



Department of Public Works and Environmental Services

# Technical Bulletin

**Subject: State Permit Requirements for Construction of Single-Family Detached Residential Structures; and Stormwater Management Requirements in Residential and Non-Residential Subdivisions**

**Date: June 24, 2014 No.: 14-10**

**Summary:** In order to comply with recent changes to the Virginia Stormwater Management Act, the following will go into effect on July 1, 2014:

- Construction of single-family detached residential structures within or outside of a common plan of development or sale will not require a registration statement or payment of the state's portion of the statewide permit fee for coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (general permit). Provisions in the County's Stormwater Management Ordinance requiring submission of registration statements will not be applied to land-disturbing activities that do not require registration statements. Although registration statements are not required, such land-disturbing activities disturbing one (1) acre or more of land outside of a common plan of development or sale or any amount of land within a common plan of development or sale disturbing one (1) acre or more of land remain subject to the requirements of the general permit.
- Fees for the modification, transfer, and maintenance of general permits will not be charged for the construction of single-family detached residential structures with a site or area that is equal to or greater than one (1) acre and less than five (5) acres outside a common plan of development or any amount of land within a common plan of development or sale disturbing less than five (5) acres of land. The initial permit fee of \$308 remains unchanged.
- A stormwater management plan approved for a residential or non-residential subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners. A note should be placed on the subdivision plat stating that individual parcels shall be developed in accordance with the approved stormwater management plan for the subdivision.

**Effective Date:** July 1, 2014.

**Background:** During the 2014 legislative session, the Virginia legislature amended the Virginia Stormwater Management Act (see [2014 Acts of Assembly Chapter 303](#)). The amendments eliminated the requirement for submission of a registration statement and payment of the state's portion of the statewide permit fee for coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (general permit) for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale. As a consequence, provisions in the Stormwater Management Ordinance requiring



submission of registration statements will not be applied to regulated land-disturbing activities that do not require registration statements. Although registration statements are not required, such land-disturbing activities disturbing one (1) acre or more of land outside of a common plan of development or sale or any amount of land within a common plan of development or sale disturbing one (1) acre or more of land remain subject to the requirements of the general permit.

Additionally, the amendments require that the Virginia Stormwater Management Program (VSMP) authority (the County) portion of the statewide permit fee for coverage under the general permit for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VSMP authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale. There are no fees (i.e. the fee is \$0) listed in Appendix Q (Land Development Services Fee Schedule) of the County Code for the modification, transfer, and maintenance of general permits for land-disturbing activities less than one (1) acre within common plans of development. Therefore, under the amended Stormwater Management Act, the current listed fees for the modification, transfer, and maintenance of general permits for land-disturbing activities involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres should be reduced to zero (\$0). The initial permit fee of \$308 for all land-disturbing activities requiring coverage under the general permit remains unchanged.

Finally, the amendments provide that “a stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners.” In order to provide notice of this requirement to future owners, a note should be placed on the subdivision plat stating that individual parcels shall be developed in accordance with the approved stormwater management plan for the subdivision.

The County will amend the Stormwater Management Ordinance and the fee schedule in Appendix Q of the County Code sometime in the fall to comply with the changes to the Virginia Stormwater Management Act and the forthcoming changes to the associated regulations. However, the changes to the Stormwater Management Act, consistent with state law, will take effect on July 1, 2014, in advance of changes to the County Code.

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

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