(a) Type of regional facility or facilities to which the site contributes;~~

1071 ~~(b) Geographic location of any regional facility to which the site contributes (county or~~
1072 ~~city and Hydrologic Unit Code);~~

1073 ~~(c) Geographic location of the site (county or city and Hydrologic Unit Code). Latitude~~
 1074 ~~and longitude may additionally be included if available; and~~
 1075 ~~(d) Number of acres treated by a regional facility.~~
 1076 ~~(4) Where applicable, the SWPPP shall contain additional information related to~~
 1077 ~~nutrient offsets to be acquired in accordance with § 10.1-603.8:1 of the Code of~~
 1078 ~~Virginia, including:~~
 1079 ~~(a) Name of the broker from which offsets will be acquired;~~
 1080 ~~(b) Geographic location (county or city and Hydrologic Unit Code) of the broker's~~
 1081 ~~offset generating facility;~~
 1082 ~~(c) Number of nutrient offsets to be acquired (lbs. per acre per year); and~~
 1083 ~~(d) Nutrient reductions to be achieved on-site (lbs. per acre per year).~~
 1084 ~~(5) Outflows from a stormwater management facility or stormwater conveyance~~
 1085 ~~system shall be discharged to an adequate channel as defined in the Virginia~~
 1086 ~~Erosion and Sediment Control Regulations (4VAC50-30). In addition, all control~~
 1087 ~~measures shall be employed in a manner that minimizes impacts on the physical,~~
 1088 ~~chemical and biological integrity of rivers, streams, and other state waters, is~~
 1089 ~~protective of water quality standards, and is consistent with Section II D-6 and D-7~~
 1090 ~~and other applicable provisions of this state permit.~~
 1091 ~~d. Other controls.~~
 1092 ~~(1) The SWPPP shall describe measures to prevent the discharge of solid materials,~~
 1093 ~~including building materials, garbage, and debris to state waters, except as~~
 1094 ~~authorized by a Clean Water Act § 404 permit.~~
 1095 ~~(2) The SWPPP shall describe control measures used to comply with applicable~~
 1096 ~~state or local waste disposal, sanitary sewer or septic system regulations.~~
 1097 ~~(3) The SWPPP shall include a description of construction and waste materials~~
 1098 ~~expected to be stored on-site with updates as appropriate. The SWPPP shall also~~
 1099 ~~include a description of controls including storage practices, to minimize exposure of~~
 1100 ~~the materials to stormwater, and for spill prevention and response.~~
 1101 ~~(4) The SWPPP shall include a description of pollutant sources from off-site areas~~
 1102 ~~(including stormwater discharges from dedicated asphalt plants and dedicated~~
 1103 ~~concrete plants), and a description of control measures that will be implemented at~~
 1104 ~~those sites to minimize pollutant discharges.~~
 1105 ~~e. Applicable state or local programs. The control measures implemented at the site~~
 1106 ~~shall be consistent with all applicable federal, state, or VESCP or VSMP authority~~
 1107 ~~requirements for erosion and sediment control and stormwater management. The~~
 1108 ~~SWPPP shall be updated as necessary to reflect any revisions to applicable federal,~~
 1109 ~~state or VESCP or VSMP authority requirements that affect the control measures~~
 1110 ~~implemented at the site.~~
 1111 ~~3. Maintenance of controls.~~
 1112 ~~a. All control measures must be properly maintained in effective operating condition~~
 1113 ~~in accordance with good engineering practices and, where applicable, manufacturer~~
 1114 ~~specifications. If site inspections required by Section II D-4 identify control measures~~
 1115 ~~that are not operating effectively, maintenance shall be performed as soon as~~
 1116 ~~practicable to maintain the continued effectiveness of stormwater controls.~~
 1117 ~~b. If site inspections required by Section II D-4 identify existing control measures that~~
 1118 ~~need to be modified or if additional control measures are necessary for any reason,~~
 1119 ~~implementation shall be completed before the next anticipated storm event. If~~

1120 implementation before the next anticipated storm event is impracticable, the situation
1121 shall be documented in the SWPPP and alternative control measures shall be
1122 implemented as soon as practicable.

1123 4. Inspections. The name and phone number of qualified personnel conducting
1124 inspections shall be included in the SWPPP.

1125 a. Inspections shall be conducted (i) at least every seven calendar days or (ii) at
1126 least once every 14 calendar days and within 48 hours following any runoff
1127 producing storm event. Where areas have been temporarily stabilized or runoff is
1128 unlikely due to winter conditions (e.g., the site is covered with snow or ice, or frozen
1129 ground exists) such inspections shall be conducted at least once every month.

1130 b. Inspections must include all areas of the site disturbed by construction activity, off-
1131 site areas covered by the state permit, and areas used for storage of materials that
1132 are exposed to precipitation, but does not need to include areas identified pursuant
1133 to Section II A 5. Inspectors must look for evidence of, or the potential for, pollutants
1134 entering a stormwater conveyance system. Control measures identified in the
1135 SWPPP shall be inspected for proper installation, maintenance, and operation.
1136 Discharge locations, where accessible, shall be inspected to ascertain whether
1137 control measures are effective in minimizing impacts to receiving waters. Where
1138 discharge locations are inaccessible, nearby downstream locations shall be
1139 inspected to the extent that such inspections are practicable. Locations where
1140 vehicles enter or exit the site shall be inspected for evidence of off-site sediment
1141 tracking.

