



Department of Public Works and Environmental Services

Technical Bulletin

Subject: Stormwater Management Ordinance Guidelines for Implementation, Part 2 **Date:** August 7, 2014 **No.:** 14-13

Summary: This bulletin provides guidance for implementation of the County Stormwater Management Ordinance (Ordinance) and administration of state general VPDES permit coverage.

Effective Date: Immediately.

Background: The new Stormwater Management Ordinance ([County Code Chapter 124](#)) became effective July 1, 2014. As VSMP Authority, Fairfax County assumed responsibility for administration of state general VPDES permit coverage for regulated construction activities within the unincorporated portions of the County and the Town of Clifton. As the Virginia Department of Environmental Quality (DEQ) continues to roll out statewide requirements, the County will provide guidance on policies and procedures necessary to implement the Ordinance.

This document is intended only as guidance and is not a substitute for the actual text of the code or regulations. Please note that any subsequent regulatory changes and/or additional regulatory guidance from DEQ could affect the content of this document. The County will update these policies and procedures if necessary.

1. Use of Virginia Runoff Reduction Spreadsheets.

The Virginia Runoff Reduction Method (VRRM) must be used to demonstrate compliance with the water quality requirements of the Ordinance. State VRRM spreadsheets, which are provided by DEQ to demonstrate compliance, are available for download from the DEQ website at: <http://www.deq.state.va.us/Programs/Water/StormwaterManagement/VSMPPermits/ConstructionGeneralPermit.aspx>. There are two spreadsheets (one for new development and one for redevelopment) and two versions identified as 2011 and Draft 2013.

The [VRRM Spreadsheets - 2011 BMP Standards & Specifications](#) (Version 2.8, June 2014) must be used with the [2011 BMP Design Standards & Specifications](#) found at the [Virginia Stormwater BMP Clearinghouse](#). The March 2011 Clearinghouse specifications are the official design specifications adopted by reference in the state VSMP regulation ([9VAC25-870-65](#)).

DEQ has also provided [DRAFT 2013 BMP Standards & Specifications](#) that include some revisions and corrections to the 2011 BMP standards and specifications. Applicants are encouraged, but not required, to use the draft 2013 BMP standards and specifications. The [VRRM Spreadsheets - DRAFT 2013 Standards & Specifications](#) (Version 2.8, June 2014) should only be used in conjunction with the draft 2013 BMP standards and specifications.



2. Use of nonpoint nutrient credits to meet all, or part, of the water quality requirements.

Subject to the limitations of [§124-4-5](#), applicants may use the purchase of nonpoint nutrient credits to meet all, or a portion of the required phosphorus reduction.

In accordance with [§ 62.1-44.15:35F](#) of the Code of Virginia, nutrient credits used must be generated in the same or adjacent [eight-digit hydrologic unit code](#) (HUC) as defined by the United States Geological Survey. If credits are not available in the same or adjacent HUC, they may be acquired from a nutrient bank located within the Potomac River watershed. In no case shall credits from another river basin be used.

The availability of nutrient credits for purchase can be determined by checking the *Virginia Nonpoint Source Nutrient Credit Registry* on the DEQ website at the following web link: <http://www.deq.virginia.gov/Portals/0/DEQ/Water/PollutionDischargeElimination/NonpointCreditRegistry.pdf> and then contacting the broker(s) listed on the registry.

If an applicant purchases nutrient credits, state law ([§ 62.1-44.15:35E](#)) requires documentation of the applicant's acquisition of nutrient credits be provided to the County and DEQ. The certification letter from the credit provider (broker) must document the number of phosphorus nutrient credits acquired and the associated ratio of nitrogen nutrient credits at the credit-generating entity.

