



Department of Public Works and Environmental Services

Technical Bulletin

Subject: Guidance for Obtaining State General VPDES Permit Coverage for Discharges of Stormwater from Construction Activities **Date:** September 3, 2014 **No.:** 14-12R

****Revised****

Summary: As of July 1, 2014, Fairfax County began administering state Virginia Pollution Discharge Elimination System (VPDES) construction general permit coverage on behalf of the Virginia Department of Environmental Quality (DEQ). While DEQ will continue to issue the coverage letters, the County will process registration statements, permit transfers, permit modifications, and notices of termination related to construction general permit coverage. This Technical Bulletin addresses new procedures for state VPDES construction general permit coverage.

Effective Date: July 1, 2014.

Guidelines: A detailed guidance document, *State VPDES Construction General Permit Coverage, New Procedures for Obtaining, Maintaining, and Terminating State Permits*, and a Process Flowchart are attached. The guidance document and process flowchart were previously issued as Technical Bulletin 14-12 on June 30, 2014. The guidance has been updated to reflect changes at the state level. The information contained in this technical bulletin is based on staff's current understanding of the regulatory intent of the state Virginia Stormwater Management Plan regulations. Subsequent regulatory changes and/or additional guidance from the DEQ could affect the content of the guidance document in which case, the County will issue amended procedures.

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

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Attachments: Guidelines for Obtaining State VPDES Construction General Permit Coverage
State VPDES Construction General Permit Coverage Process Flowchart

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State VPDES Construction General Permit Coverage
New Procedures for Obtaining, Maintaining, and Terminating State Permits

Introduction:

As of July 1, 2014, Fairfax County began administering state Virginia Pollution Discharge Elimination System (VPDES) construction general permit coverage on behalf of the Virginia Department of Environmental Quality (DEQ). While DEQ will continue to issue the coverage letter, DPWES will process registration statements, permit transfers, permit modifications, and notices of termination related to construction general permit coverage. This Technical Bulletin addresses those new procedures.

Background:

Under the 2009 construction general permit, coverage was obtained by submitting a registration statement to the DEQ central office in Richmond. The 2009 construction general permit expires June 30, 2014. Coverage under the 2014 construction general permit, which became effective July 1, 2014, is no longer called a Virginia Stormwater Management Plan (VSMP) permit but is now referred to as coverage under the *General VPDES Permit for Discharges of Stormwater from Construction Activities*. The County Stormwater Management Ordinance (ordinance) refers to it as a general permit or state permit. State regulation requires that effective July 1, 2014; the County assumes responsibility for administration of state permit coverage. More about construction general permit coverage can be found on the DEQ website at this link: <http://www.deq.state.va.us/Programs/Water/StormwaterManagement/VSMPPermits/ConstructionGeneralPermit.aspx>

Procedures:

State permit coverage to discharge stormwater from construction activities is required for construction activities that disturb one or more acres and for construction activities that are part of a common plan of development or sale that in aggregate disturbs one or more acres. State permit coverage must be maintained throughout the life of the construction activity until permit coverage is terminated. Permit coverage cannot be terminated until the criteria of [9VAC25-880-60 Termination of state permit coverage](#) have been met. For construction activities that require a state permit, a County land disturbance permit will not be issued until the Applicant provides a copy of the DEQ coverage letter.

Process for obtaining initial state permit coverage:

1. Applicants must submit a complete and accurate Registration Statement (RS) to the Site and Addressing Center (SAC), Herrity Building 2nd floor, 12055 Government Center Parkway, Fairfax, VA 22035. Incomplete or inaccurate submissions will be returned to the applicant.
 - a. Line by line instructions for completing the RS are on the back of the form.