1142 c. Utility line installation, pipeline construction, and other examples of long, narrow,
1143 linear construction activities may limit the access of inspection personnel to the areas
1144 described in Section II D 4 b. Inspection of these areas could require that vehicles
1145 compromise temporarily or even permanently stabilized areas, cause additional
1146 disturbance of soils, and increase the potential for erosion. In these circumstances,
1147 controls must be inspected on the same frequencies as other construction projects,
1148 but representative inspections may be performed. For representative inspections,
1149 personnel must inspect controls along the construction site for 0.25 miles above and
1150 below each access point where a roadway, undisturbed right-of-way, or other similar
1151 feature intersects the construction site and allows access to the areas described
1152 above. The conditions of the controls along each inspected 0.25-mile segment may
1153 be considered as representative of the condition of controls along that reach
1154 extending from the end of the 0.25-mile segment to either the end of the next 0.25-
1155 mile segment, or to the end of the project, whichever occurs first. Inspection
1156 locations must be listed in the report required by Section II D 4 d.

1157 d. A report summarizing the scope of the inspection, names and qualifications of
1158 personnel making the inspection, the dates of the inspection, major observations
1159 relating to the implementation of the SWPPP, and actions taken in accordance with
1160 Section II D 4 d of the state permit shall be made and retained as part of the SWPPP
1161 in accordance with Section III B of this state permit. Major observations should
1162 include:

1163 (1) The location(s) of discharges of sediment or other pollutants from the site;
1164 (2) Location(s) of control measures that need to be maintained;
1165 (3) Location(s) of control measures that failed to operate as designed or proved
1166 inadequate for a particular location;
1167 (4) Location(s) where additional control measures are needed that did not exist at the
1168 time of inspection;

1169 ~~(5) Corrective action required including any changes to the SWPPP that are~~
1170 ~~necessary and implementation dates;~~

1171 ~~(6) An estimate of the amount of rainfall at the construction site (in inches) from the~~
1172 ~~runoff producing storm event requiring the inspection, or if inspecting on a seven-day~~
1173 ~~schedule, the amount of rainfall (in inches) since the previous inspection; and~~

1174 ~~(7) Weather information and a description of any discharges occurring at the time of~~
1175 ~~inspection.~~

1176 ~~A record of each inspection and of any actions taken in accordance with Section II must~~
1177 ~~be retained by the operator as part of the SWPPP for at least three years from the date~~
1178 ~~that state permit coverage expires or is terminated. The inspection reports shall identify~~
1179 ~~any incidents of noncompliance. Where a report does not identify any incidents of~~
1180 ~~noncompliance, the report shall contain a certification that the facility is in compliance~~
1181 ~~with the SWPPP and this state permit. The report shall be signed in accordance with~~
1182 ~~Section III K of this state permit.~~

1183 ~~5. Nonstormwater discharge management. The SWPPP shall identify all allowable~~
1184 ~~sources of nonstormwater discharges listed in Section I D 2 of this state permit that are~~
1185 ~~combined with stormwater discharges from the construction activity at the site, except for~~
1186 ~~flows from fire fighting activities. The SWPPP shall identify and require the~~
1187 ~~implementation of appropriate control measures for the nonstormwater components of~~
1188 ~~the discharge.~~

1189 ~~6. Total maximum daily loads. A total maximum daily load (TMDL) approved by the State~~
1190 ~~Water Control Board may include a wasteload allocation to the regulated construction~~
1191 ~~activity that identifies the pollutant for which stormwater control measures are necessary~~
1192 ~~for the surface waters to meet water quality standards. The pollutant identified in a~~
1193 ~~wasteload allocation as of the effective date of this state permit must be specified in the~~
1194 ~~SWPPP. The SWPPP shall include strategies and control measures to ensure~~
1195 ~~consistency with the assumptions and requirements of the TMDL WLA that apply to the~~
1196 ~~operator's discharge. In a situation where a TMDL has specified a general wasteload~~
1197 ~~allocation applicable to construction stormwater discharges, but no specific requirements~~
1198 ~~for construction sites have been identified in the TMDL, the operator shall consult with~~
1199 ~~the state or federal TMDL authority to confirm that meeting state permit requirements will~~
1200 ~~be consistent with the approved TMDL. If the TMDL specifically precludes such~~
1201 ~~discharges, the operator is not eligible for coverage under the general permit.~~

1202 ~~7. Impaired waters. In accordance with Section I H, control measures shall be protective~~
1203 ~~of water quality standards for impaired waters identified as having impairments for~~
1204 ~~pollutants that may be discharged from the construction activity in the 2008~~
1205 ~~§ 305(b)/303(d) Water Quality Assessment Integrated Report.~~

1206 B. SWPPP modification, updates, and records.

1207 1. The operator shall amend the SWPPP whenever there is a change in design,
1208 construction, operation, or maintenance that has a significant effect on the discharge of
1209 pollutants to surface waters and that has not been previously addressed in the SWPPP.

1210 2. The SWPPP must be amended if, during inspections or investigations by the
1211 operator's qualified personnel, or by local, state, or federal officials, it is determined that
1212 the existing control measures are ineffective in minimizing pollutants in discharges from
1213 the construction site. Revisions to the SWPPP shall include additional or modified
1214 control measures designed and implemented to correct problems identified. If approval
1215 by the VESCP authority, VSMP authority, or the department is necessary for the control
1216 measure, revisions to the SWPPP shall be completed no later than seven calendar days

following approval. Implementation of these additional or modified control measures must be accomplished as described in Section II G.

