

1 **Project 1245**

2 **VIRGINIA SOIL AND WATER CONSERVATION BOARD**

3 **Amend the General Permit for Discharges of Stormwater from Construction Activities**
4 **found in Part XIV**

5 **July 11, 2008 version**

6

7 NOTE: Changed language from the existing permit has been highlighted (underlined - new
8 language; ~~stike through~~ - language to be removed).

9

10 **4VAC50-60-10. Definitions.**

11 The following words and terms used in this chapter have the following meanings unless the
12 context clearly indicates otherwise.

13 "Adequate channel" means a channel that will convey the designated frequency storm event
14 without overtopping the channel bank nor causing erosive damage to the channel bed or banks.

15 "Administrator" means the Administrator of the United States Environmental Protection
16 Agency or an authorized representative.

17 "Applicable standards and limitations" means all state, interstate, and federal standards and
18 limitations to which a discharge or a related activity is subject under the Clean Water Act (CWA)
19 (33 USC §1251 et seq.) and the Act, including effluent limitations, water quality standards,
20 standards of performance, toxic effluent standards or prohibitions, best management practices,
21 and standards for sewage sludge use or disposal under §§301, 302, 303, 304, 306, 307, 308, 403
22 and 405 of CWA.

23 "Approval authority" means the Virginia Soil and Water Conservation Board or their
24 designee.

25 "Approved program" or "approved state" means a state or interstate program that has been
26 approved or authorized by EPA under 40 CFR Part 123 (2000).

27 "Aquatic bench" means a 10- to 15-foot wide bench around the inside perimeter of a
28 permanent pool that ranges in depth from zero to 12 inches. Vegetated with emergent plants, the

29 bench augments pollutant removal, provides habitats, conceals trash and water level fluctuations,
30 and enhances safety.

31 "Average land cover condition" means a measure of the average amount of impervious
32 surfaces within a watershed, assumed to be 16%. Note that a locality may opt to calculate actual
33 watershed-specific values for the average land cover condition based upon 4VAC50-60-110.

34 "Average monthly discharge limitation" means the highest allowable average of daily
35 discharges over a calendar month, calculated as the sum of all daily discharges measured during
36 a calendar month divided by the number of daily discharges measured during that month.

37 "Average weekly discharge limitation" means the highest allowable average of daily
38 discharges over a calendar week, calculated as the sum of all daily discharges measured during a
39 calendar week divided by the number of daily discharges measured during that week.

40 "Best management practice (BMP)" means schedules of activities, prohibitions of practices,
41 including both a structural or nonstructural practice, maintenance procedures, and other
42 management practices to prevent or reduce the pollution of surface waters and groundwater
43 systems from the impacts of land-disturbing activities. BMPs also include treatment
44 requirements, operating procedures, and practices to control plant site runoff, spillage or leaks,
45 sludge or waste disposal, or drainage from raw material storage.

46 "Bioretention basin" means a water quality BMP engineered to filter the water quality
47 volume through an engineered planting bed, consisting of a vegetated surface layer (vegetation,
48 mulch, ground cover), planting soil, and sand bed, and into the in-situ material.

49 "Bioretention filter" means a bioretention basin with the addition of a sand filter collector
50 pipe system beneath the planting bed.

51 "Board" means the Virginia Soil and Water Conservation Board.

52 "Bypass" means the intentional diversion of waste streams from any portion of a treatment
53 facility.

54 "Channel" means a natural or manmade waterway.

55 "Constructed wetlands" means areas intentionally designed and created to emulate the water
56 quality improvement function of wetlands for the primary purpose of removing pollutants from
57 stormwater.

58 "Construction activity" means any clearing, grading or excavation associated with large
59 construction activity or associated with small construction activity.

60 "Contiguous zone" means the entire zone established by the United States under Article 24 of
61 the Convention on the Territorial Sea and the Contiguous Zone (37 FR 11906).

62 "Continuous discharge" means a discharge which occurs without interruption throughout the
63 operating hours of the facility, except for infrequent shutdowns for maintenance, process
64 changes, or other similar activities.

65 "Control measure" means any best management practice or other method used to prevent or
66 reduce the discharge of pollutants to surface waters.

67 "Co-operator" means an operator to a VSMP permit that is only responsible for permit
68 conditions relating to the discharge for which it is the operator.

69 "Clean Water Act" or "CWA" means the federal Clean Water Act (33 USC §1251 et seq.),
70 formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution
71 Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217,
72 Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions
73 thereto.

74 "CWA and regulations" means the Clean Water Act (CWA) and applicable regulations
75 published in the Code of Federal Regulations (CFR) promulgated thereunder. For the purposes of
76 this chapter, it includes state program requirements.

77 "Daily discharge" means the discharge of a pollutant measured during a calendar day or any
78 24-hour period that reasonably represents the calendar day for purposes of sampling. For
79 pollutants with limitations expressed in units of mass, the daily discharge is calculated as the
80 total mass of the pollutant discharged over the day. For pollutants with limitations expressed in
81 other units of measurement, the daily discharge is calculated as the average measurement of the
82 pollutant over the day.

83 "Department" means the Department of Conservation and Recreation.

84 "Development" means a tract of land developed or to be developed as a unit under single
85 ownership or unified control which is to be used for any business or industrial purpose or is to
86 contain three or more residential dwelling units.

87 "Direct discharge" means the discharge of a pollutant.

88 "Director" means the Director of the Department of Conservation and Recreation or his
89 designee.

90 "Discharge," when used without qualification, means the discharge of a pollutant.

91 "Discharge of a pollutant" means:

92 1. Any addition of any pollutant or combination of pollutants to surface waters from any
93 point source; or

94 2. Any addition of any pollutant or combination of pollutants to the waters of the contiguous
95 zone or the ocean from any point source other than a vessel or other floating craft which is being
96 used as a means of transportation.

97 This definition includes additions of pollutants into surface waters from: surface runoff that
98 is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned
99 by a state, municipality, or other person that do not lead to a treatment works; and discharges
100 through pipes, sewers, or other conveyances, leading into privately owned treatment works. This
101 term does not include an addition of pollutants by any indirect discharger.

102 "Discharge Monitoring Report" or "DMR" means the form supplied by the department, or an
103 equivalent form developed by the operator and approved by the board, for the reporting of self-
104 monitoring results by operators.

105 "Draft permit" means a document indicating the board's tentative decision to issue or deny,
106 modify, revoke and reissue, terminate, or reissue a permit. A notice of intent to terminate a
107 permit, and a notice of intent to deny a permit are types of draft permits. A denial of a request for
108 modification, revocation and reissuance, or termination is not a draft permit. A proposed permit
109 is not a draft permit.

110 "Effluent limitation" means any restriction imposed by the board on quantities, discharge
111 rates, and concentrations of pollutants which are discharged from point sources into surface
112 waters, the waters of the contiguous zone, or the ocean.

113 "Effluent limitations guidelines" means a regulation published by the administrator under
114 §304(b) of the CWA to adopt or revise effluent limitations.

115 "Environmental Protection Agency (EPA)" means the United States Environmental
116 Protection Agency.

117 "Existing permit" means for the purposes of this chapter a permit issued by the permit-
118 issuing authority and currently held by a permit applicant.

119 "Existing source" means any source that is not a new source or a new discharger.

120 "Facilities or equipment" means buildings, structures, process or production equipment or
121 machinery that form a permanent part of a new source and that will be used in its operation, if
122 these facilities or equipment are of such value as to represent a substantial commitment to
123 construct. It excludes facilities or equipment used in connection with feasibility, engineering, and
124 design studies regarding the new source or water pollution treatment for the new source.

125 "Facility or activity" means any VSMP point source or treatment works treating domestic
126 sewage or any other facility or activity (including land or appurtenances thereto) that is subject to
127 regulation under the VSMP program.

128 "Flooding" means a volume of water that is too great to be confined within the banks or walls
129 of the stream, water body or conveyance system and that overflows onto adjacent lands, causing
130 or threatening damage.

131 "General permit" means a VSMP permit authorizing a category of discharges under the CWA
132 and the Act within a geographical area.

133 "Grassed swale" means an earthen conveyance system which is broad and shallow with
134 erosion resistant grasses and check dams, engineered to remove pollutants from stormwater
135 runoff by filtration through grass and infiltration into the soil.

136 "Hazardous substance" means any substance designated under the Code of Virginia and 40
137 CFR Part 116 (2000) pursuant to §311 of the CWA.

138 "Hydrologic Unit Code" or "HUC" means a watershed unit established in the most recent
139 version of Virginia's 6th Order National Watershed Boundary Dataset.

140 "Illicit discharge" means any discharge to a municipal separate storm sewer that is not
141 composed entirely of stormwater, except discharges pursuant to a VPDES or VSMP permit
142 (other than the VSMP permit for discharges from the municipal separate storm sewer),
143 discharges resulting from fire fighting activities, and discharges identified by and in compliance
144 with 4VAC50-60-1220 C 2.

145 "Impervious cover" means a surface composed of any material that significantly impedes or
146 prevents natural infiltration of water into soil. Impervious surfaces include, but are not limited to,
147 roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

148 "Incorporated place" means a city, town, township, or village that is incorporated under the
149 Code of Virginia.

150 "Indian country" means (i) all land within the limits of any Indian reservation under the
151 jurisdiction of the United States government, notwithstanding the issuance of any patent, and
152 including rights-of-way running through the reservation; (ii) all dependent Indian communities
153 with the borders of the United States whether within the originally or subsequently acquired
154 territory thereof, and whether within or without the limits of a state; and (iii) all Indian
155 allotments, the Indian titles to which have not been extinguished, including rights-of-way
156 running through the same.

157 "Indirect discharger" means a nondomestic discharger introducing "pollutants" to a "publicly
158 owned treatment works (POTW)."

159 "Infiltration facility" means a stormwater management facility that temporarily impounds
160 runoff and discharges it via infiltration through the surrounding soil. While an infiltration facility
161 may also be equipped with an outlet structure to discharge impounded runoff, such discharge is
162 normally reserved for overflow and other emergency conditions. Since an infiltration facility
163 impounds runoff only temporarily, it is normally dry during nonrainfall periods. Infiltration
164 basin, infiltration trench, infiltration dry well, and porous pavement shall be considered
165 infiltration facilities.

166 "Inspection" means an on-site review of the project's compliance with the permit, the local
167 stormwater management program, and any applicable design criteria, or an on-site review to
168 obtain information or conduct surveys or investigations necessary in the enforcement of the Act
169 and this chapter.

170 "Interstate agency" means an agency of two or more states established by or under an
171 agreement or compact approved by Congress, or any other agency of two or more states having
172 substantial powers or duties pertaining to the control of pollution as determined and approved by
173 the administrator under the CWA and regulations.

174 "Land disturbance" or "land-disturbing activity" means a manmade change to the land
175 surface that potentially changes its runoff characteristics including any clearing, grading, or
176 excavation associated with a construction activity regulated pursuant to the federal Clean Water
177 Act, the Act, and this chapter.

178 "Large construction activity" means construction activity including clearing, grading and
179 excavation, except operations that result in the disturbance of less than five acres of total land
180 area. Large construction activity also includes the disturbance of less than five acres of total land
181 area that is a part of a larger common plan of development or sale if the larger common plan will
182 ultimately disturb five acres or more.

183 "Large municipal separate storm sewer system" means all municipal separate storm sewers
184 that are either:

185 1. Located in an incorporated place with a population of 250,000 or more as determined by
186 the 1990 decennial census by the Bureau of Census (40 CFR Part 122 Appendix F (2000));

187 2. Located in the counties listed in 40 CFR Part 122 Appendix H (2000), except municipal
188 separate storm sewers that are located in the incorporated places, townships or towns within such
189 counties;

190 3. Owned or operated by a municipality other than those described in subdivision 1 or 2 of
191 this definition and that are designated by the board as part of the large or medium municipal
192 separate storm sewer system due to the interrelationship between the discharges of the
193 designated storm sewer and the discharges from municipal separate storm sewers described
194 under subdivision 1 or 2 of this definition. In making this determination the board may consider
195 the following factors:

196 a. Physical interconnections between the municipal separate storm sewers;

197 b. The location of discharges from the designated municipal separate storm sewer relative to
198 discharges from municipal separate storm sewers described in subdivision 1 of this definition;

199 c. The quantity and nature of pollutants discharged to surface waters;

200 d. The nature of the receiving surface waters; and

201 e. Other relevant factors.

202 4. The board may, upon petition, designate as a large municipal separate storm sewer system,
203 municipal separate storm sewers located within the boundaries of a region defined by a

204 stormwater management regional authority based on a jurisdictional, watershed, or other
205 appropriate basis that includes one or more of the systems described in this definition.

206 "Linear development project" means a land-disturbing activity that is linear in nature such as,
207 but not limited to, (i) the construction of electric and telephone utility lines, and natural gas
208 pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other
209 related structures of a railroad company; ~~and~~ (iii) highway construction projects; (iv)
210 construction of stormwater channels and stream restoration activities. Private subdivision roads
211 or streets shall not be considered linear development projects.