- b. The RS must be signed certifying that a Stormwater Pollution Prevention Plan (SWPPP) meeting the requirements of ordinance § 124-2-6 and the requirements of the general permit has been prepared.
 - c. The 6th Order (12-digit) Hydrologic Unit Code and name of the receiving waters to be entered on the form can be found by using the Virginia Hydrologic Unit Explorer found at this web link:
<http://dswcapps.dcr.virginia.gov/hdocs/maps/HUExplorer.htm>, or by using DEQ's online GIS Mapping Application found at this link:
http://www.deq.virginia.gov/mapper_ext/default.aspx?service=public/wimby. Instructions for the DEQ mapping utility are found at this link:
http://www.deq.state.va.us/Portals/0/DEQ/Water/Publications/CGP-GIS_HUC_Instructions.pdf. Both web tools include a search by street address.
 - d. Latitude / longitude coordinates for the approximate center of the land disturbance must be provided in decimal degrees.
2. **NOTE: Land-disturbing activities for construction of single family detached residential structures within or outside of a common plan of development or sale are not required to submit a RS or pay the state portion of the permit fee.** This does not eliminate the need to comply with the terms of the state permit where applicable. Land-disturbing activities for construction of single family detached residential structures disturbing one or more acres and land-disturbing activities for construction of single family detached residential structures that are part of a common plan of development or sale that in aggregate disturb one or more acres are required to comply with the terms of the state permit and must download a coverage letter, copy of the general permit, and the *Single Family Residence Common Plan of Development or Sale Stormwater Pollution Prevention Plan (SWPPP)* template from the DEQ website at:
<http://www.deq.state.va.us/Programs/Water/StormwaterManagement/VSMPPPermits/ConstructionGeneralPermit.aspx>. The construction general permit requires the construction site operator to develop and implement a site specific SWPPP. The coverage letter, copy of the general permit, and SWPPP developed using the template, must be kept at the project site at all times and be available for inspection by County or DEQ inspectors.
3. Applicant pays a permit fee of \$308 to the County.
4. Site Development and Inspections Division staff will review the RS along with the project plans and documents. Once the County deems that a plan is "approvable" the County will notify DEQ.
5. DEQ will send an invoice for the state portion of the permit fee and instructions for payment options to the Applicant's email address provided on the RS. Remittance may be made electronically or by mailing a check to Richmond. Electronic transfers will reduce the permit turn around time.

6. Upon receipt of payment and once funds are cleared DEQ will email a coverage letter to the Applicant within approximately 2 to 4 days. If no email address is provided on the RS DEQ will mail the coverage letter, which will lengthen the processing time.
7. The Applicant provides a copy of the DEQ coverage letter to the County before the land disturbance permit can be issued.

Permit Maintenance Fees:

State permit coverage must be maintained throughout the life of the construction activity until the state permit is terminated. Annual permit maintenance fees are due April 1 of each year. Applicants who first obtain their state permit between January 1 and April 1 are not required to pay the maintenance fee for the first permit year. Otherwise, permittees whose permit coverage will extend beyond April 1 of each year must pay the following annual maintenance fee to the County:

<i>C) General / Stormwater Management – Permit Maintenance</i>	
<i>Fees for annual permit maintenance including expired state permits that have been administratively continued.</i>	
Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre)	\$0
Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures)	\$0
Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres except for single family detached residential structures)	\$400
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	\$500
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	\$1,400

Permit Modification or Transfer:

Modifications to state permits require submission of a corrected RS to SAC with changes highlighted. State permit coverage may be transferred to a new operator if the current operator notifies DPWES at least 30 days in advance of the proposed transfer of the title to the facility or

property, the notice must include a written agreement between the existing and new operator containing a specific date for transfer of permit responsibility, coverage, and liability between them. Applicants must submit a Transfer Agreement form to SAC along with the required fee.

Transfers and modifications to state permits require a fee unless exempt under *Article 3 Fees* of the ordinance. If permit modifications result in changes to stormwater management plans that require additional review by the County, additional review fees may be required. The Permit Modification fee assessed shall be based on the total disturbed acreage of the site. Modifications resulting in an increase in total disturbed acreage shall pay directly to the state the difference between the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage. State permit transfer/modification fees are as follows:

<i>(B) General / Stormwater Management – Modifications</i> <i>Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities.</i>	
Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre)	\$0
Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures)	\$0
Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres except for single family detached residential structures)	\$200
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	\$250
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	\$700

Process for Termination of VPDES Permit Coverage:

When the permitted construction activity has met one or more of the criteria for permit termination ([9VAC25-880-60](#)), the Applicant submits a complete and accurate Notice of Termination (NOT) to SAC. Incomplete or inaccurate submissions will be returned to the applicant.

Within 60 days of receipt of the NOT, the County will verify whether or not termination of coverage is appropriate and notify the Applicant. After verification, the County will submit the NOT to DEQ, who will terminate state permit coverage.