3. Revisions to the SWPPP shall be signed and dated in accordance with Section III K 2 but are not required to be certified in accordance with Section III K 4.

4. The SWPPP must clearly identify the contractor(s) that will implement and maintain each control measure identified in the SWPPP. The SWPPP shall be revised to identify any new contractor that will implement and maintain a control measure.

5. The operator shall update the SWPPP no later than seven days following any modifications to its implementation. All modifications or changes to the SWPPP shall be noted. Updates and modifications shall be signed and dated in accordance with Section III K and shall include:

a. A record of dates when:

(1) Major grading activities occur;

(2) Construction activities temporarily or permanently cease on a portion of the site; and

(3) Stabilization measures are initiated.

b. Documentation of replaced or modified controls where periodic inspections or other information have indicated that the controls have been used inappropriately or incorrectly and where modified as soon as possible;

c. Areas that have reached final stabilization and where no further SWPPP or inspection requirements apply;

d. All properties that are no longer under the legal control of the operator and the dates on which the operator no longer had legal control over each property;

e. The date of any prohibited discharges, the discharge volume released, and what actions were taken to minimize the impact of the release;

f. Measures taken to prevent the reoccurrence of any prohibited discharge;

g. Measures taken to address any evidence identified as a result of an inspection required under Section II F; and

h. Updates necessary to reflect any revisions to applicable federal, state, or local requirements that affect the control measures implemented at the site.

C. Public Notification. Upon commencement of land disturbance, the operator shall maintain and post conspicuously near the main entrance of the construction activity:

1. A copy of the Notice of Coverage letter;

2. For linear projects, the operators shall post the information at a publicly accessible location near an active part of the construction project (e.g., where a pipeline project crosses a public road); and

3. The operator shall maintain the posted information until termination of permit coverage.

D. SWPPP availability.

1. Operators with day-to-day operational control over SWPPP implementation shall have a copy of the SWPPP available at a central location on-site for use by those identified as having responsibilities under the SWPPP whenever they are on the construction site.

2. The operator shall make SWPPPs and all updates available upon request to the department, the VSMP authority, the EPA, VESCP authorities, local government officials, or the operator of a municipal separate storm sewer system receiving discharges from the construction activity. If an on-site location is unavailable to store the

1263 SWPPP when no personnel are present, notice of the SWPPP's location must be posted
1264 near the main entrance of the construction site.

1265 E. SWPPP implementation. The operator shall implement the SWPPP and subsequent
1266 updates from commencement of construction activity until permit termination.

1267 1. All control measures must be properly maintained in effective operating condition in
1268 accordance with good engineering practices and, where applicable, manufacturer
1269 specifications. If site inspections required by Section II F identify control measures that
1270 are not operating effectively, corrective action shall be performed as soon as practicable,
1271 but no later than seven days after discovery, to maintain the continued effectiveness of
1272 stormwater controls.

1273 2. If site inspections required by Section II F identify existing control measures that need
1274 to be modified or if additional control measures are necessary for any reason,
1275 implementation shall be completed prior to the next anticipated storm event. If
1276 implementation prior to the next anticipated storm even is impracticable, then the
1277 situation shall be documented in the SWPPP and alternative control measures shall be
1278 implemented as soon as practicable, but no later than seven days after discovery.

1279 F. Inspections.

1280 1. Personnel responsible for on-site and off-site inspections. Inspections required by this
1281 permit shall be conducted by the qualified personnel identified by the operator in the
1282 SWPPP. The operator is responsible for insuring that the qualified personnel conduct the
1283 inspection.

1284 2. Inspection schedule.

1285 a. Inspections shall be conducted at a frequency of:

1286 (1) At least once every seven days; or

1287 (2) At least once every 14 days and no later than 48 hours following any measurable
1288 storm event. In the event that a measurable storm event occurs when there are more
1289 than 48 hours between normal working days, the inspection shall be conducted no
1290 later than the next business day.

1291 b. Where areas have been temporarily stabilized or runoff is unlikely due to winter
1292 conditions (e.g., the site is covered with snow or ice, or continuous frozen ground
1293 exists), the inspection frequency may be reduced to once every 30 days. If
1294 unexpected weather conditions (such as above freezing temperature or rain or snow
1295 events) make discharges likely, the operator shall immediately resume the regular
1296 inspection frequency.

1297 c. Representative inspections may be utilized for utility line installation, pipeline
1298 construction, or other similar linear construction activities provided that:

1299 (1) Temporary or permanent stabilization has been installed and where vehicle
1300 access may compromise temporary or permanent stabilization and potentially cause
1301 additional disturbance of soils increasing the potential for erosion;

1302 (2) Inspections occur on the same frequencies as other construction projects.
1303 Controls are inspected along the construction site of 0.25 miles above and below
1304 each access point where a roadway, undisturbed right-of-way, or other similar
1305 feature intersects the construction site and allows access to the areas without
1306 compromising temporary or permanent stabilization; and

1307 (3) Inspection locations shall be listed in the report required by Section II F.

1308 3. Inspection requirements.