212 "Local stormwater management program" or "local program" means a statement of the
213 various methods employed by a locality to manage the quality and quantity of runoff resulting
214 from land-disturbing activities and shall include such items as local ordinances, permit
215 requirements, policies and guidelines, technical materials, inspection, enforcement, and
216 evaluation consistent with the Act and this chapter. The ordinance shall include provisions to
217 require the control of after-development stormwater runoff rate of flow, the proper maintenance
218 of stormwater management facilities, and minimum administrative procedures.

219 "Locality" means a county, city, or town.

220 "Major facility" means any VSMP facility or activity classified as such by the regional
221 administrator in conjunction with the board.

222 "Major modification" means, for the purposes of this chapter, the modification or amendment
223 of an existing permit before its expiration that is not a minor modification as defined in this
224 regulation.

225 "Major municipal separate storm sewer outfall (or major outfall)" means a municipal separate
226 storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or
227 more or its equivalent (discharge from a single conveyance other than circular pipe which is
228 associated with a drainage area of more than 50 acres); or for municipal separate storm sewers
229 that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning
230 plans or the equivalent), with an outfall that discharges from a single pipe with an inside
231 diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe
232 associated with a drainage area of two acres or more).

233 "Manmade" means constructed by man.

234 "Maximum daily discharge limitation" means the highest allowable daily discharge.

235 "Maximum extent practicable" or "MEP" means the technology-based discharge standard for
236 municipal separate storm sewer systems established by CWA §402(p). MEP is achieved, in part,
237 by selecting and implementing effective structural and nonstructural best management practices
238 (BMPs) and rejecting ineffective BMPs and replacing them with effective best management
239 practices (BMPs). MEP is an iterative standard, which evolves over time as urban runoff
240 management knowledge increases. As such, the operator's MS4 program must continually be
241 assessed and modified to incorporate improved programs, control measures, BMPs, etc., to attain
242 compliance with water quality standards.

243 "Medium municipal separate storm sewer system" means all municipal separate storm sewers
244 that are either:

245 1. Located in an incorporated place with a population of 100,000 or more but less than
246 250,000 as determined by the 1990 decennial census by the Bureau of Census (40 CFR Part 122
247 Appendix G (2000));

248 2. Located in the counties listed in 40 CFR Part 122 Appendix I (2000), except municipal
249 separate storm sewers that are located in the incorporated places, townships or towns within such
250 counties;

251 3. Owned or operated by a municipality other than those described in subdivision 1 or 2 of
252 this definition and that are designated by the board as part of the large or medium municipal
253 separate storm sewer system due to the interrelationship between the discharges of the
254 designated storm sewer and the discharges from municipal separate storm sewers described
255 under subdivision 1 or 2 of this definition. In making this determination the board may consider
256 the following factors:

257 a. Physical interconnections between the municipal separate storm sewers;

258 b. The location of discharges from the designated municipal separate storm sewer relative to
259 discharges from municipal separate storm sewers described in subdivision 1 of this definition;

260 c. The quantity and nature of pollutants discharged to surface waters;

261 d. The nature of the receiving surface waters; or

262 e. Other relevant factors.

263 4. The board may, upon petition, designate as a medium municipal separate storm sewer
264 system, municipal separate storm sewers located within the boundaries of a region defined by a
265 stormwater management regional authority based on a jurisdictional, watershed, or other
266 appropriate basis that includes one or more of the systems described in subdivisions 1, 2 and 3 of
267 this definition.

268 "Minor modification" means, for the purposes of this chapter, minor modification or
269 amendment of an existing permit before its expiration as specified in 4VAC50-60-640. Minor
270 modification for the purposes of this chapter also means other modifications and amendments
271 not requiring extensive review and evaluation including, but not limited to, changes in EPA
272 promulgated test protocols, increasing monitoring frequency requirements, changes in sampling
273 locations, and changes to compliance dates within the overall compliance schedules. A minor
274 permit modification or amendment does not substantially alter permit conditions, substantially
275 increase or decrease the amount of surface water impacts, increase the size of the operation, or
276 reduce the capacity of the facility to protect human health or the environment.

277 "Municipal separate storm sewer" means a conveyance or system of conveyances otherwise
278 known as a municipal separate storm sewer system, including roads with drainage systems,
279 municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains:

280 1. Owned or operated by a federal, state, city, town, county, district, association, or other
281 public body, created by or pursuant to state law, having jurisdiction or delegated authority for
282 erosion and sediment control and stormwater management, or a designated and approved
283 management agency under §208 of the CWA that discharges to surface waters;

284 2. Designed or used for collecting or conveying stormwater;

285 3. That is not a combined sewer; and

286 4. That is not part of a publicly owned treatment works.

287 "Municipal separate storm sewer system" or "MS4" means all separate storm sewers that are
288 defined as "large" or "medium" or "small" municipal separate storm sewer systems or designated
289 under 4VAC50-60-380 A 1.

290 "Municipal Separate Storm Sewer System Management Program" or "MS4 Program" means
291 a management program covering the duration of a permit for a municipal separate storm sewer
292 system that includes a comprehensive planning process that involves public participation and

293 intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent
294 practicable, to protect water quality, and to satisfy the appropriate water quality requirements of
295 the CWA and regulations and the Virginia Stormwater Management Act and attendant
296 regulations, using management practices, control techniques, and system, design and engineering
297 methods, and such other provisions that are appropriate.

298 "Municipality" means a city, town, county, district, association, or other public body created
299 by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other
300 wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and
301 approved management agency under §208 of the CWA.

302 "National Pollutant Discharge Elimination System (NPDES)" means the national program for
303 issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and
304 imposing and enforcing pretreatment requirements under §§307, 402, 318, and 405 of the CWA.
305 The term includes an approved program.

306 "New discharger" means any building, structure, facility, or installation:

- 307 1. From which there is or may be a discharge of pollutants;
- 308 2. That did not commence the discharge of pollutants at a particular site prior to August 13,
309 1979;
- 310 3. Which is not a new source; and
- 311 4. Which has never received a finally effective VPDES or VSMP permit for discharges at
312 that site.

313 This definition includes an indirect discharger that commences discharging into surface
314 waters after August 13, 1979. It also includes any existing mobile point source (other than an
315 offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental
316 drilling rig) such as a seafood processing rig, seafood processing vessel, or aggregate plant, that
317 begins discharging at a site for which it does not have a permit; and any offshore or coastal
318 mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling
319 rig that commences the discharge of pollutants after August 13, 1979.

320 "New permit" means, for the purposes of this chapter, a permit issued by the permit-issuing
321 authority to a permit applicant that does not currently hold and has never held a permit of that
322 type, for that activity, at that location.

323 "New source," means any building, structure, facility, or installation from which there is or
324 may be a discharge of pollutants, the construction of which commenced:

325 1. After promulgation of standards of performance under §306 of the CWA that are
326 applicable to such source; or

327 2. After proposal of standards of performance in accordance with §306 of the CWA that are
328 applicable to such source, but only if the standards are promulgated in accordance with §306 of
329 the CWA within 120 days of their proposal.

330 "Nonpoint source pollution" means pollution such as sediment, nitrogen and phosphorous,
331 hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are
332 washed from the land surface in a diffuse manner by stormwater runoff.

333 "Nonpoint source pollutant runoff load" or "pollutant discharge" means the average amount
334 of a particular pollutant measured in pounds per year, delivered in a diffuse manner by
335 stormwater runoff.

336 "Operator" means the owner or operator of any facility or activity subject to the VSMP
337 permit regulation under the VSMP program. In the context of stormwater associated with a large
338 or small construction activity, operator means any person associated with a construction project
339 that meets either of the following two criteria: (i) the person has direct operational control over
340 construction plans and specifications, including the ability to make modifications to those plans
341 and specifications or (ii) the person has day-to-day operational control of those activities at a
342 project that are necessary to ensure compliance with a stormwater pollution prevention plan for
343 the site or other permit conditions (i.e., they are authorized to direct workers at a site to carry out
344 activities required by the stormwater pollution prevention plan or comply with other permit
345 conditions). In the context of stormwater discharges from Municipal Separate Storm Sewer
346 Systems (MS4s), operator means the operator of the regulated MS4 system.

347 "Outfall" means, when used in reference to municipal separate storm sewers, a point source
348 at the point where a municipal separate storm sewer discharges to surface waters and does not
349 include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or
350 other conveyances which connect segments of the same stream or other surface waters and are
351 used to convey surface waters.

352 "Overburden" means any material of any nature, consolidated or unconsolidated, that overlies
353 a mineral deposit, excluding topsoil or similar naturally occurring surface materials that are not
354 disturbed by mining operations.

355 "Owner" means the Commonwealth or any of its political subdivisions including, but not
356 limited to, sanitation district commissions and authorities, and any public or private institution,
357 corporation, association, firm or company organized or existing under the laws of this or any
358 other state or country, or any officer or agency of the United States, or any person or group of
359 persons acting individually or as a group that owns, operates, charters, rents, or otherwise
360 exercises control over or is responsible for any actual or potential discharge of sewage, industrial
361 wastes, or other wastes to state waters, or any facility or operation that has the capability to alter
362 the physical, chemical, or biological properties of state waters in contravention of §62.1-44.5 of
363 the Code of Virginia, the Act and this chapter.

364 "Percent impervious" means the impervious area within the site divided by the area of the site
365 multiplied by 100.

366 "Permit" means an approval issued by the permit-issuing authority for the initiation of a land-
367 disturbing activity or for stormwater discharges from an MS4. Permit does not include any
368 permit that has not yet been the subject of final permit-issuing authority action, such as a draft
369 permit or a proposed permit.

370 "Permit-issuing authority" means the board, the department, or a locality that is delegated
371 authority by the board to issue, deny, revoke, terminate, or amend stormwater permits under the
372 provisions of the Act and this chapter.

373 "Permittee" means the person or locality to which the permit is issued, including any **owner**
374 **or** operator whose construction site is covered under a construction general permit.

375 "Person" means any individual, corporation, partnership, association, state, municipality,
376 commission, or political subdivision of a state, governmental body (including but not limited to a
377 federal, state, or local entity), any interstate body or any other legal entity.

378 "Planning area" means a designated portion of the parcel on which the land development
379 project is located. Planning areas shall be established by delineation on a master plan. Once
380 established, planning areas shall be applied consistently for all future projects.

381 "Point source" means any discernible, confined, and discrete conveyance including, but not
382 limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling
383 stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other
384 floating craft from which pollutants are or may be discharged. This term does not include return
385 flows from irrigated agriculture or agricultural stormwater runoff.

386 "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage,
387 garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials
388 (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC §2011 et
389 seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal,
390 and agricultural waste discharged into water. It does not mean:

391 1. Sewage from vessels; or

392 2. Water, gas, or other material that is injected into a well to facilitate production of oil or
393 gas, or water derived in association with oil and gas production and disposed of in a well if the
394 well used either to facilitate production or for disposal purposes is approved by the board and if
395 the board determines that the injection or disposal will not result in the degradation of ground or
396 surface water resources.

397 "Pollution" means such alteration of the physical, chemical or biological properties of any
398 state waters as will or is likely to create a nuisance or render such waters (a) harmful or
399 detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or
400 aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources
401 of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or
402 other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological
403 property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to
404 state waters by any owner which by itself is not sufficient to cause pollution, but which, in
405 combination with such alteration of or discharge or deposit to state waters by other owners, is
406 sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state
407 waters; and (iii) contributing to the contravention of standards of water quality duly established
408 by the State Water Control Board, are "pollution" for the terms and purposes of this chapter.

409 "Post-development" refers to conditions that reasonably may be expected or anticipated to
410 exist after completion of the land development activity on a specific site or tract of land.

411 "Pre-development" refers to the conditions that exist at the time that plans for the land
412 development of a tract of land are approved by the plan approval authority. Where phased
413 development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing
414 conditions at the time prior to the first item being approved or permitted shall establish pre-
415 development conditions.

416 "Privately owned treatment works (PVOTW)" means any device or system that is (i) used to
417 treat wastes from any facility whose operator is not the operator of the treatment works and (ii)
418 not a POTW.

419 "Proposed permit" means a VSMP permit prepared after the close of the public comment
420 period (and, when applicable, any public hearing and administrative appeals) that is sent to EPA
421 for review before final issuance. A proposed permit is not a draft permit.

422 "Publicly owned treatment works (POTW)" means a treatment works as defined by §212 of
423 the CWA that is owned by a state or municipality (as defined by §502(4) of the CWA). This
424 definition includes any devices and systems used in the storage, treatment, recycling, and
425 reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers,
426 pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The
427 term also means the municipality as defined in §502(4) of the CWA, that has jurisdiction over
428 the indirect discharges to and the discharges from such a treatment works.

429 "Qualified personnel" means a licensed professional engineer, responsible land disturber, or
430 other knowledgeable person that holds a certificate of competency from the board in the area of
431 project inspection or combined administrator.

432 "Recommencing discharger" means a source that recommences discharge after terminating
433 operations.