State permit fee form:

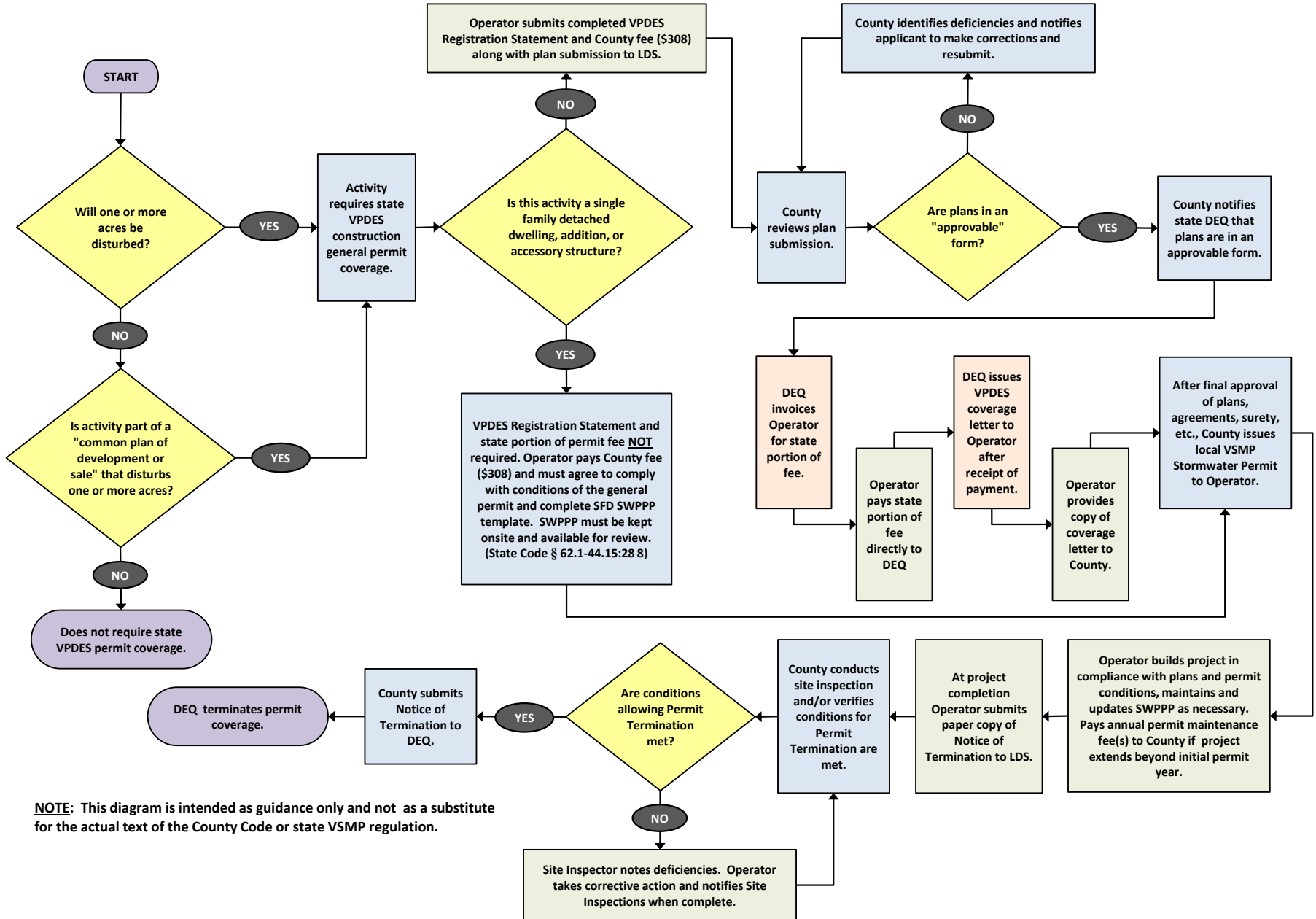
A State VPDES Construction General Permit Fee Form must be completed and submitted along with all payments associated with general permit coverage.

Forms available on County website:

The Registration Statement, Transfer Agreement, Notice of Termination, and Fee Form are all available for download on the County Stormwater Management Ordinance webpage at: <http://www.fairfaxcounty.gov/dpwes/stormwaterordinance/>

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

State VPDES Construction General Permit Coverage Process Flowchart



NOTE: This diagram is intended as guidance only and not as a substitute for the actual text of the County Code or state VSMP regulation.