1309 a. As part of the inspection, the qualified personnel shall:

1310 (1) Record the date and time of the inspection and the amount of cumulative rainfall
1311 since the last inspection;

1312 (2) Record the information and a description of any discharges occurring at the time
1313 of the inspection;

1314 (3) Record any land disturbing activities that have occurred outside of the approved
1315 erosion and sediment control plan;

1316 (4) Inspect the following for installation in accordance with the approved erosion and
1317 sediment control plan, identify maintenance needs and evaluate effectiveness in
1318 minimizing sediment discharge, including whether the control has been
1319 inappropriately or incorrectly used:

1320 (a) All perimeter erosion and sediment controls, such as silt fence;

1321 (b) Soil stockpiles and borrow areas for stabilization or sediment trapping measures;

1322 (c) Completed earthen structures, such as dams, dikes, ditches, and diversions for
1323 stabilization;

1324 (d) Cut and fill slopes;

1325 (e) Sediment basins and traps, sediment barriers, and other measures installed to
1326 control sediment discharge from concentrated stormwater;

1327 (f) Temporary or permanent channel, flume, or other slope drain structures installed
1328 to convey concentrated runoff flowing down cut and fill slopes;

1329 (g) Storm inlets that have been made operational to ensure that sediment laden
1330 stormwater does not enter without first being filtered or similarly treated; and

1331 (h) Construction vehicle access routes that intersect or access paved roads for
1332 minimizing sediment tracking.

1333 (5) Inspect areas that have reached final grade or that will remain dormant for more
1334 than 14 days for initiation of stabilization activities;

1335 (6) Inspect areas that have reached final grade or that will remain dormant for more
1336 than 14 days for completion of stabilization activities within seven days of reaching
1337 grade or stopping work;

1338 (7) Inspect for evidence that the erosion and sediment control plan has not been
1339 properly implemented and is not meeting the requirements of Section II A 2 b (4).
1340 Evidence includes but is not limited to:

1341 (a) Evidence of concentrated flows of stormwater such as rills, rivulets or channels
1342 that cause erosion when such flows are not filtered, settled or similarly treated prior
1343 to discharge;

1344 (b) Sediment laden or turbid flows of stormwater that are not filtered or settled to
1345 remove sediments prior to discharge;

1346 (c) Deposits of sediment in areas that drain to unprotected stormwater inlets or to
1347 catch basins that discharge to surface waters. Inlets and catch basins with failing
1348 sediments controls due to improper installation, lack of maintenance, or inadequate
1349 design are considered unprotected;

1350 (d) Deposits of sediment from the construction activity on any property (including
1351 public and private streets) outside of the construction activity covered by this permit;

1352 (e) Portions of the site where required stabilization has not been initiated or
1353 completed;

1354 (f) Sediment basins without a dewatering device allowing for discharge from below
1355 the designed permanent pool elevation;

1356 (g) Sediment traps without adequate wet and dry storage and without restricted
1357 discharge from the drawdown of dry storage portion of the trap; and
1358 (h) Land disturbance outside of the delineated area to be disturbed;
1359 (8) Inspect pollutant generating activities identified in the pollution prevention plan for
1360 the proper implementation, maintenance and effectiveness of the procedures and
1361 practices;
1362 (9) Identify any pollutant generating activities not identified in the pollution prevention
1363 plan; and
1364 (10) Identify and document the presence of any evidence of the discharge of
1365 pollutants prohibited by this permit.
1366 4. Inspection report. Each inspection shall document in a report:
1367 a. The date and time of the inspection;
1368 b. Summarized findings of the inspection;
1369 c. The location(s) of prohibited discharges;
1370 d. The location(s) of control measures that require maintenance;
1371 e. The location(s) of control measures that failed to operate as designed or proved
1372 inadequate for a particular location;
1373 f. The location(s) where evidence identified under Section II F 3 a (7) exists;
1374 g. The location(s) where additional control measures are needed that did not exist at
1375 the time of inspection;
1376 h. A list of corrective actions required including any changes to the SWPPP that are
1377 necessary to implement as a result of the inspection and in order to maintain permit
1378 compliance;
1379 i. Documentation of any corrective actions required from a previous inspection that
1380 have yet to be implemented; and
1381 j. The date and signature of the qualified personnel and operator or the authorized
1382 representative.
1383 The inspection report and any actions taken in accordance with Section II must be
1384 retained by the operator as part of the SWPPP for at least three years from the date that
1385 permit coverage expires or is terminated. The inspection reports shall identify any
1386 incidents of noncompliance. Where a report does not identify any incidents of
1387 noncompliance, the report shall contain a certification that the facility is in compliance
1388 with the SWPPP and this state permit. The report shall be signed in accordance with
1389 Section III K of this permit.
1390 G. Corrective actions.
1391 1. The operator shall implement the corrective action(s) identified as a result of an
1392 inspection as soon as practicable but no later than seven days after discovery. If
1393 approval by a regulatory authority (e.g., VSMP authority, VESCP authority) of a
1394 corrective action is necessary, additional control measures shall be implemented to
1395 minimize pollutants in stormwater discharges until such approvals can be obtained.
1396 2. The operator may be required to remove accumulated sediment deposits located
1397 outside of the construction activity covered by this permit as soon as practicable in order
1398 to minimize environmental impacts. The operator shall notify the department and obtain
1399 all applicable federal, state, and local authorizations, approvals, and permits prior to the
1400 removal of sediments accumulated in surface waters including wetlands.

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SECTION III
CONDITIONS APPLICABLE TO ALL STATE PERMITS

NOTE: Discharge monitoring is not required for this state permit. If the operator chooses to monitor stormwater discharges or control measures, the operator must comply with the requirements of subsections A, B, and C, as appropriate.