434 "Regional administrator" means the Regional Administrator of Region III of the
435 Environmental Protection Agency or the authorized representative of the regional administrator.

436 "Regional (watershed-wide) stormwater management facility" or "regional facility" means a
437 facility or series of facilities designed to control stormwater runoff from a specific watershed,
438 although only portions of the watershed may experience land development.

439 "Regional (watershed-wide) stormwater management plan" or "regional plan" means a
440 document containing material describing how runoff from open space, existing development and

441 future planned development areas within a watershed will be controlled by coordinated design
442 and implementation of regional stormwater management facilities.

443 "Revoked permit" means, for the purposes of this chapter, an existing permit that is
444 terminated by the board before its expiration.

445 "Runoff coefficient" means the fraction of total rainfall that will appear at a conveyance as
446 runoff.

447 "Runoff" or "stormwater runoff" means that portion of precipitation that is discharged across
448 the land surface or through conveyances to one or more waterways.

449 "Sand filter" means a contained bed of sand that acts to filter the first flush of runoff. The
450 runoff is then collected beneath the sand bed and conveyed to an adequate discharge point or
451 infiltrated into the in-situ soils.

452 "Schedule of compliance" means a schedule of remedial measures included in a permit,
453 including an enforceable sequence of interim requirements (for example, actions, operations, or
454 milestone events) leading to compliance with the Act, the CWA and regulations.

455 "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

456 "Severe property damage" means substantial physical damage to property, damage to the
457 treatment facilities that causes them to become inoperable, or substantial and permanent loss of
458 natural resources that can reasonably be expected to occur in the absence of a bypass. Severe
459 property damage does not mean economic loss caused by delays in production.

460 "Shallow marsh" means a zone within a stormwater extended detention basin that exists from
461 the surface of the normal pool to a depth of six to 18 inches, and has a large surface area and,
462 therefore, requires a reliable source of baseflow, groundwater supply, or a sizeable drainage area,
463 to maintain the desired water surface elevations to support emergent vegetation.

464 "Significant materials" means, but is not limited to: raw materials; fuels; materials such as
465 solvents, detergents, and plastic pellets; finished materials such as metallic products; raw
466 materials used in food processing or production; hazardous substances designated under
467 §101(14) of CERCLA (42 USC §9601(14)); any chemical the facility is required to report
468 pursuant to §313 of Title III of SARA (42 USC §11023); fertilizers; pesticides; and waste
469 products such as ashes, slag and sludge that have the potential to be released with stormwater
470 discharges.

471 "Single jurisdiction" means, for the purposes of this chapter, a single county or city. The term
472 county includes incorporated towns which are part of the county.

473 "Site" means the land or water area where any facility or activity is physically located or
474 conducted, a parcel of land being developed, or a designated planning area in which the land
475 development project is located.

476 "Small construction activity" means:

477 1. Construction activities including clearing, grading, and excavating that results in land
478 disturbance of equal to or greater than one acre, or equal to or greater than 2,500 square feet in
479 all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area
480 Designation and Management Regulations adopted pursuant to the Chesapeake Bay Preservation
481 Act, and less than five acres. Small construction activity also includes the disturbance of less
482 than one acre of total land area that is part of a larger common plan of development or sale if the
483 larger common plan will ultimately disturb equal to or greater than one and less than five acres.
484 Small construction activity does not include routine maintenance that is performed to maintain
485 the original line and grade, hydraulic capacity, or original purpose of the facility. The board may
486 waive the otherwise applicable requirements in a general permit for a stormwater discharge from
487 construction activities that disturb less than five acres where stormwater controls are not needed
488 based on a "total maximum daily load" (TMDL) approved or established by EPA that addresses
489 the pollutant(s) of concern or, for nonimpaired waters that do not require TMDLs, an equivalent
490 analysis that determines allocations for small construction sites for the pollutant(s) of concern or
491 that determines that such allocations are not needed to protect water quality based on
492 consideration of existing in-stream concentrations, expected growth in pollutant contributions
493 from all sources, and a margin of safety. For the purpose of this subdivision, the pollutant(s) of
494 concern include sediment or a parameter that addresses sediment (such as total suspended solids,
495 turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of
496 any water body that will receive a discharge from the construction activity. The operator must
497 certify to the board that the construction activity will take place, and stormwater discharges will
498 occur, within the drainage area addressed by the TMDL or equivalent analysis.

499 2. Any other construction activity designated by the either the board or the EPA regional
500 administrator, based on the potential for contribution to a violation of a water quality standard or
501 for significant contribution of pollutants to surface waters.

502 "Small municipal separate storm sewer system" or "small MS4" means all separate storm
503 sewers that are (i) owned or operated by the United States, a state, city, town, borough, county,
504 parish, district, association, or other public body (created by or pursuant to state law) having
505 jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including
506 special districts under state law such as a sewer district, flood control district or drainage district,
507 or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated
508 and approved management agency under §208 of the CWA that discharges to surface waters and
509 (ii) not defined as "large" or "medium" municipal separate storm sewer systems or designated
510 under 4VAC50-60-380 A 1. This term includes systems similar to separate storm sewer systems
511 in municipalities, such as systems at military bases, large hospital or prison complexes, and
512 highway and other thoroughfares. The term does not include separate storm sewers in very
513 discrete areas, such as individual buildings.

514 "Source" means any building, structure, facility, or installation from which there is or may be
515 a discharge of pollutants.

516 "State" means the Commonwealth of Virginia.

517 "State/EPA agreement" means an agreement between the regional administrator and the state
518 that coordinates EPA and state activities, responsibilities and programs including those under the
519 CWA and the Act.

520 "State project" means any land development project that is undertaken by any state agency,
521 board, commission, authority or any branch of state government, including state-supported
522 institutions of higher learning.

523 "State Water Control Law" means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code
524 of Virginia.

525 "State waters" means all water, on the surface and under the ground, wholly or partially
526 within or bordering the Commonwealth or within its jurisdiction, including wetlands.

527 "Stormwater" means precipitation that is discharged across the land surface or through
528 conveyances to one or more waterways and that may include stormwater runoff, snow melt
529 runoff, and surface runoff and drainage.

530 "Stormwater detention basin" or "detention basin" means a stormwater management facility
531 that temporarily impounds runoff and discharges it through a hydraulic outlet structure to a

532 downstream conveyance system. While a certain amount of outflow may also occur via
533 infiltration through the surrounding soil, such amounts are negligible when compared to the
534 outlet structure discharge rates and are, therefore, not considered in the facility's design. Since a
535 detention facility impounds runoff only temporarily, it is normally dry during nonrainfall
536 periods.

537 "Stormwater discharge associated with construction activity" means a discharge of pollutants
538 in stormwater runoff from areas where land-disturbing activities (e.g., clearing, grading, or
539 excavation); construction materials or equipment storage or maintenance (e.g., fill piles, borrow
540 area, concrete truck washout, fueling); or other industrial stormwater directly related to the
541 construction process (e.g., concrete or asphalt batch plants) are located.

542 "Stormwater discharge associated with large construction activity" means the discharge of
543 stormwater from large construction activities.

544 "Stormwater discharge associated with small construction activity" means the discharge of
545 stormwater from small construction activities.

546 "Stormwater extended detention basin" or "extended detention basin" means a stormwater
547 management facility that temporarily impounds runoff and discharges it through a hydraulic
548 outlet structure over a specified period of time to a downstream conveyance system for the
549 purpose of water quality enhancement or stream channel erosion control. While a certain amount
550 of outflow may also occur via infiltration through the surrounding soil, such amounts are
551 negligible when compared to the outlet structure discharge rates and, therefore, are not
552 considered in the facility's design. Since an extended detention basin impounds runoff only
553 temporarily, it is normally dry during nonrainfall periods.

554 "Stormwater extended detention basin-enhanced" or "extended detention basin-enhanced"
555 means an extended detention basin modified to increase pollutant removal by providing a
556 shallow marsh in the lower stage of the basin.

557 "Stormwater management facility" means a device that controls stormwater runoff and
558 changes the characteristics of that runoff including, but not limited to, the quantity and quality,
559 the period of release or the velocity of flow.

560 "Stormwater management plan" means a document(s) containing material for describing how
561 existing runoff characteristics will be maintained by a land-disturbing activity and methods for
562 complying with the requirements of the local program or this chapter.

563 "Stormwater Management Program" means a program established by a locality that is
564 consistent with the requirements of the Virginia Stormwater Management Act, this chapter and
565 associated guidance documents.

566 "Stormwater Pollution Prevention Plan" (SWPPP) or "plan SWPPP" means a document that
567 is prepared in accordance with good engineering practices and that identifies potential sources of
568 ~~pollution~~ pollutant that may reasonably be expected to affect the quality of stormwater
569 discharges from the construction site or its associated land-disturbing activities. In addition the
570 document shall describe and ensure the implementation of ~~best management practices control~~
571 ~~measures~~, and shall include, but not be limited to the inclusion of, or the incorporation by
572 reference of, an erosion and sediment control plan, a post-construction stormwater management
573 plan, a spill prevention control and countermeasure (SPCC) plan, and other practices that will be
574 used to reduce pollutants in stormwater discharges from land-disturbing activities and to assure
575 compliance with the terms and conditions of this chapter. All plans incorporated by reference
576 into the SWPPP shall be enforceable under the permit issued ~~or general permit coverage~~
577 ~~authorized~~.

578 "Stormwater retention basin" or "retention basin" means a stormwater management facility
579 that includes a permanent impoundment, or normal pool of water, for the purpose of enhancing
580 water quality and, therefore, is normally wet, even during nonrainfall periods. Storm runoff
581 inflows may be temporarily stored above this permanent impoundment for the purpose of
582 reducing flooding, or stream channel erosion.

583 "Stormwater retention basin I" or "retention basin I" means a retention basin with the volume
584 of the permanent pool equal to three times the water quality volume.

585 "Stormwater retention basin II" or "retention basin II" means a retention basin with the
586 volume of the permanent pool equal to four times the water quality volume.

587 "Stormwater retention basin III" or "retention basin III" means a retention basin with the
588 volume of the permanent pool equal to four times the water quality volume with the addition of
589 an aquatic bench.

590 "Subdivision" means the same as defined in §15.2-2201 of the Code of Virginia.

591 "Surface waters" means:

592 1. All waters that are currently used, were used in the past, or may be susceptible to use in
593 interstate or foreign commerce, including all waters that are subject to the ebb and flow of the
594 tide;

595 2. All interstate waters, including interstate wetlands;

596 3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams),
597 mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural
598 ponds the use, degradation, or destruction of which would affect or could affect interstate or
599 foreign commerce including any such waters:

600 a. That are or could be used by interstate or foreign travelers for recreational or other
601 purposes;

602 b. From which fish or shellfish are or could be taken and sold in interstate or foreign
603 commerce; or

604 c. That are used or could be used for industrial purposes by industries in interstate commerce.

605 4. All impoundments of waters otherwise defined as surface waters under this definition;

606 5. Tributaries of waters identified in subdivisions 1 through 4 of this definition;

607 6. The territorial sea; and

608 7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in
609 subdivisions 1 through 6 of this definition.

610 Waste treatment systems, including treatment ponds or lagoons designed to meet the
611 requirements of the CWA and the law, are not surface waters. Surface waters do not include
612 prior converted cropland. Notwithstanding the determination of an area's status as prior
613 converted cropland by any other agency, for the purposes of the Clean Water Act, the final
614 authority regarding the Clean Water Act jurisdiction remains with the EPA.

615 "Total dissolved solids" means the total dissolved (filterable) solids as determined by use of
616 the method specified in 40 CFR Part 136 (2000).

617 "Total maximum daily load" or "TMDL" means the sum of the individual wasteload
618 allocations for point sources, load allocations (LAs) for nonpoint sources, natural background

619 loading and a margin of safety. TMDLs can be expressed in terms of either mass per time,
620 toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint
621 source trade-offs.

622 "Toxic pollutant" means any pollutant listed as toxic under §307(a)(1) of the CWA or, in the
623 case of sludge use or disposal practices, any pollutant identified in regulations implementing
624 §405(d) of the CWA.

625 "Upset" means an exceptional incident in which there is unintentional and temporary
626 noncompliance with technology based permit effluent limitations because of factors beyond the
627 reasonable control of the operator. An upset does not include noncompliance to the extent caused
628 by operational error, improperly designed treatment facilities, inadequate treatment facilities,
629 lack of preventive maintenance, or careless or improper operation.

630 "Variance" means any mechanism or provision under §301 or §316 of the CWA or under 40
631 CFR Part 125 (2000), or in the applicable effluent limitations guidelines that allows modification
632 to or waiver of the generally applicable effluent limitation requirements or time deadlines of the
633 CWA. This includes provisions that allow the establishment of alternative limitations based on
634 fundamentally different factors or on §301(c), §301(g), §301(h), §301(i), or §316(a) of the CWA.

