



Land Development Services

# Technical Bulletin

**Subject:** Expiration of Time Limits Status Under the Stormwater Management Ordinance

**Date:** May 8, 2024

**No.:** 24-06

**Summary:** Plans that qualify under the Time Limits on Applicability of Approved Design Criteria (Time Limits) provision in [Stormwater Management Ordinance \(SWMO\) §124-1-11](#), Paragraph A, including Virginia Department of Environmental Quality (DEQ) [Guidance Memo 14-2014](#), that do not commence authorized land-disturbing activity on or before June 30, 2024, will no longer be eligible for time limits and will need to be redesigned to meet the current stormwater technical criteria in Article 4 of the SWMO.

**Effective Date:** Immediately

**Background:**

Projects that qualify under the “Time Limits” provision of paragraph A of [SWMO §124-1-11](#) are those that have obtained an initial General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (Construction General Permit) on or before June 30, 2014, or commenced construction prior to July 1, 2014. DEQ issued Guidance Memo ([GM](#)) [14-2014](#) on August 25, 2014, to clarify implementation of the Grandfathering and Time Limits provisions (Sections 47 and Section 48 of the Virginia Stormwater Management Program (VSMP) Regulation).

[SWMO §124-1-11](#), Paragraph A, specifies that such qualifying land-disturbing activities shall remain subject to the stormwater technical criteria of SWMO Article 5 until June 30, 2024. After that time, portions of the project not under construction will become subject to any new technical criteria adopted by the State Water Control Board (SWCB). This provision is mandated by VSMP Regulation [9VAC25-870-47](#). See the “Time Limits” provision in [SWMO §124-1-11](#) for more information.

**Policy:**

**Plans that qualify under “Time Limits,” including subsequent phases of a multiple phase project, or DEQ GM 14-2014, that have not obtained all required approvals and permits and commenced construction by June 30, 2024, will lose the “Time Limits” status and will need to be redesigned to comply with the technical criteria in Article 4 of the SWMO.**

Applicants interested in their plan’s “Time Limits” status may submit a Stormwater Ordinance Determination (SWOD) request for the county to review a specific plan and issue a written

---

Department of Land Development Services  
12055 Government Center Parkway, Suite 659  
Fairfax, VA 22035

Phone: 703-324-1780 TTY: 711 Fax: 703-653-6678  
[www.fairfaxcounty.gov/landdevelopment](http://www.fairfaxcounty.gov/landdevelopment)



determination. Please refer to Technical Bulletin [TB 14-06](#), dated March 24, 2014, for additional information regarding requesting an SWOD.

Projects Under Construction:

This is a reminder to all operators with an active VPDES Construction General Permit (CGP) that these permits will expire on June 30, 2024. If you operate construction activities under the existing CGP and will continue land-disturbing activities after June 30, 2024, or if you have not achieved final stabilization, then you must reapply for coverage under the 2024 VPDES CGP. If final stabilization has been achieved, you must submit a Notice of Termination.

Projects Not Affected at This Time:

Please keep in mind that the June 30, 2024, expiration does **not** apply to plans that qualify under SWMO §124-1-12.D or Virginia Code §15.2-2209.1:1.

- [SWMO §124-1-12.D](#) applies to those projects where government bonding or public debt financing had been issued prior to July 1, 2012. Such governmental projects remain subject to the old technical criteria.
- Virginia Code [§ 15.2-2209.1:1](#) extends the validity of certain valid and outstanding plans and plats to address the COVID-19 pandemic until July 1, 2025.

Nothing in this bulletin precludes an applicant from designing to a more stringent standard if they choose to do so or are committed to do so by proffer.

For additional assistance or if you have any questions, please contact the Site Code Research and Development Branch, at **703-324-5175, TTY 711**.

Approved by: William D. Hicks, P.E., Director  
Land Development Services  
12055 Government Center Parkway, Suite 659  
Fairfax, Virginia 22035  
703-324-1780 TTY 711