A. Monitoring.

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitoring activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 (2001) or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this state permit.
3. The operator shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Records.

1. Monitoring records and reports shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. The operator shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this state permit, and records of all data used to complete the registration statement for this state permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the operator, or as requested by the board.

C. Reporting monitoring results.

1. The operator shall update the SWPPP to include the results of the monitoring as may be performed in accordance with this state permit, unless another reporting schedule is specified elsewhere in this state permit.
2. Monitoring results shall be reported on a discharge monitoring report (DMR); on forms provided, approved or specified by the department; or in any format provided that the date, location, parameter, method, and result of the monitoring activity are included.
3. If the operator monitors any pollutant specifically addressed by this permit more frequently than required by this state permit using test procedures approved under 40 CFR Part 136 (2001) or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this state permit.

D. Duty to provide information. The operator shall furnish, within a reasonable time, any information which the board, ~~department, or other VSMP authority~~ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this state permit or to determine compliance with this state permit. The board, department, or other VSMP authority may require the operator to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state surface waters, or such other information as may be necessary to accomplish the purposes of the CWA and the Virginia Stormwater Management Act. The operator shall also furnish to the board, department, EPA, or ~~other~~ VSMP authority, upon request, copies of records required to be kept by this state permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this state permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized stormwater discharges. Pursuant to § 10.1-603.2:2 A of the Code of Virginia, except in compliance with a state permit issued by the department, it shall be unlawful to cause a stormwater discharge from a construction activity.

G. Reports of unauthorized discharges. Any operator who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance or a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (2002), 40 CFR Part 117 (2002), or 40 CFR Part 302 (2002) that occurs during a 24-hour period into or upon state surface waters or who discharges or causes or allows a discharge that may reasonably be expected to enter state surface waters, shall notify the Department of Environmental Quality of the discharge immediately upon discovery of the discharge, but in no case later than within 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department, the Department of Environmental Quality, and the VSMP authority within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this state permit.

Discharges reportable to the department, the Department of Environmental Quality, and the VSMP authority under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a "bypass" or "upset", as defined herein, should occur from a facility and the discharge enters or could be expected to enter state surface waters, the operator shall promptly notify, in no case later than within 24 hours, the department, the Department of Environmental Quality, and the VSMP authority by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The operator shall reduce the report to writing and shall submit it to the department, the Department of Environmental Quality, and the VSMP authority within five

1494 days of discovery of the discharge in accordance with Section III I 2. Unusual and extraordinary
1495 discharges include but are not limited to any discharge resulting from:

- 1496 1. Unusual spillage of materials resulting directly or indirectly from processing
1497 operations;
- 1498 2. Breakdown of processing or accessory equipment;
- 1499 3. Failure or taking out of service of some or all of the facilities; and
- 1500 4. Flooding or other acts of nature.

1501 I. Reports of noncompliance. The operator shall report any noncompliance which may
1502 adversely affect state surface waters or may endanger public health.

- 1503 1. An oral report to the department, the Department of Environmental Quality, and the
1504 VSMP authority shall be provided within 24 hours from the time the operator becomes
1505 aware of the circumstances. The following shall be included as information that shall be
1506 reported within 24 hours under this subdivision:
- 1507 a. Any unanticipated bypass; and
- 1508 b. Any upset that causes a discharge to state surface waters.
- 1509 2. A written report shall be submitted within five days and shall contain:
- 1510 a. A description of the noncompliance and its cause;
- 1511 b. The period of noncompliance, including exact dates and times, and if the
1512 noncompliance has not been corrected, the anticipated time it is expected to
1513 continue; and
- 1514 c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the
1515 noncompliance.
- 1516 The department may waive the written report on a case-by-case basis for reports of
1517 noncompliance under Section III I if the oral report has been received within 24 hours
1518 and no adverse impact on state surface waters has been reported.
- 1519 3. The operator shall report all instances of noncompliance not reported under Section III
1520 I 1 or 2 in writing as part of the SWPPP. The reports shall contain the information listed
1521 in Section III I 2.
- 1522 NOTE: The reports required in Section III G, H and I shall be made to the department's
1523 Stormwater Management Division, appropriate Department of Environmental Quality's
1524 Regional Office Pollution Response Program, and the VSMP authority. Reports may be
1525 made by telephone or by fax. For reports outside normal working hours, leaving a
1526 recorded message shall fulfill the immediate reporting requirement. For emergencies,
1527 the Virginia Department of Emergency Management maintains a 24-hour telephone
1528 service at 1-800-468-8892.
- 1529 4. Where the operator becomes aware of a failure to submit any relevant facts, or
1530 submittal of incorrect information in any report, including a registration statement, to the
1531 department or the VSMP authority, the operator shall promptly submit such facts or
1532 correct information.
- 1533 J. Notice of planned changes.
- 1534 1. The operator shall give notice to the department and the VSMP authority as soon as
1535 possible of any planned physical alterations or additions to the permitted facility or
1536 activity. Notice is required only when:
- 1537 a. The operator plans an alteration or addition to any building, structure, facility, or
1538 installation that may meet one of the criteria for determining whether a facility is a
1539 new source in 4VAC50-60-420;

b. The operator plans an alteration or addition that would significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this state permit; or

2. The operator shall give advance notice to the department and VSMP authority of any planned changes in the permitted facility or activity, which may result in noncompliance with state permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for state permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this part, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by state permits, including SWPPPs, and other information requested by the board or the department shall be signed by a person described in Section III K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Section III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the operator. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

c. The signed and dated written authorization is included in the SWPPP. A copy must be provided to the department and VSMP authority, if requested.