635 "Vegetated filter strip" means a densely vegetated section of land engineered to accept runoff
636 as overland sheet flow from upstream development. It shall adopt any natural vegetated form,
637 from grassy meadow to small forest. The vegetative cover facilitates pollutant removal through
638 filtration, sediment deposition, infiltration and absorption, and is dedicated for that purpose.

639 "Virginia Pollutant Discharge Elimination System (VPDES) permit" or "VPDES permit"
640 means a document issued by the State Water Control Board pursuant to the State Water Control
641 Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from
642 a point source to surface waters and the use or disposal of sewage sludge.

643 "Virginia Stormwater Management Act" or "Act" means Article 1.1 (§10.1-603.1 et seq.) of
644 Chapter 6 of Title 10.1 of the Code of Virginia.

645 "Virginia Stormwater BMP Clearinghouse website" means a website that contains detailed
646 design standards and specifications for BMPs that may be used in Virginia to comply with
647 requirements of the Virginia Stormwater Management Act and associated regulations and that is

648 jointly created by the department and the Virginia Water Resources Research Center subject to
649 advice from a permanent stakeholder advisory committee.

650 "Virginia Stormwater Management Program (VSMP)" means the Virginia program for
651 issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and
652 imposing and enforcing requirements pursuant to the federal Clean Water Act, the Virginia
653 Stormwater Management Act, this chapter, and associated guidance documents.

654 "Virginia Stormwater Management Program (VSMP) permit" means a document issued by
655 the permit-issuing authority pursuant to the Virginia Stormwater Management Act and this
656 chapter authorizing, under prescribed conditions, the potential or actual discharge of pollutants
657 from a point source to surface waters. Under the approved state program, a VSMP permit is
658 equivalent to a NPDES permit.

659 "VSMP application" or "application" means the standard form or forms, including any
660 additions, revisions or modifications to the forms, approved by the administrator and the board
661 for applying for a VSMP permit.

662 "Wasteload allocation" or "wasteload" or "WLA" means the portion of a receiving surface
663 water's loading or assimilative capacity allocated to one of its existing or future point sources of
664 pollution. WLAs are a type of water quality-based effluent limitation.

665 "Water quality standards" or "WQS" means provisions of state or federal law which consist
666 of a designated use or uses for the waters of the Commonwealth and water quality criteria for
667 such waters based on such uses. Water quality standards are to protect the public health or
668 welfare, enhance the quality of water, and serve the purposes of the State Water Control Law
669 (§62.1-44.2 et seq. of the Code of Virginia), the Virginia Stormwater Management Act (§10.1-
670 603.1 et seq. of the Code of Virginia), and the federal Clean Water Act (33 USC §1251 et seq.).

671 "Water quality volume" means the volume equal to the first 1/2 inch of runoff multiplied by
672 the impervious surface of the land development project.

673 "Watershed" means a defined land area drained by a river or stream or system of connecting
674 rivers or streams such that all surface water within the area flows through a single outlet.

675 "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a
676 frequency and duration sufficient to support, and that under normal circumstances do support, a

677 prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands
678 generally include swamps, marshes, bogs, and similar areas.

679 "Whole effluent toxicity" means the aggregate toxic effect of an effluent measured directly
680 by a toxicity test.

681

682 **4VAC50-60-1100. Definitions.**

683 The words and terms used in this part shall have the meanings defined in the Act and this
684 chapter unless the context clearly indicates otherwise, except that for the purposes of this part:

685 "Commencement of construction" means the initial disturbance of soils associated with
686 clearing, grading, or excavating activities or other construction activities (e.g., stockpiling of fill
687 material).

688 "Final stabilization" means that one of the following situations has occurred:

689 1. All soil disturbing activities at the site have been completed and a permanent
690 vegetative cover has been established on denuded areas not otherwise permanently
691 stabilized. Permanent vegetation shall not be considered established until a ground cover
692 is achieved that is uniform (e.g., evenly distributed, without large bare areas), mature
693 enough to survive, and will inhibit erosion.

694 2. For individual lots in residential construction, final stabilization can occur by either:

695 a. The homebuilder completing final stabilization as specified in subdivision 1 of this
696 definition; or

697 b. The homebuilder establishing temporary stabilization, including perimeter controls
698 for an individual lot prior to occupation of the home by the homeowner, and
699 informing the homeowner of the need for, and benefits of, final stabilization.

700 3. For construction projects on land used for agricultural purposes (e.g., pipelines across
701 crop or range land), final stabilization may be accomplished by returning the disturbed
702 land to its preconstruction agricultural use. Areas disturbed that were not previously used
703 for agricultural activities, such as buffer strips immediately adjacent to surface waters,
704 and areas that are not being returned to their preconstruction agricultural use must meet
705 the final stabilization criteria specified in subdivision 1 or 2 of this definition.

706

707 **4VAC50-60-1110. Purpose.**

708 This general permit regulation ~~governs~~ authorizes stormwater discharges from construction
709 activities. For the purposes of this part, these discharges are defined as stormwater discharges
710 associated with large construction activity, and stormwater discharges associated with small
711 construction activity. Stormwater discharges associated with other types of industrial activity
712 shall not have coverage under this general permit. This general permit covers only discharges
713 through a point source to ~~a surface water~~ state waters or through a municipal or nonmunicipal
714 separate storm sewer system to surface state waters. Stormwater discharges associated with
715 industrial activity that originate from the site after construction activities have been completed
716 and the site has undergone final stabilization are not authorized by this permit. The goal of this
717 permit is to reduce or eliminate stormwater pollutants from construction activity by requiring
718 that the operator plan and implement appropriate control measures. Implementation of the
719 strategies and control measures consistent with the provisions of this permit constitutes
720 compliance with the assumptions of an approved TMDL, protects water quality in the absence of
721 a TMDL wasteload allocation, ensures compliance by the operator with water quality standards,
722 and satisfies the appropriate water quality requirements of the Clean Water Act and regulations.

723

724 **4VAC50-60-1120. Effective date of the permit.**

725 This general permit became effective on July 1, ~~2004~~ 2009. The general permit will expire on
726 June 30, ~~2009~~ 2014.

727

728 **4VAC50-60-1130. Authorization to discharge.**

729 A. Any operator governed by this general permit is authorized by this to discharge to surface
730 state waters of the Commonwealth of Virginia upon issuance of coverage under the general
731 permit by the permit issuing authority provided that the operator ~~files~~ has filed a complete and
732 accurate registration statement in accordance with 4VAC50-60-1140, submitted any fees
733 required by 4VAC50-60-700 et seq. (Part XIII), ~~complies~~ complied with the requirements of
734 4VAC50-60-1150, complied with the requirements of 4VAC50-60-40 et seq. (Part II), and
735 provided that:

- 736 1. The operator shall not have been required to obtain an individual permit according to
737 4VAC50-60-410 B;
- 738 2. The operator shall not be authorized by this general permit to discharge to state waters
739 specifically named in other State Water Control Board regulations or policies that
740 prohibit such discharges;
- 741 3. Prior to commencing construction, the operator shall obtain approval of an erosion and
742 sediment control plan from the locality in which the construction activity is to occur or
743 from another appropriate plan approving authority authorized under the Erosion and
744 Sediment Control Regulations, 4VAC50-30, unless the operator receives an "agreement
745 in lieu of a plan" from the locality, or is exempt from the requirement to submit an
746 erosion and sediment control plan by 4VAC50-30 §10.1-560;
- 747 ~~4. Stormwater discharges which the permit issuing authority determines cause, may~~
748 ~~reasonably be expected to cause, or contribute to a violation of water quality standards~~
749 ~~(9VAC25-260) are not covered by this permit;~~
- 750 54. The stormwater discharge authorized by this permit may be combined with other
751 sources of stormwater that are not required to be covered under a VSMP permit, so long
752 as the combined discharge is in compliance with this permit. Any discharge authorized by
753 a different VSMP or a VPDES permit may be commingled with discharges authorized by
754 this permit; and
- 755 65. Discharges to waters for which a "total maximum daily load" (TMDL) wasteload
756 allocation for sediment or a parameter that addresses sediment (such as total suspended
757 solids, turbidity, or siltation) has been established by the State Water Control Board and
758 approved by EPA are not eligible for coverage under this permit unless the stormwater
759 pollution prevention plan (SWPPP) developed by the operator incorporates measures and
760 controls that are consistent with the assumptions and requirements of such TMDL. To be
761 eligible for coverage under this general permit, the SWPPP must incorporate any
762 conditions applicable to discharges from the construction site that are necessary for
763 consistency with the assumptions and requirements of the TMDL. If a specific wasteload
764 allocation has been established that would apply to discharges from the construction site,
765 the operator must incorporate that allocation into the SWPPP and implement necessary

766 ~~steps to meet that allocation shall be addressed in accordance with 4VAC50-60-1170.~~
767 ~~Section II, D7.~~

768 B. This permit may also be used to authorize stormwater discharges from support activities
769 (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated
770 material disposal areas, borrow areas) located on-site or off-site provided that:

771 1. The support activity is directly related to a construction site that is required to have
772 VSMP permit coverage for discharges of stormwater associated with construction
773 activity;

774 2. The support activity is not a commercial operation serving multiple unrelated
775 construction projects by different operators, and does not operate beyond the completion
776 of the construction activity at the last construction project it supports; and

777 3. Appropriate controls and measures are identified in a stormwater pollution prevention
778 plan covering the discharges from the support activity areas.

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

785 D. Receipt of this general permit does not relieve any operator of the responsibility to comply
786 with any other applicable federal, state or local statute, ordinance or regulation.

787 E. The ~~permit issuing authority may allow exceptions to technical criteria contained in the~~
788 ~~permit in accordance with 4VAC50-60-140 board may waive the otherwise applicable~~
789 ~~requirements in this general permit regulation for a stormwater discharge from small~~
790 ~~construction activity where stormwater controls are not needed based on a "total maximum daily~~
791 ~~load" (TMDL) established by the board and approved by EPA that addresses the pollutants of~~
792 ~~concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that~~
793 ~~determines allocations for small construction sites for the pollutants of concern or that~~
794 ~~determines that such allocations are not needed to protect water quality based on consideration of~~
795 ~~existing in-stream concentrations, expected growth in pollutant contributions from all sources;~~

796 and a margin of safety. For the purpose of this section, the pollutants of concern include
797 sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or
798 siltation) and any other pollutant that has been identified as a cause of impairment of any water
799 body that will receive a discharge from the construction activity. In order to obtain this waiver,
800 prior to the commencement of construction the operator must certify to the board that the
801 construction activity will take place, and stormwater discharges will occur, within the drainage
802 area addressed by a TMDL, or within the drainage area addressed by an equivalent analysis.

803

804 **4VAC50-60-1140. Qualifying state, tribal and local programs.**

805 Qualifying state, tribal, or local erosion and sediment control program requirements may be
806 incorporated by reference into the Stormwater Pollution Prevention Plan (SWPPP) required by
807 4VAC50-60-1170 of this permit. Where a qualifying state, tribal, or local program does not
808 include one or more of the elements in this section, then the permittee operator must include
809 those elements as part of the SWPPP required by 4VAC50-60-1170 of this permit. A qualifying
810 state, tribal, or local erosion and sediment control program is one that is approved by the board
811 and includes:

- 812 1. Requirements for construction site operators to implement appropriate erosion and
813 sediment control best management practices measures;
- 814 2. Requirements for construction site operators to control waste such as discarded
815 building materials, concrete truck washout, chemicals, litter, and sanitary waste at the
816 construction site that may cause adverse impacts to water quality; and
- 817 3. Requirements for construction site operators to develop and implement an a SWPPP in
818 accordance with 4VAC50-60-1170, Section II. ~~(An SWPPP includes site descriptions,~~
819 ~~descriptions of appropriate control measures, copies of approved state, tribal or local~~
820 ~~requirements, maintenance procedures, inspection procedures, and identification of~~
821 ~~nonstormwater discharges); and~~
- 822 4. ~~Requirements to submit a site plan for review that incorporates consideration of~~
823 ~~potential water quality impacts.~~

824

825 **4VAC50-60-1150. Permit application (registration statement).**

826 A. Deadlines for submitting registration statement.

827 1. Except as provided in subdivision 3 of this subsection, operators must submit a
828 complete and accurate registration statement in accordance with the requirements of this
829 section prior to the issuance of coverage under the general permit that authorizes the
830 commencement of construction land disturbing activities (i.e., the initial disturbance of
831 soils associated with clearing, grading, excavation activities, or other construction
832 activities).

833 2. For stormwater discharges from construction projects land disturbing activities where
834 the operator changes, ~~including instances where an operator is added after a registration~~
835 ~~statement has been submitted,~~ the new operator must submit a complete and accurate
836 registration statement transfer form prior to assuming operational control over site
837 specifications or commencing work on-site.

838 3. In order to continue permit coverage, operators of ongoing construction land disturbing
839 activity projects as of July 1, 2004 2009, that received authorization to discharge for
840 those projects under the construction stormwater general permit issued in 1999 2004
841 must:

- 842 a. Submit a complete and accurate registration statement by July 1, 2004 2009; and
843 b. Update their stormwater pollution prevention plan to comply with the requirements
844 of this general permit within 30 days after the date of coverage under this general
845 permit.