Applicants who are eligible under [§ 124-4-5](#) to acquire nutrient credits to meet water quality compliance must provide a letter of availability from the credit broker with the first plan submission. Prior to final plan approval the applicant must provide to the County final documentation of purchase. In no case shall the stormwater permit be issued without evidence that the necessary nutrient credits have been acquired. If nutrient credits are available for purchase, state law ([§ 62.1-44.15:35H](#)) explicitly prohibits the County from granting an exception to the phosphorous reduction requirement.

3. VPDES general permit requirements for single-family detached residential structures.

Land disturbing activities related to single-family detached residential structures that disturb one or more acres of land, or that are part of a common plan of development or sale that disturbs, in total, one or more acres, require state VPDES general permit coverage. Operators of these land-disturbing activities are authorized to discharge under the general permit and are not required to submit a registration statement or the DEQ portion of the permit fee. Applicants are required to pay a County stormwater permit fee of \$308.

Operators must comply with the terms and conditions of the general permit (VAR10), including the preparation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) that addresses compliance with the VAR10 requirements, including the special conditions for *Impaired Waters and TMDL Limitation*.

The procedure for land disturbing activities related to single-family detached residential construction that require state permit coverage is as follows:

1. Operators must prepare a site-specific SWPPP. DEQ has provided a SWPPP template, the *Stormwater Pollution Prevention Plan Template* (MS Word), which can be used to help operators prepare the SWPPP. The template is available at the following link: http://www.deq.state.va.us/Portals/0/DEQ/Water/StormwaterManagement/CPoD_SWPPP_SFR_201407.docx;
2. Operators must download and read the *Single-Family Detached Residential Structure Coverage Letter* (pdf) available at this web link: <http://www.deq.state.va.us/Portals/0/DEQ/Water/StormwaterManagement/CGPermitCoverageLetterSFH.pdf>;
3. Operators must download, read, and comply with the *2014 General Permit for Discharges of Stormwater from Construction Activities* (pdf) available at this web link: <http://www.deq.state.va.us/Portals/0/DEQ/Water/Publications/CGP2014.pdf>; and
4. Operators must have all three documents at the pre-construction conference. The SWPPP must be updated when necessary and maintained to reflect actual site conditions. The SWPPP must be available by request for review by County or state inspectors.

4. New County state permit fee form available.

A *VPDES Construction General Permit Fee Form* is now available on the County stormwater management ordinance webpage at this link: [Stormwater Management Ordinance - Fairfax County, Virginia](#) under *VPDES General Permit Guidance and Administration / General Permit Coverage Forms*. The fee form must be filled out by the applicant and accompany any fee payments for issuance or reissuance of state permit coverage, state permit modifications, state permit transfer requests, and annual permit maintenance. County fees for state permit administration are listed in Part II.G of [County Code Appendix Q](#).

5. Revised waiver/exception form available.

The *Waiver/Modification/Exception Application Form* has been revised to reference the provisions and criteria applicable to requests for exceptions to the technical requirements of the Ordinance. The Water Quality Control Exception and Water Quantity Control Exception Worksheets include additional provisions and limitations that are applicable to water quality control (“BMP”) and water quantity control (“detention”) exception requests. The form is now available as an on-line fillable form at this link:

<http://www.fairfaxcounty.gov/dpwes/forms/waiverrequestform.pdf>. In addition to waivers and/or modifications to the PFM or other County Codes, the revised form, and worksheet(s), as applicable, must also be used to request exceptions to the technical requirements of the Ordinance.

The *Chesapeake Bay Preservation Ordinance (CBPO) RPA Exemption/Exception Request Form* has also been revised to remove the BMP waivers, because the water quality control requirements and waiver provisions were removed from the CBPO. Other RPA exemptions that are frequently submitted were added to the form.

6. Minor corrections to process flowcharts.

Two process flowcharts found on the County stormwater management webpage have been corrected. Revised flowcharts are now available for [Which Technical Criteria Apply](#) and [When is BMP Required for Single Family Detached Dwellings](#).

If you have any questions, please contact the Site Code Research and Development Branch at **703-324-1780, TTY 711**.

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