3. Changes to authorization. If an authorization under Section III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the construction activity, a new authorization satisfying the requirements of Section III K 2 shall be submitted to the VSMP authority as the administering entity for the board prior to or together with any reports or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Section III K 1 or 2 shall make the following certification:

"I certify under penalty of law that I have read and understand this document and that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The operator shall comply with all conditions of this state permit. Any state permit noncompliance constitutes a violation of the Virginia Stormwater Management Act and the Clean Water Act, except that noncompliance with certain provisions of this state permit may constitute a violation of the Virginia Stormwater Management Act but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for state permit termination, revocation and reissuance, or modification; or denial of a state permit renewal application.

The operator shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this state permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the operator wishes to continue an activity regulated by this permit after the expiration date of this state permit, the operator shall submit a new registration statement at least 90 days before the expiration date of the existing state permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing state permit.

N. Effect of a state permit. This state permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this state permit shall be construed to preclude the institution of any legal action under, or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in state permit conditions on "bypassing" (Section III U) and "upset" (Section III V), nothing in this state permit shall be construed to relieve the operator from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this state permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties to which the operator is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law or § 311 of the Clean Water Act.

Q. Proper operation and maintenance. The operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed or used by the operator to achieve compliance with the conditions of this state permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by the operator only when the operation is necessary to achieve compliance with the conditions of this state permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state surface waters and in compliance with all applicable state and federal laws and regulations.

S. Duty to mitigate. The operator shall take all reasonable steps to minimize or prevent any discharge in violation of this state permit that has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this state permit.

U. Bypass.

1. "Bypass," as defined in 4VAC50-60-10, means the intentional diversion of waste streams from any portion of a treatment facility. The operator may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Section III U 2 and 3 herein.

2. Notice.

a. Anticipated bypass. If the operator knows in advance of the need for a bypass, the operator shall submit prior notice to the department, if possible at least 10 days before the date of the bypass.

b. Unanticipated bypass. The operator shall submit notice of an unanticipated bypass as required in Section III I herein.

3. Prohibition of bypass.

a. Except as provided in Section III U 1, bypass is prohibited, and the board or department may take enforcement action against an operator for bypass unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The operator submitted notices as required under Section III U 2.

b. The department may approve an anticipated bypass, after considering its adverse effects, if the department determines that it will meet the three conditions listed in Section III U 3 a.

V. Upset.

1. An upset, as defined in 4VAC50-60-10, means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based state permit effluent limitations because of factors beyond the reasonable control of the operator. An upset does not include noncompliance to the extent caused by operational error,

improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based state permit effluent limitations if the requirements of Section III V 2 herein are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

3. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

4. An operator who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

- a. An upset occurred and that the operator can identify the cause(s) of the upset;
- b. The permitted facility was at the time being properly operated;
- c. The operator submitted notice of the upset as required in Section III I herein; and
- d. The operator complied with any remedial measures required under Section III S herein.

5. In any enforcement proceeding, the operator seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The operator shall allow the department as the board's designee, the VSMP authority, EPA, or an authorized representative of either entity (including an authorized contractor), upon presentation of credentials and other documents as may be required by law to:

1. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this state permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this state permit;
3. Inspect and photograph at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this state permit; and
4. Sample or monitor at reasonable times, for the purposes of ensuring state permit compliance or as otherwise authorized by the Clean Water Act or the Virginia Stormwater Management Act, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. State permit actions. State permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the operator for a state permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any state permit condition.

Y. Transfer of state permits.

1. State permits are not transferable to any person except after notice to the department. Except as provided in Section III Y 2, a state permit may be transferred by the operator to a new operator only if the state permit has been modified or revoked and reissued, or a minor modification made, to identify the new operator and incorporate such other

requirements as may be necessary under the Virginia Stormwater Management Act and the Clean Water Act.

2. As an alternative to transfers under Section III Y 1, this state permit may be automatically transferred to a new operator if:

a. The current operator notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;

b. The notice includes a written agreement between the existing and new operators containing a specific date for transfer of state permit responsibility, coverage, and liability between them; and

c. The department does not notify the existing operator and the proposed new operator of its intent to modify or revoke and reissue the state permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Section III Y 2 b.

3. For ongoing construction activity involving a change of operator, the new operator shall accept and maintain the existing SWPPP, or prepare and implement a new SWPPP prior to taking over operations at the site.

Z. Severability. The provisions of this state permit are severable, and if any provision of this state permit or the application of any provision of this state permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this state permit shall not be affected thereby.

4VAC50-60-1180. Applicability. (Repealed.)

~~Operators receiving coverage under this general permit shall remain subject to the water quality and quantity criteria set forth in 4VAC50-60-1182 through 4VAC50-60-1190, which specify technical criteria for every land-disturbing activity regulated by this general permit.~~

4VAC50-60-1182. General. (Repealed.)