846 4. Effective date of permit coverage. The operator of a construction activity is authorized
847 to discharge stormwater from those construction activities under the terms and conditions
848 of this permit ~~immediately upon submission of a complete and accurate registration~~
849 ~~statement to~~ only upon issuance of coverage under the general permit by the permit-
850 issuing authority, ~~but in no event earlier than the effective date of this permit, except as~~
851 ~~noted in subdivision 3 of this subsection. For the purposes of this regulation, a~~
852 ~~registration statement that is mailed is considered to be submitted once it is postmarked.~~
853 ~~Operators are not authorized to discharge if the registration statement is incomplete or~~
854 ~~incorrect, or if the discharge(s) was not eligible for coverage under this permit.~~

855 5. Late notifications. Operators are not prohibited from submitting registration statements
856 after initiating clearing, grading, excavation activities, or other construction land
857 disturbing activities. When a late registration statement is submitted, authorization for
858 discharges ~~occurs no earlier than the submission date of the registration statement may~~
859 not occur until coverage under the general permit is issued. The permit-issuing authority
860 reserves the right to take enforcement action for any unpermitted discharges or permit
861 noncompliance that occurs between the commencement of construction and discharge
862 authorization.

863 B. Registration statement. The operator shall submit a registration statement that shall
864 contain the following information:

865 1. Name, mailing address and telephone number of the construction land disturbing
866 activity operator. No more than one operator may receive coverage under each
867 registration statement. (NOTE: The permit will be issued to this operator, and the
868 certification in subdivision 13 of this subsection must be signed by the appropriate person
869 associated with this operator) ;

870 2. Name and location of the construction land disturbing activity, including town, city, or
871 county, and all off-site support activities to be covered under the permit. If a street
872 address is unavailable, provide latitude and longitude;

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

874 4. Nature of the construction project land disturbing activity (e.g., commercial, industrial,
875 residential, agricultural, oil and gas, etc.);

876 5. Name of the receiving water(s);

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

879 7. Estimated project start date and completion date;

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

882 9. Whether the area to be disturbed by the construction land disturbing activity is part of a
883 larger common plan of development or sale;

884 10. ~~A topographic map or other map that clearly shows the location of the construction~~
885 ~~activity, the area to be disturbed (including off site support activities), and the receiving~~
886 ~~stream or streams for the stormwater discharges;~~

887 **NOTE:** A stormwater pollution prevention plan (SWPPP) must be prepared in
888 accordance with the requirements of the VSMP General Permit for Stormwater
889 Discharges from Construction Activities prior to submitting this registration statement.
890 By signing this registration statement you are certifying that the SWPPP has been
891 prepared;

892 ~~11. The location of where the SWPPP may be viewed, and the name and phone number~~
893 ~~of a contact person (NOTE: The contact person should be a person knowledgeable in the~~
894 ~~principles and practice of erosion and sediment controls, that is a licensed professional~~
895 ~~engineer, responsible land disturber (RLD), or other knowledgeable person that (i) holds~~
896 ~~a certificate of competence from the board in the area of project inspection; or (ii) is~~
897 ~~enrolled in the board's training program for project inspection or combined administrator~~
898 ~~and successfully completes such program within one year of enrollment); and~~

899 ~~12. A list of the permanent BMPs (both structural and nonstructural) that will be installed~~
900 ~~at the construction activity site. For each BMP that will be installed, include the~~
901 ~~following information:~~

902 a. ~~Type of permanent BMP to be installed;~~

903 b. ~~Geographic location (county—state Hydrologic Unit Code);~~

904 c. ~~Waterbody the BMP will discharge into;~~

905 d. ~~Number of acres that will be treated (to the nearest one-tenth acre).;~~

906 ~~13~~11. The following certification: "I certify under penalty of law that this document and
907 all attachments were prepared under my direction or supervision in accordance with a
908 system designed to assure that qualified personnel properly ~~gather~~ gathered and ~~evaluate~~
909 evaluated the information submitted. Based on my inquiry of the person or persons who
910 manage the system or those persons directly responsible for gathering the information,
911 the information submitted is to the best of my knowledge and belief true, accurate, and
912 complete. I am aware that there are significant penalties for submitting false information
913 including the possibility of fine and imprisonment for knowing violations."

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

916 D. Where to submit. The registration statement shall be submitted to the permit-issuing
917 authority.

918

919 **4VAC50-60-1160. Termination of permit coverage.**

920 A. Requirements. The operator ~~of the construction activity~~ may only submit a notice of
921 termination after one or more of the following conditions have been met:

922 1. Final stabilization has been achieved on all portions of the site for which the operator
923 is responsible;

924 2. Another operator has assumed control over and obtained VSMP permit coverage for all
925 areas of the site that have not been finally stabilized;

926 3. Coverage under an individual or alternative VPDES or VSMP permit has been
927 obtained; or

928 4. For residential construction only, temporary stabilization has been completed and the
929 residence has been transferred to the homeowner.

930 The notice of termination must be submitted within 30 days of one of the above conditions
931 being met. Authorization to discharge terminates seven days after the notice of termination is
932 submitted. ~~For the purposes of this regulation, a notice of termination that is mailed is considered~~
933 ~~to be submitted once it is postmarked.~~

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

935 1. Name, mailing address and telephone number of the construction land disturbing
936 activity operator.

937 2. Name and location of the construction land disturbing activity. If a street address is
938 unavailable, provide latitude and longitude.

939 3. The VSMP stormwater general permit number.

940 4. The basis for submission of the notice of termination, including:

941 a. Final stabilization has been achieved on all portions of the site for which the
942 operator is responsible;

- 943 b. Another operator has assumed control over all areas of the site that have not been
944 finally stabilized;
- 945 c. Coverage under an alternative VPDES or VSMP permit has been obtained; or
- 946 d. For residential construction only, temporary stabilization has been completed and
947 the residence has been transferred to the homeowner.

948 5. A list of the permanent control measures (both structural and nonstructural) that was
949 installed at the land disturbing activity site. For each control measure that was installed,
950 include the following information:

- 951 a. Type of permanent control measure installed;
- 952 b. Geographic location (county and Hydrologic Unit Code);
- 953 c. Waterbody the control measure discharges into;
- 954 d. Number of acres treated (to the nearest one-tenth of an acre).

955 56. The following certification: "I certify under penalty of law that this document and all
956 attachments were prepared under my direction or supervision in accordance with a
957 system designed to assure that qualified personnel properly gather gathered and evaluate
958 evaluated the information submitted. Based on my inquiry of the person or persons who
959 manage the system or those persons directly responsible for gathering the information,
960 the information submitted is to the best of my knowledge and belief true, accurate, and
961 complete. I am aware that there are significant penalties for submitting false information
962 including the possibility of fine and imprisonment for knowing violations."

963 C. The notice of termination shall be signed in accordance with 4VAC50-60-1170, Section
964 III K.

965 D. Where to submit. The notice of termination shall be submitted to the permit-issuing
966 authority.

967

968 **4VAC50-60-1170. General permit.**

969 Any operator whose registration statement is accepted by the permit-issuing authority will
970 receive the following permit and shall comply with the requirements in it and be subject to all
971 requirements of the Virginia Stormwater Management Act (Chapter 6, Article 1.1 (§10.1-603.1

972 et seq.) of Title 10.1 of the Code of Virginia) and the Virginia Stormwater Management Program
973 (VSMP) Permit Regulations (4VAC50-60). No more than one operator may receive coverage
974 under each registration statement.

975 General Permit No.: DCR01 VAR10

976 Effective Date: July 1, 2004 2009

977 Expiration Date: June 30, 2009 2014

978 GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION
979 ACTIVITIES

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

982 In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the
983 Virginia Stormwater Management Act and regulations adopted pursuant to that, operators of
984 construction activities (those sites or common plans of development or sale that will result in the
985 disturbance of one or more acres of total land area) with stormwater discharges from these
986 construction activities are authorized to discharge to surface state waters, including discharges to
987 a regulated MS4 system. within the boundaries of the Commonwealth of Virginia, except those
988 specifically named in State Water Control Board and Virginia Soil and Water Conservation
989 Board regulations and policies or permit issuing authority policies and ordinances which prohibit
990 such discharges.

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

994 SECTION I

995 DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS

996 A. Coverage under this permit.

997 1. During the period beginning with the date of coverage under this general permit and
998 lasting until the permit's expiration date, the permittee operator is authorized to discharge
999 stormwater from construction activities.

1000 2. This permit also authorizes stormwater discharges from off-site support activities (e.g.,
1001 concrete or asphalt batch plants, equipment staging yards, material storage areas,
1002 excavated material disposal areas, borrow areas) provided that:

1003 a. The support activity is directly related to a the construction site that is required to
1004 have VSMP permit coverage for discharges of stormwater associated with
1005 construction activity;

1006 b. The support activity is not a commercial operation serving multiple unrelated
1007 construction projects by different operators, and does not operate beyond the
1008 completion of the construction activity at the last construction project it supports; and

1009 c. Appropriate controls and pollution prevention measures for the discharges from the
1010 support activity areas are identified in the stormwater pollution prevention plan
1011 required for the construction activity under Section II D of this permit.

1012 3. There shall be no discharge of floating solids or visible foam in other than trace
1013 amounts.

1014 B. Limitation on coverage.

1015 1. Post-construction discharges. This permit does not authorize stormwater discharges
1016 that originate from the site after construction activities have been completed and the site,
1017 including any temporary support activity site, has undergone final stabilization. Post-
1018 construction industrial stormwater discharges may need to be covered by a separate
1019 VPDES permit.

1020 2. Discharges mixed with nonstormwater. This permit does not authorize discharges that
1021 are mixed with sources of nonstormwater, other than those discharges that are identified
1022 in Section I D 2 (Exceptions to prohibition of nonstormwater discharges) and are in
1023 compliance with Section II D 5 (Nonstormwater discharge management).

1024 3. Discharges covered by another permit. This permit does not authorize stormwater
1025 discharges associated with construction activity that have been covered under an
1026 individual permit or required to obtain coverage under an alternative general permit ~~in~~
1027 ~~accordance with Part Section III X.~~

1028 4. TMDL limitation. Discharges to waters for which a wasteload allocation (WLA) for a
1029 pollutant has been established in a "total maximum daily load" (TMDL) by the

1030 Commonwealth and approved by the EPA that would apply to stormwater discharges
1031 from a land disturbing activity, ~~the necessary steps must be implemented to meet the~~
1032 ~~WLA~~, for sediment or a parameter that addresses sediment (such as total suspended
1033 solids, turbidity, or siltation) has been established by the State Water Control Board and
1034 ~~approved by EPA~~ are not eligible for coverage under this permit unless the stormwater
1035 pollution prevention plan (SWPPP) developed by the operator incorporates measures and
1036 controls that are consistent with the assumptions and requirements of such TMDL. To be
1037 eligible for coverage under this general permit, the SWPPP must incorporate any
1038 conditions applicable to discharges from the construction site that are necessary for
1039 consistency with the assumptions and requirements of the TMDL. If a specific wasteload
1040 allocation has been established that would apply to discharges from the construction site,
1041 the operator must incorporate that allocation into the SWPPP and implement necessary
1042 steps to meet that allocation.

1043 C. Commingled discharges. Any discharge authorized by a different VSMP or VPDES
1044 permit may be commingled with discharges authorized by this permit.

1045 D. Prohibition of nonstormwater discharges.

1046 1. Except as provided in Sections I A 2, I C and I D 2, all discharges covered by this
1047 permit shall be composed entirely of stormwater associated with construction activity.

1048 2. The following nonstormwater discharges from active construction sites are authorized
1049 by this permit provided the nonstormwater component of the discharge is in compliance
1050 with Section II D 5 (Nonstormwater discharges):

1051 a. Discharges from fire fighting activities;

1052 b. Fire hydrant flushings;

1053 c. Waters used to wash vehicles where detergents are not used;

1054 d. Water used to control dust;

1055 e. Potable water sources, including uncontaminated waterline flushings;

1056 f. Water used for hydrostatic testing of new pipeline construction;

1057 ~~g.~~ f. Routine external building wash down which does not use detergents;

1058 h. g. Pavement washwaters where spills or leaks of toxic or hazardous materials have
1059 not occurred (unless all spilled material has been removed) and where detergents are
1060 not used;

1061 i. h. Uncontaminated air conditioning or compressor condensate;

1062 j. i. Uncontaminated ground water or spring water;

1063 k. j. Foundation or footing drains where flows are not contaminated with process
1064 materials such as solvents;

1065 l. k. Uncontaminated excavation dewatering, and

1066 m. l. Landscape irrigation.

1067 E. Releases of hazardous substances or oil ~~in excess of reportable quantities~~. The discharge
1068 of hazardous substances or oil in the stormwater discharges from the construction site shall be
1069 prevented ~~or minimized~~ in accordance with the stormwater pollution prevention plan for the site.
1070 This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110
1071 (2002), 40 CFR Part 117 (2002) and 40 CFR Part 302 (2002) or §62.1-44.34:19 of the Code of
1072 Virginia.