~~A. Determination of flooding and channel erosion impacts to receiving streams due to land-disturbing activities shall be measured at each point of discharge from the land disturbance and such determination shall include any runoff from the balance of the watershed that also contributes to that point of discharge.~~

~~B. The specified design storms shall be defined as either a 24-hour storm using the rainfall distribution recommended by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) when using NRCS methods or as the storm of critical duration that produces the greatest required storage volume at the site when using a design method such as the Modified Rational Method.~~

~~C. For purposes of computing runoff, all pervious lands in the site shall be assumed prior to development to be in good condition (if the lands are pastures, lawns, or parks), with good cover (if the lands are woods), or with conservation treatment (if the lands are cultivated); regardless of conditions existing at the time of computation.~~

~~D. Construction of stormwater management facilities or modifications to channels shall comply with all applicable laws and regulations. Evidence of approval of all necessary permits shall be presented.~~

~~E. Impounding structures that are not covered by the Impounding Structure Regulations (4VAC50-20) shall be engineered for structural integrity during the 100-year storm event.~~

~~F. Predevelopment and postdevelopment runoff rates shall be verified by calculations that are consistent with good engineering practices.~~

~~G. Outflows from a stormwater management facility or stormwater conveyance system, shall be discharged to an adequate channel.~~

H. ~~Proposed residential, commercial, or industrial subdivisions shall apply these stormwater management criteria to the land disturbance as a whole. Individual lots in new subdivisions shall not be considered separate land-disturbing activities, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land disturbance and shall be used in all engineering calculations.~~

I. ~~All stormwater management facilities shall have an inspection and maintenance plan that identifies the owner and the responsible party for carrying out the inspection and maintenance plan.~~

J. ~~Construction of stormwater management impoundment structures within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain shall be avoided to the extent possible. When this is unavoidable, all stormwater management facility construction shall be in compliance with all applicable regulations under the National Flood Insurance Program, 44 CFR Part 59.~~

K. ~~Natural channel characteristics shall be preserved to the maximum extent practicable.~~

L. ~~Land-disturbing activities shall comply with the Virginia Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and attendant regulations.~~

M. ~~Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in Resource Protection Areas defined in the Chesapeake Bay Preservation Act, provided that (i) the local government has conclusively established that the location of the facility within the Resource Protection Area is the optimum location; (ii) the size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both; and (iii) the facility must be consistent with a stormwater management program that has been approved by the board, the Chesapeake Bay Local Assistance Board, or the Board of Conservation and Recreation.~~

4VAC50-60-1184. Water quality. (Repealed.)

A. ~~Compliance with the water quality criteria may be achieved by applying the performance-based criteria or the technology-based criteria to either the site or a planning area.~~

B. ~~Performance-based criteria. For land-disturbing activities, the calculated postdevelopment nonpoint source pollutant runoff load shall be compared to the calculated predevelopment load based upon the average land cover condition or the existing site condition. A BMP shall be located, designed, and maintained to achieve the target pollutant removal efficiencies specified in Table 1 of this section to effectively reduce the pollutant load to the required level based upon the following four applicable land development situations for which the performance criteria apply:~~

1. ~~Situation 1 consists of land-disturbing activities where the existing percent impervious cover is less than or equal to the average land cover condition and the proposed improvements will create a total percent impervious cover that is less than the average land cover condition.~~

~~Requirement: No reduction in the after disturbance pollutant discharge is required.~~

2. ~~Situation 2 consists of land-disturbing activities where the existing percent impervious cover is less than or equal to the average land cover condition and the proposed improvements will create a total percent impervious cover that is greater than the average land cover condition.~~

~~Requirement: The pollutant discharge after disturbance shall not exceed the existing pollutant discharge based on the average land cover condition.~~

3. ~~Situation 3 consists of land-disturbing activities where the existing percent impervious cover is greater than the average land cover condition.~~

1822 Requirement: The pollutant discharge after disturbance shall not exceed (i) the pollutant
 1823 discharge based on existing conditions less 10% or (ii) the pollutant discharge based on
 1824 the average land cover condition, whichever is greater.

1825 4. Situation 4 consists of land disturbing activities where the existing percent impervious
 1826 cover is served by an existing stormwater management BMP that addresses water
 1827 quality.

1828 Requirement: The pollutant discharge after disturbance shall not exceed the existing
 1829 pollutant discharge based on the existing percent impervious cover while served by the
 1830 existing BMP. The existing BMP shall be shown to have been designed and constructed
 1831 in accordance with proper design standards and specifications, and to be in proper
 1832 functioning condition.

1833 C. Technology-based criteria. For land disturbing activities, the postdeveloped stormwater
 1834 runoff from the impervious cover shall be treated by an appropriate BMP as required by the
 1835 postdeveloped condition percent impervious cover as specified in Table 1 of this section. The
 1836 selected BMP shall be located, designed, and maintained to perform at the target pollutant
 1837 removal efficiency specified in Table 1. Design standards and specifications for the BMPs in
 1838 Table 1 that meet the required target pollutant removal efficiency will be available at the
 1839 department.

Table 1*

Water Quality BMP*	Target Phosphorus Removal Efficiency	Percent Impervious Cover
Vegetated filter strip	10%	16-21%
Grassed Swale	15%	
Constructed wetlands	20%	22-37%
Extended detention (2 x WQ Vol)	35%	
Retention basin I (3 x WQ Vol)	40%	
Bioretention basin	50%	38-66%
Bioretention filter	50%	
Extended detention enhanced	50%	
Retention basin II (4 x WQ Vol)	50%	
Infiltration (1 x WQ Vol)	50%	
Sand filter	65%	67-100%
Infiltration (2 x WQ Vol)	65%	
Retention basin III (4 x WQ Vol with aquatic bench)	65%	

1840 *Innovative or alternate BMPs not included in this table may be allowed at the discretion of the
 1841 local program administrator or the department. Innovative or alternate BMPs not included in this
 1842 table that target appropriate nonpoint source pollution other than phosphorous may be allowed
 1843 at the discretion of the local program administrator or the department.