1073 Where a release containing a hazardous substance or oil in an amount equal to or in excess of
1074 a reportable quantity established under either 40 CFR Part 110 (2002), 40 CFR Part 117 (2002)
1075 or 40 CFR Part 302 (2002) occurs during a 24-hour period:

1076 1. The permittee operator is required to notify the Department of Environmental Quality
1077 and the permit-issuing authority in accordance with the requirements of Section III G as
1078 soon as he has knowledge of the discharge;

1079 2. Where a release enters a municipal separate storm sewer system (MS4), the permittee
1080 operator shall also notify the owner operator of the MS4 ~~and the Department of~~
1081 ~~Conservation and Recreation~~; and

1082 3. The stormwater pollution prevention plan required under Section II D of this permit
1083 must be reviewed by the operator to identify measures to prevent the reoccurrence of
1084 such releases and to respond to such releases, and the plan must be modified where
1085 appropriate within seven calendar days of knowledge of a release.

1086 F. Spills. This permit does not authorize the discharge of hazardous substances or oil
1087 resulting from an on-site spill.

1088 G. Termination of permit coverage.

1089 1. The operator ~~of the construction activity~~ may only submit a notice of termination after
1090 one or more of the following conditions have been met:

1091 a. Final stabilization has been achieved on all portions of the site for which the
1092 operator is responsible;

1093 b. Another operator has assumed control over and obtained VSMP permit coverage
1094 for all areas of the site that have not been finally stabilized;

1095 c. Coverage under an individual or alternative VPDES or VSMP permit has been
1096 obtained; or

1097 d. For residential construction only, temporary stabilization has been completed and
1098 the residence has been transferred to the homeowner.

1099 2. The notice of termination must be submitted within 30 days of one of the conditions in
1100 Section I G 1 being met. Authorization to discharge terminates seven days after the notice
1101 of termination is submitted.

1102 3. The notice of termination shall be signed in accordance with Section III K of this
1103 permit.

1104 H. Water quality protection.

1105 1. The permittee operator must select, install, implement and maintain best management
1106 practices (BMPs) at the construction site that minimize pollutants in the discharge as
1107 necessary to meet applicable water quality standards. If there is evidence indicating that
1108 the stormwater discharges authorized by this permit are causing, have the reasonable
1109 potential to cause, or are contributing to an excursion above an applicable water quality
1110 standard, or are causing downstream pollution (as defined in this part), the permit issuing
1111 authority may take appropriate enforcement action, may require the permittee to include
1112 and implement appropriate controls in the SWPPP to correct the problem, and/or may
1113 require the permittee to obtain an individual permit in accordance with 4VAC50-60-410
1114 B-3. In general, except in situations explained in subdivision 2 below, the stormwater
1115 controls developed, implemented, and updated consistent with Section II are considered
1116 as stringent as necessary to ensure that the operator's discharges do not cause or
1117 contribute to an excursion above any applicable water quality standard.

1118 2. At any time after authorization, the permit issuing authority may determine that the
1119 operator's stormwater discharges may cause, have reasonable potential to cause, or
1120 contribute to an excursion above any applicable water quality standard. If such a
1121 determination is made, the permit issuing authority will require the operator to:

1122 a. Develop a supplemental BMP action plan describing modifications to the
1123 operator's stormwater controls in accordance with Section II C to address
1124 adequately the identified water quality concerns;

1125 b. Submit valid and verifiable data and information that are representative of
1126 ambient conditions and indicate that the receiving water is attaining water quality
1127 standards; or

1128 c. Cease discharges of pollutants from construction activity and submit an
1129 individual permit application according to 4VAC50-60-410 B 3.

1130 All written responses required under this part must include a signed certification
1131 consistent with Section III K.

SECTION II

STORMWATER POLLUTION PREVENTION PLAN

1134 A. Stormwater Pollution Prevention Plan Framework.

1135 1. A stormwater pollution prevention plan (SWPPP) shall be developed prior to
1136 submission of a registration statement and implemented for the construction activity
1137 covered by this permit. SWPPPs shall be prepared in accordance with good engineering
1138 practices.

1139 2. The SWPPP shall:

1140 a. identify Identify potential sources of pollution pollutants which may reasonably
1141 be expected to affect the quality of stormwater discharges from the construction
1142 site. In addition, the SWPPP shall

1143 b. describe Describe and ensure the implementation of practices which will be
1144 used to reduce pollutants in stormwater discharges from the construction site, and
1145 to

1146 c. assure Assure compliance with the terms and conditions of this permit.

1147 3. The SWPPP requirements of this general permit may be fulfilled by incorporating by
1148 reference other state, tribal or local plans such as an erosion and sediment control (ESC)
1149 plan or agreement in lieu of a plan as defined in 4VAC50-30-10, a stormwater
1150 management plan, a spill prevention control and countermeasure (SPCC) plan developed
1151 for the site under §311 of the federal Clean Water Act or best management practices
1152 (BMP) programs otherwise required for the facility provided that the incorporated plan
1153 meets or exceeds the SWPPP requirements of Section II D. If an erosion and sediment
1154 control plan for the construction activity is being incorporated by reference, the
1155 referenced plan must be approved by the locality in which the construction activity is to
1156 occur or by another appropriate plan approving authority authorized under the Erosion
1157 and Sediment Control Regulations (4VAC50-30) prior to the commencement of
1158 construction land disturbance.

1159 4. All plans incorporated by reference into the SWPPP become enforceable under this
1160 permit. If a plan incorporated by reference does not contain all of the required elements
1161 of the SWPPP of Section II D, the permittee operator must develop the missing elements
1162 and include them in the required SWPPP.

1163 5. Once a definable area has been finally stabilized, the operator may mark this on the
1164 SWPPP and no further SWPPP or inspection requirements inspections apply to portion of
1165 the site shall be conducted in accordance with Section II D 4 (e.g., earth disturbing
1166 activities around one of three buildings in a complex are done and the area is finally
1167 stabilized; one mile of a roadway or pipeline project is done and finally stabilized, etc.).

1168 6. The operator must implement the SWPPP as written and updated in accordance with
1169 Section II C from commencement of construction activity until final stabilization is
1170 complete permit coverage is terminated.

1171 A. Deadlines for SWPPP preparation and compliance.

1172 1. The SWPPP shall be prepared prior to submittal of the registration statement and
1173 provide for compliance with the terms and schedule of the plan beginning with the
1174 initiation of construction activities.

1175 ~~2. For ongoing construction activity involving a change of operator, the new operator~~
1176 ~~shall accept and maintain the existing SWPPP, or prepare and implement a new SWPPP~~
1177 ~~prior to taking over operations at the site.~~

1178 B. Signature, plan SWPPP review and making plans SWPPPs available.

1179 1. The SWPPP shall be signed in accordance with Section III K.

1180 2. The SWPPP shall be retained, along with a copy of this permit, registration statement,
1181 and acknowledgement letter from the permit issuing authority, at the construction site or
1182 other location easily accessible during normal business hours from the date of
1183 commencement of construction activity to the date of final stabilization. Permittees
1184 Operators with day-to-day operation control over SWPPP implementation shall have a
1185 copy of the plan SWPPP available at a central location on-site for the use of all operators
1186 and those identified as having responsibilities under the plan SWPPP whenever they are
1187 on the construction site. The SWPPP must be made available, in its entirety, to the
1188 department, and the permit-issuing authority, and the operator of a municipal separate
1189 storm sewer system receiving discharges from the site for review at the time of an on-site
1190 inspection. If an on-site location is unavailable to store the SWPPP when no personnel
1191 are present, notice of the SWPPP's location must be posted near the main entrance at the
1192 construction site.

1193 3. The permittee operator shall make SWPPPs available upon request to the department;
1194 the permit-issuing authority; a state or local agency approving erosion and sediment
1195 plans, grading plans, or stormwater management plans; local government officials; or the
1196 operator of a municipal separate storm sewer system receiving discharges from the site.

1197 4. A sign or other notice must be posted conspicuously near the main entrance of the
1198 construction site. The sign or other notice must contain the following information:

1199 a. A copy of the completed registration statement as submitted to the permit
1200 issuing authority; and

1201 b. If the location of the SWPPP or the name and telephone number of the contact
1202 person for scheduling SWPPP viewing times has changed (i.e., is different than
1203 that submitted to permit issuing authority in the registration statement), the

1204 current location of the SWPPP and name and telephone number of a contact
1205 person for scheduling viewing times.

1206 For linear projects, the sign or other notice must be posted at a publicly accessible
1207 location near the active part of the construction project (e.g., where a pipeline project
1208 crosses a public road).

1209 C. Maintaining an updated SWPPP.

1210 1. The permittee operator shall amend the SWPPP whenever there is a change in design,
1211 construction, operation, or maintenance that has a significant effect on the discharge of
1212 pollutants to surface waters and that has not been previously addressed in the SWPPP.

1213 2. The SWPPP must be amended if during inspections or investigations by site staff
1214 qualified personnel, or by local, state or federal officials, it is determined that the
1215 discharges are causing water quality exceedances causing or contributing to an excursion
1216 above any applicable water quality standard, or the SWPPP is ineffective in eliminating
1217 or significantly minimizing pollutants in stormwater discharges from the construction
1218 site.

1219 3. Based on the results of an inspection, the SWPPP must be modified revised as
1220 necessary to include additional or modified BMPs control measures designed to correct
1221 problems identified. Revisions to the SWPPP must be completed within seven calendar
1222 days following the inspection. Implementation of these additional or modified BMPs
1223 control measures must be accomplished as described in Section II D 3 b.

1224 4. Revisions to the SWPPP must be dated and signed in accordance with Section III K.

1225 4. 5. The SWPPP must clearly identify for each measure identified in the plan, the
1226 contractor(s) or subcontractor(s) that will implement and maintain each the measure
1227 identified in the SWPPP. The SWPPP shall be amended revised to identify any new
1228 contractor that will implement a measure of the plan.

1229 D. Stormwater pollution prevention plan contents. The SWPPP shall include the following
1230 items:

1231 1. Site and activity description. Each SWPPP shall provide the following information:

1232 a. A narrative description of the nature of the construction activity, including the
1233 function of the project (e.g., low density residential, shopping mall, highway, etc.);

- 1234 b. The intended sequence and timing of activities that disturb soils at the site (e.g.,
1235 grubbing, excavation, grading, utilities and infrastructure installation).
- 1236 c. Estimates of the total area expected to be disturbed by excavation, grading, or other
1237 construction activities including off-site borrow and fill areas;
- 1238 d. A description of any other potential ~~pollution~~ pollutant sources, such as vehicle
1239 fueling, storage of fertilizers or chemicals, sanitary waste facilities, etc.
- 1240 e. Identification of the nearest receiving waters at or near the construction site that
1241 will receive discharges from disturbed areas of the project;
- 1242 f. The location and description ~~on~~ of any discharge associated with industrial activity
1243 other than construction at the site. This includes stormwater discharges from
1244 dedicated asphalt plants and dedicated concrete plants that are covered by this permit.
- 1245 g. A legible general location map (e.g., USGS quadrangle map, a portion of a city or
1246 county map, or other map) with sufficient detail to identify the location of the
1247 construction activity and surface waters within one mile of the construction activity.
- 1248 ~~g.~~ h. A legible site map ~~indicating~~ identifying:
- 1249 (1) Directions of stormwater flow and approximate slopes anticipated after major
1250 grading activities;
- 1251 (2) Areas of soil disturbance and areas of the site which will not be disturbed;
- 1252 (3) Locations of major structural and nonstructural ~~controls~~ control measures
1253 identified in the SWPPP, including those that will be permanent ~~controls that will~~
1254 ~~remain~~ after construction activities have been completed;
- 1255 (4) Locations where stabilization practices are expected to occur;
- 1256 (5) ~~Surface water bodies (including wetlands)~~ Locations of surface waters;
- 1257 (6) Locations where stormwater discharges to a surface state water;
- 1258 (7) Locations of off-site material, waste, borrow or equipment storage areas covered
1259 by the plan SWPPP;
- 1260 (8) Locations of other potential ~~pollution~~ pollutant sources, such as vehicle fueling,
1261 storage of chemicals, sanitary waste facilities, etc.; and

1262 (9) Areas where final stabilization has been accomplished—~~and no further~~
1263 ~~construction phase permit requirements apply.~~

1264 ~~i. A record of the dates when major grading activities occur, when construction~~
1265 ~~activities temporarily or permanently cease on a portion of the site, and when~~
1266 ~~stabilization measures are initiated.~~

1267 2. Controls to reduce pollutants. The SWPPP shall include a description of all ~~pollution~~
1268 control measures that will be implemented as part of the construction activity to control
1269 pollutants in stormwater discharges. For each major activity identified in the project
1270 description, the SWPPP shall clearly describe appropriate control measures, the general
1271 sequencing during the construction process in which the measures will be implemented,
1272 and which operator is responsible for the control measure's implementation.

1273 a. Erosion and sediment controls—~~shall be designed, installed, and maintained in~~
1274 ~~accordance with the minimum standards of the Virginia Erosion and Sediment~~
1275 ~~Control Law (§10.1-560 et seq.) and Regulations (4VAC50-30-10 et seq.).~~

1276 ~~(1) Stabilization practices. The SWPPP shall include a description of interim and~~
1277 ~~permanent stabilization practices for the site. Site plans should ensure that existing~~
1278 ~~vegetation is preserved where attainable and that disturbed portions of the site are~~
1279 ~~stabilized. Stabilization practices may include, but are not limited to: temporary~~
1280 ~~seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative~~
1281 ~~buffer strips, protection of trees, preservation of mature vegetation, riprap, gabions,~~
1282 ~~facines, biologs and other appropriate measures. Use of impervious surfaces for~~
1283 ~~stabilization should be avoided.~~

1284 ~~(a) A record of the dates when major grading activities occur, when construction~~
1285 ~~activities temporarily or permanently cease on a portion of the site, and when~~
1286 ~~stabilization measures are initiated shall be maintained and included in the SWPPP.~~

1287 ~~(b) Except as provided in Section II D 2 a (1) (c), (d) and (e), stabilization measures~~
1288 ~~shall be initiated as soon as practicable in portions of the site where construction~~
1289 ~~activities have temporarily or permanently ceased, but in no case more than seven~~
1290 ~~days after the construction activity in that portion of the site has temporarily or~~
1291 ~~permanently ceased.~~

1292 (c) Where the initiation of stabilization measures by the seventh day after
1293 construction activity temporary or permanently ceased is precluded by snow cover or
1294 frozen ground conditions, stabilization measures shall be initiated as soon as
1295 practicable.

1296 (d) Where construction activity on a portion of the site is temporarily ceased, and
1297 earth disturbing activities will be resumed within 30 days, temporary stabilization
1298 measures do not have to be initiated on that portion of the site.

1299 (e) In drought stricken areas where initiating perennial vegetative stabilization
1300 measures is not possible within seven days after construction activity has temporarily
1301 or permanently ceased, final vegetative stabilization measures shall be initiated as
1302 soon as practicable.

1303 (2) Structural practices. The SWPPP shall include a description of structural practices
1304 to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and
1305 the discharge of pollutants from exposed areas of the site. Such practices may
1306 include, but are not limited to: silt fences, earth dikes, drainage swales, sediment
1307 traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain
1308 inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and
1309 temporary or permanent sediment basins. Structural practices should be located on
1310 upland soils to the degree attainable. The department and the permit issuing authority
1311 encourages the use of a combination of erosion and sediment control measures in
1312 order to achieve maximum pollutant removal.

1313 (a) Sediment basins: For common drainage locations that serve an area with three or
1314 more acres disturbed at one time, a temporary (or permanent) sediment basin
1315 providing 3,618 cubic feet of storage per acre drained, or equivalent control
1316 measures, shall be provided where attainable until final stabilization of the site. The
1317 3,618 cubic feet of storage area per acre drained does not apply to flows from off site
1318 areas and flows from on site areas that are either undisturbed or have undergone final
1319 stabilization where such flows are diverted around both the disturbed area and the
1320 sediment basin. In determining whether installing a sediment basin is attainable, the
1321 permittee may consider factors such as site soils, slope, available area on site, etc. In
1322 any event, the permittee must consider public safety, especially as it relates to

1323 children, as a design factor for the sediment basin and alternative sediment controls
1324 shall be used where site limitations would preclude a safe design.

1325 (b) For drainage locations that serve three or more acres at one time and where a
1326 temporary sediment basin or equivalent controls is not attainable, smaller sediment
1327 basins and/or sediment traps should be used. At a minimum, silt fences, vegetative
1328 buffer strips, or equivalent sediment controls are required for all down slope
1329 boundaries, and for those side slope boundaries deemed appropriate as dictated by
1330 individual site conditions.

1331 (c) For drainage locations serving less than three acres, smaller sediment basins or
1332 sediment traps or both should be used. At a minimum, silt fences, vegetative buffer
1333 strips or equivalent sediment controls are required for all downslope boundaries, and
1334 for those side slope boundaries deemed appropriate as dictated by individual site
1335 conditions, of the construction area unless a sediment basin providing storage for
1336 3,618 cubic feet of storage per acre drained is provided.

1337 b. Management practices.

1338 (1) Site plans should ensure that existing vegetation is preserved where possible and
1339 that disturbed portions of the site are stabilized. Stabilization practices may include,
1340 but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles,
1341 sod stabilization, vegetative buffer strips, protection of trees, preservation of mature
1342 vegetation, riprap, gabions, fascines, biologs and other appropriate measures. Use of
1343 impervious surfaces for stabilization should be avoided.

1344 (1) (2) All control measures must be properly selected, installed, and maintained in
1345 accordance with good engineering practices and, where applicable, manufacturer
1346 specifications and good engineering practices. If periodic inspections or other
1347 information indicates a control has been used inappropriately, or incorrectly, the
1348 permittee operator must replace or modify the control for site situations as soon as
1349 practicable and update the SWPPP in accordance with Section II C.

1350 (2) (3) If sediment escapes the construction site, off-site accumulations of sediment
1351 must be removed at a frequency sufficient to minimize off-site impacts.

1352 ~~(3)~~ (4) Litter, construction debris, and construction chemicals exposed to stormwater
1353 shall be prevented from becoming a pollutant source in stormwater discharges.

1354 c. Stormwater management.

1355 (1) The operator shall ensure compliance with the requirements of Part II of the
1356 Virginia Stormwater Management Regulations, including but not limited to water
1357 quality and quantity requirements. The SWPPP shall include a description of, and all
1358 necessary calculations supporting, all post-construction stormwater management
1359 measures that will be installed during the construction process to control pollutants in
1360 stormwater discharges after construction operations have been completed. Structural
1361 measures should be placed on upland soils to the degree attainable possible. Such
1362 measures must be designed and installed in accordance with applicable local and/or,
1363 state, and federal requirements, and any necessary permits must be obtained.

1364 ~~(2) Such measures may include, but are not limited to: stormwater detention~~
1365 ~~structures (including dry ponds); stormwater retention structures; flow attenuation by~~
1366 ~~use of open vegetated swales and natural depressions; infiltration of runoff on site;~~
1367 ~~stormwater wetlands; sand filters; bioretention systems; water quality structures; and~~
1368 ~~sequential systems (which combine several practices). The SWPPP shall include an~~
1369 ~~explanation of the technical basis used to select the practices to control pollution and~~
1370 ~~flows that exceed predevelopment levels. Control measures contained in Part II of~~
1371 ~~the Virginia Stormwater Management Regulations or on the Virginia BMP~~
1372 ~~Clearinghouse may be utilized. Innovative or alternate control measures may be~~
1373 ~~allowed provided such measures effectively address water quality and quantity in~~
1374 ~~accordance with the requirements of Part II and are not restricted by local ordinance.~~

1375 (3) Outflows from a stormwater management facility or stormwater conveyance
1376 system shall be discharged to an adequate channel as defined in the Virginia Erosion
1377 and Sediment Control Regulations (4VAC50-30-10 et seq.). In addition, the natural,
1378 physical, chemical, and biological characteristics and functions of the receiving
1379 waters must be maintained and protected (e.g., no significant changes in the
1380 hydrological regime of the receiving water) all control measures shall be employed in
1381 a manner which minimizes impacts on the physical, chemical and biological integrity
1382 of rivers, streams and other state waters and is protective of water quality standards.

1383 d. Other controls.
1384 (1) The SWPPP shall describe measures to prevent the discharge of solid materials,
1385 including building materials, garbage, and debris to surface waters ~~of the state~~, except
1386 as authorized by a Clean Water Act §404 permit.

1387 ~~(2) Where construction vehicle access routes intersect paved public roads, provisions~~
1388 ~~shall be made to minimize the transport of sediment by vehicular tracking onto the~~
1389 ~~paved surface. Where sediment is transported onto a public road surface, the road~~
1390 ~~shall be cleaned thoroughly at the end of each day. Sediment shall be removed from~~
1391 ~~the roads by shoveling or sweeping and transported to a sediment control disposal~~
1392 ~~area. Street washing shall be allowed only after sediment is removed in this manner.~~

1393 ~~(3)~~ (2) The SWPPP shall ensure and demonstrate compliance with applicable state or
1394 local waste disposal, sanitary sewer or septic system regulations.

1395 ~~(4)~~ (3) The SWPPP shall include a description of construction and waste materials
1396 expected to be stored on-site with updates as appropriate. The ~~plan~~ SWPPP shall also
1397 include a description of controls ~~to reduce pollutants from these materials~~, including
1398 storage practices, to minimize exposure of the materials to stormwater, and for spill
1399 prevention and response.

1400 ~~(5)~~ (4) The SWPPP shall include a description of pollutant sources from areas other
1401 than construction (including stormwater discharges from dedicated asphalt plants and
1402 dedicated concrete plants), and a description of controls and measures that will be
1403 implemented at those sites to minimize pollutant discharges.

1404 e. Applicable state or local programs.

1405 The ~~SWPPP control measures implemented at the site~~ shall be consistent with all
1406 applicable ~~federal~~, state or local requirements for erosion and sediment control and
1407 stormwater management, ~~including updates to the The SWPPP shall be updated~~ as
1408 necessary to reflect any revisions to applicable ~~federal~~, state or local requirements ~~for~~
1409 ~~erosion and sediment control and that affect the stormwater management control~~
1410 ~~measures implemented at the site.~~

1411 3. Maintenance of controls.

1412 a. ~~The SWPPP must include a description and schedule of procedures to maintain in~~
1413 ~~good and effective operating conditions vegetation, erosion and sediment control~~
1414 ~~measures and other protective measures during construction identified in the site plan.~~
1415 All control measures must be properly maintained in effective operating condition in
1416 accordance with good engineering practices and, where applicable, manufacturer
1417 specifications. If site inspections required by Section II D 4 identify BMPs that are
1418 not operating effectively, maintenance shall be performed before the next anticipated
1419 storm event, or as soon as practicable to maintain the continued effectiveness of
1420 stormwater controls.

1421 b. If existing BMPs control measures need to be modified or if additional BMPs
1422 control measures are necessary for any reason, implementation shall be completed
1423 before the next anticipated storm event. If implementation before the next anticipated
1424 storm event is impracticable, the situation shall be documented in the SWPPP and
1425 alternative BMPs control measures shall be implemented as soon as practicable.

1426 4. Inspections. The name and phone number of qualified personnel conducting
1427 inspections shall be included in the SWPPP. Inspections by qualified personnel must be
1428 conducted of all areas of the site disturbed by construction activity, and areas used for
1429 storage of materials that are exposed to stormwater. "Qualified personnel" means a
1430 licensed professional engineer, responsible land disturber (RLD), or other knowledgeable
1431 person that (i) holds a certificate of competence from the board in the area of project
1432 inspection; or (ii) is enrolled in the board's training program for project inspection or
1433 combined administrator and successfully completes such program within one year of
1434 enrollment.

1435 a. Inspections shall be conducted (i) at least every seven calendar days or (ii) at least
1436 once every 14 calendar days and within 48 hours of the end of following any runoff
1437 producing storm event. Where areas have been finally or temporarily stabilized or
1438 runoff is unlikely due to winter conditions (e.g., the site is covered with snow or ice,
1439 or frozen ground exists) such inspections shall be conducted at least once every
1440 month.

1441 b. Inspections must include all areas of the site disturbed by construction activity and
1442 areas used for storage of materials that are exposed to precipitation. Inspectors must

1443 look for evidence of, or the potential for, pollutants entering the stormwater
1444 conveyance system. ~~Erosion and sediment control~~ Control measures identified in the
1445 SWPPP shall be observed to ensure proper operation. Discharge locations, where
1446 accessible, shall be inspected to ascertain whether ~~erosion and sediment~~ control
1447 measures are effective in preventing significant impacts to receiving waters. Where
1448 discharge locations are inaccessible, nearby downstream locations shall be inspected
1449 to the extent that such inspections are practicable. Locations where vehicles enter or
1450 exit the site shall be inspected for evidence of off-site sediment tracking.

1451 c. Utility line installation, pipeline construction, and other examples of long, narrow,
1452 linear construction activities may limit the access of inspection personnel to the areas
1453 described in Section II D 4 b. Inspection of these areas could require that vehicles
1454 compromise temporarily or even permanently stabilized areas, cause additional
1455 disturbance of soils, and increase the potential for erosion. In these circumstances,
1456 controls must be inspected on the same frequencies as other construction projects, but
1457 representative inspections may be performed. For representative inspections,
1458 personnel must inspect controls along the construction site for 0.25 miles above and
1459 below each access point where a roadway, undisturbed right-of-way, or other similar
1460 feature intersects the construction site and allows access to the areas described above.
1461 The conditions of the controls along each inspected 0.25-mile segment may be
1462 considered as representative of the condition of controls along that reach extending
1463 from the end of the 0.25-mile segment to either the end of the next 0.25-mile
1464 segment, or to the end of the project, whichever occurs first. Inspection locations
1465 must be listed in the report required by Section II D 4 e.