4VAC50-60-1186. Stream channel erosion. (Repealed.)

A. ~~Properties and receiving waterways downstream of any land-disturbing activity shall be protected from erosion and damage due to changes in runoff rate of flow and hydrologic characteristics, including but not limited to, changes in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff in accordance with the minimum design standards set out in this section.~~

B. ~~The permit-issuing authority shall require compliance with subdivision 19 of 4VAC50-30-40 of the Erosion and Sediment Control Regulations, promulgated pursuant to Article 4 (§ 10.1-560 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.~~

C. ~~The permit-issuing authority may determine that some watersheds or receiving stream systems require enhanced criteria in order to address the increased frequency of bankfull flow conditions (top of bank) brought on by land-disturbing activities. Therefore, in lieu of the reduction of the two-year post-developed peak rate of runoff as required in subsection B of this section, the land development project being considered shall provide 24-hour extended detention of the runoff generated by the one-year, 24-hour duration storm.~~

D. ~~In addition to subsections B and C of this section, permit-issuing authorities, by local ordinance may, or the board by state regulation may, adopt more stringent channel analysis criteria or design standards to ensure that the natural level of channel erosion, to the maximum extent practicable, will not increase due to the land-disturbing activities. These criteria may include, but are not limited to, the following:~~

- ~~1. Criteria and procedures for channel analysis and classification.~~
- ~~2. Procedures for channel data collection.~~
- ~~3. Criteria and procedures for the determination of the magnitude and frequency of natural sediment transport loads.~~
- ~~4. Criteria for the selection of proposed natural or manmade channel linings.~~

4VAC50-60-1188. Flooding. (Repealed.)

A. ~~Downstream properties and waterways shall be protected from damages from localized flooding due to changes in runoff rate of flow and hydrologic characteristics, including but not limited to, changes in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff in accordance with the minimum design standards set out in this section.~~

B. ~~The 10-year postdeveloped peak rate of runoff from the development site shall not exceed the 10-year predeveloped peak rate of runoff.~~

C. ~~In lieu of subsection B of this section, localities may, by ordinance, adopt alternate design criteria based upon geographic, land use, topographic, geologic factors or other downstream conveyance factors as appropriate.~~

D. ~~Linear development projects shall not be required to control post-developed stormwater runoff for flooding, except in accordance with a watershed or regional stormwater management plan.~~

4VAC50-60-1190. Regional (watershed-wide) stormwater management plans. (Repealed.)

~~This section enables localities to develop regional stormwater management plans. State agencies intending to develop large tracts of land such as campuses or prison compounds are encouraged to develop regional plans where practical.~~

~~The objective of a regional stormwater management plan is to address the stormwater management concerns in a given watershed with greater economy and efficiency by installing regional stormwater management facilities versus individual, site-specific facilities. The result will be fewer stormwater management facilities to design, build and maintain in the affected watershed. It is also anticipated that regional stormwater management facilities will not only help~~

1891 mitigate the impacts of new development, but may also provide for the remediation of erosion,
 1892 flooding or water quality problems caused by existing development within the given watershed.
 1893 If developed, a regional plan shall, at a minimum, address the following:
 1894 1. The specific stormwater management issues within the targeted watersheds.
 1895 2. The technical criteria in 4VAC50-60-1180 through 4VAC50-60-1188 as needed based
 1896 on subdivision 1 of this section.
 1897 3. The implications of any local comprehensive plans, zoning requirements, local
 1898 ordinances pursuant to the Chesapeake Bay Preservation Area Designation and
 1899 Management Regulations adopted pursuant to the Chesapeake Bay Preservation Act,
 1900 and other planning documents.
 1901 4. Opportunities for financing a watershed plan through cost sharing with neighboring
 1902 agencies or localities, implementation of regional stormwater utility fees, etc.
 1903 5. Maintenance of the selected stormwater management facilities.
 1904 6. Future expansion of the selected stormwater management facilities in the event that
 1905 development exceeds the anticipated level.
 1906 FORMS (4VAC50-60)
 1907 [Application Form 1-General Information, Consolidated Permits Program, EPA Form 3510-1,](#)
 1908 [DCR 199-149 \(August 1990\).](#)
 1909 [Department of Conservation and Recreation Permit Fee Form, DCR 199-145 \(10/09\).](#)
 1910 [Department of Conservation and Recreation Construction Activity Operator Permit Fee](#)
 1911 [Form, DCR 199-213 \(09/12\).](#)
 1912 [General Permit for Discharges of Stormwater from Construction Activities \(VAR10\) -](#)
 1913 [Registration Statement, DCR 199-146 \(03/09\).](#)
 1914 [General Permit Notice of Termination - Construction Activity Stormwater Discharges](#)
 1915 [\(VAR10\), DCR 199-147 \(03/09\).](#)
 1916 [General Permit for Discharges of Stormwater from Construction Activities \(VAR10\) -](#)
 1917 [Transfer Agreement, DCR199-191 \(03/09\).](#)
 1918 [General Permit Registration Statement for Stormwater Discharges From Small Municipal](#)
 1919 [Separate Storm Sewer Systems \(VAR04\), DCR 199-148 \(07/08\).](#)