1466 d. ~~Based on the results of the inspection, the site and activity description identified in~~
1467 ~~the plan in accordance with Section II D 1 of this permit and pollution prevention~~
1468 ~~measures identified in the SWPPP in accordance with Section II D 2 of this permit~~
1469 ~~shall be revised as appropriate within seven calendar days following the inspection.~~
1470 The SWPPP must be modified as necessary to properly document additional or
1471 modified control measures designed to correct problems identified. Revisions to the
1472 SWPPP must be completed within seven calendar days following the inspection.

1473 Implementation of these additional or modified control measures must be
1474 accomplished as described in Section II D 3 b.

1475 e. A report summarizing the scope of the inspection, names and qualifications of
1476 personnel making the inspection, the dates of the inspection, major observations
1477 relating to the implementation of the SWPPP, and actions taken in accordance with
1478 Section II D 4 d of the permit shall be made and retained as part of the SWPPP in
1479 accordance with Section III B of this permit. Major observations should include:

1480 (1) The location(s) of discharges of sediment or other pollutants from the site;

1481 (2) Location(s) of BMPs control measures that need to be maintained;

1482 (3) Location(s) of BMPs control measures that failed to operate as designed or proved
1483 inadequate for a particular location;

1484 (4) Location(s) where additional BMPs control measures are needed that did not exist
1485 at the time of inspection; and

1486 (5) Corrective action required including any changes to the SWPPP that are necessary
1487 and implementation dates~~;~~;

1488 (6) Weather information for the period since the last inspection (or since
1489 commencement of construction activity if the first inspection) including a best
1490 estimate of the beginning of each storm event, duration of each storm event,
1491 approximate amount of rainfall for each storm event (in inches), and whether any
1492 discharges occurred; and

1493 (7) Weather information and a description of any discharges occurring at the time of
1494 inspection.

1495 A record of each inspection and of any actions taken in accordance with Section II must
1496 be retained as part of the SWPPP for at least three years from the date that permit
1497 coverage expires or is terminated. The inspection reports shall identify any incidents of

1498 noncompliance. Where a report does not identify any incidents of noncompliance, the
1499 report shall contain a certification that the facility is in compliance with the stormwater
1500 pollution prevention plan and this permit. The report shall be signed in accordance with
1501 Section III K of this permit.

1502 5. Nonstormwater discharge management. The SWPPP shall identify all allowable
1503 sources of nonstormwater discharges listed in Section I D 2 of this permit that are
1504 combined with stormwater discharges from the construction activity at the site, except for
1505 flows from fire fighting activities. The SWPPP shall identify and ensure the
1506 implementation of appropriate pollution prevention control measures for the
1507 nonstormwater components of the discharge.

1508 6. Endangered Species. The SWPPP shall include the following documentation with
1509 regard to endangered species:

1510 a. Information on whether federally-listed endangered or threatened species, or
1511 federally-designated critical habitat may be in the project area;

1512 b. Whether such species or critical habitat may be adversely affected by
1513 stormwater discharges or stormwater discharge-related activities from the project;

1514 c. Any correspondence for any stage of project planning between the U.S. Fish
1515 and Wildlife Service (FWS), EPA, the U.S. National Marine Fisheries Service
1516 (NMFS), or others and the operator regarding listed species and critical habitat.

1517 d. A description of measures that will be implemented to protect federally-listed
1518 endangered or threatened species, or federally-designated critical habitat.

1519 7. Total Maximum Daily Loads. A total maximum daily load (TMDL) approved by the
1520 State Water Control Board may include a wasteload allocation to the regulated land
1521 disturbing activity that identifies the pollutant for which stormwater controls are
1522 necessary for the surface waters to meet water quality standards. The pollutant identified
1523 in a wasteload allocation as of the effective date of this permit must be specified in the
1524 SWPPP and addressed through the use of strategies and control measures as specified in
1525 the SWPPP. Implementation of the strategies and control measures consistent with the
1526 provisions of this permit constitutes compliance with the assumptions of the approved
1527 TMDL, ensures compliance by the operator with water quality standards, and satisfies the
1528 appropriate water quality requirements of the Clean Water Act and regulations. A
1529 wasteload allocation does not establish that the operator of a land disturbing activity is in
1530 or out of compliance with the conditions of this permit.

1531 The operator shall update the SWPPP to include strategies and control measures to ensure
1532 consistency with the assumptions of the TMDL WLA within 30 days of permit coverage;

1533 or, within 30 days of the effective date of any reopening of this permit to include
1534 wasteloads allocated to the land disturbing activity after issuance of permit coverage and
1535 shall implement such strategies and control measures.

1536 8. Impaired waters. The operator shall evaluate the effectiveness of control measures in
1537 addressing discharges into waters that are identified as impaired in the 2006
1538 305(b)/303(d) Water Quality Assessment Integrated Report) and update the SWPPP and
1539 implement such strategies and control measures as necessary to address the impairment.

1540

1541

SECTION III

1542

CONDITIONS APPLICABLE TO ALL VSMP PERMITS

1543 NOTE: Monitoring is not required for this permit. If ~~you~~ the operator choose chooses to
1544 monitor ~~your~~ stormwater discharges or BMPs control measures, ~~you~~ the operator must comply
1545 with the requirements of subsections A, B, and C, as appropriate.

1546

A. Monitoring.

1547 1. Samples and measurements taken for the purpose of monitoring shall be representative
1548 of the monitoring activity.

1549 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part
1550 136 (2001) or alternative methods approved by the U.S. Environmental Protection
1551 Agency, unless other procedures have been specified in this permit.

1552 3. The permittee operator shall periodically calibrate and perform maintenance
1553 procedures on all monitoring and analytical instrumentation at intervals that will ensure
1554 accuracy of measurements.

1555

B. Records.

1556 1. ~~Records of monitoring information~~ Monitoring records/reports shall include:

1557 a. The date, exact place, and time of sampling or measurements;

1558 b. The individual(s) who performed the sampling or measurements;

1559 c. The date(s) and time(s) analyses were performed;

1560 d. The individual(s) who performed the analyses;

1561 e. The analytical techniques or methods used; and

1562 f. The results of such analyses.
1563 2. The permittee operator shall retain records of all monitoring information, including all
1564 calibration and maintenance records and all original strip chart recordings for continuous
1565 monitoring instrumentation, copies of all reports required by this permit, and records of
1566 all data used to complete the registration statement for this permit, for a period of at least
1567 three years from the date of the sample, measurement, report or request for coverage.
1568 This period of retention shall be extended automatically during the course of any
1569 unresolved litigation regarding the regulated activity or regarding control standards
1570 applicable to the permittee operator, or as requested by the board.

1571 C. Reporting monitoring results.

1572 1. The permittee operator shall submit update the SWPPP to include the results of the
1573 monitoring required by this permit not later than the 10th day of the month after
1574 monitoring takes place, unless another reporting schedule is specified elsewhere in this
1575 permit. Monitoring results shall be submitted to the permit issuing authority.

1576 2. Monitoring results shall be reported on a discharge monitoring report (DMR) ~~or~~ on
1577 forms provided, approved or specified by the department; or in any format provided the
1578 date, location, parameter, method, and result of the monitoring activity are included.

1579 3. If the permittee operator monitors any pollutant specifically addressed by this permit
1580 more frequently than required by this permit using test procedures approved under 40
1581 CFR Part 136 (2001) or using other test procedures approved by the U.S. Environmental
1582 Protection Agency or using procedures specified in this permit, the results of this
1583 monitoring shall be included in the calculation and reporting of the data submitted in the
1584 DMR or reporting form specified by the department.

1585 4. Calculations for all limitations which require averaging of measurements shall utilize
1586 an arithmetic mean unless otherwise specified in this permit.

1587 D. Duty to provide information. The permittee operator shall furnish to the permit-issuing
1588 authority, within a reasonable time, any information which the board, department, or other
1589 permit-issuing authority may request to determine whether cause exists for modifying, revoking
1590 and reissuing, or terminating this permit or to determine compliance with this permit. The board,
1591 department, or other permit-issuing authority may require the permittee operator to furnish, upon

1592 request, such plans, specifications, and other pertinent information as may be necessary to
1593 determine the effect of the wastes from his discharge on the quality of state waters, or such other
1594 information as may be necessary to accomplish the purposes of the CWA and the Virginia
1595 Stormwater Management Act. The permittee operator shall also furnish to the board, department,
1596 or other permit-issuing authority, upon request, copies of records required to be kept by this
1597 permit.

1598 E. Compliance schedule reports. Reports of compliance or noncompliance with, or any
1599 progress reports on, interim and final requirements contained in any compliance schedule of this
1600 permit shall be submitted no later than 14 days following each schedule date.

1601 F. Unauthorized stormwater discharges. ~~Except in compliance with this permit or another~~
1602 ~~permit issued by the permit issuing authority or the Department of Environmental Quality, it~~
1603 ~~shall be unlawful for any person to:~~

1604 ~~1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or~~
1605 ~~deleterious substances; or~~

1606 ~~2. Otherwise alter the physical, chemical or biological properties of such state waters and~~
1607 ~~make them detrimental to the public health, or to animal or aquatic life, or to the use of~~
1608 ~~such waters for domestic or industrial consumption, or for recreation, or for other uses.~~

1609 Pursuant to §10.1-603.2:2 A of the Code of Virginia, except in compliance with a permit issued
1610 by the permit issuing authority, it shall be unlawful to cause a stormwater discharge from a land
1611 disturbing activity.

1612 G. Reports of unauthorized discharges. Any permittee operator who discharges or causes or
1613 allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious
1614 substance or a hazardous substance or oil in an amount equal to or in excess of a reportable
1615 quantity established under either 40 CFR Part 110 (2002), 40 CFR Part 117 (2002) or 40 CFR
1616 Part 302 (2002) that occurs during a 24-hour period into or upon state waters ~~in violation of~~
1617 ~~Section III F~~, or who discharges or causes or allows a discharge that may reasonably be expected
1618 to enter state waters ~~in violation of Section III F~~, shall notify the department, the Department of
1619 Environmental Quality, ~~and the permit issuing authority~~ of the discharge immediately upon
1620 discovery of the discharge, but in no case later than within 24 hours after said discovery. A
1621 written report of the unauthorized discharge shall be submitted to the department, the

1622 Department of Environmental Quality, and the permit-issuing authority within five days of
1623 discovery of the discharge. The written report shall contain:

- 1624 1. A description of the nature and location of the discharge;
- 1625 2. The cause of the discharge;
- 1626 3. The date on which the discharge occurred;
- 1627 4. The length of time that the discharge continued;
- 1628 5. The volume of the discharge;
- 1629 6. If the discharge is continuing, how long it is expected to continue;
- 1630 7. If the discharge is continuing, what the expected total volume of the discharge will be;
- 1631 and
- 1632 8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present
- 1633 discharge or any future discharges not authorized by this permit.

1634 Discharges reportable to the department, the Department of Environmental Quality, and
1635 the permit-issuing authority under the immediate reporting requirements of other
1636 regulations are exempted from this requirement.

1637 H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge
1638 including a "bypass" or "upset", as defined herein, should occur from a facility and the discharge
1639 enters or could be expected to enter state waters, the permittee operator shall promptly notify, in
1640 no case later than within 24 hours, the department, the Department of Environmental Quality,
1641 and the permit-issuing authority by telephone after the discovery of the discharge. This
1642 notification shall provide all available details of the incident, including any adverse effects on
1643 aquatic life and the known number of fish killed. The permittee operator shall reduce the report
1644 to writing and shall submit it to the department, the Department of Environmental Quality, and
1645 the permit-issuing authority within five days of discovery of the discharge in accordance with
1646 Section III I 2. Unusual and extraordinary discharges include but are not limited to any discharge
1647 resulting from:

- 1648 1. Unusual spillage of materials resulting directly or indirectly from processing
- 1649 operations;
- 1650 2. Breakdown of processing or accessory equipment;

1651 3. Failure or taking out of service some or all of the facilities; and
1652 4. Flooding or other acts of nature.

1653 I. Reports of noncompliance. The permittee operator shall report any noncompliance which
1654 may adversely affect state waters or may endanger public health.

1655 1. An oral report to the department, the Department of Environmental Quality, and the
1656 permit-issuing authority shall be provided within 24 hours from the time the permittee
1657 operator becomes aware of the circumstances. The following shall be included as
1658 information that shall be reported within 24 hours under this subdivision:

1659 a. Any unanticipated bypass; and
1660 b. Any upset that causes a discharge to surface waters.

1661 2. A written report shall be submitted within five days and shall contain:

1662 a. A description of the noncompliance and its cause;
1663 b. The period of noncompliance, including exact dates and times, and if the
1664 noncompliance has not been corrected, the anticipated time it is expected to continue;
1665 and
1666 c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the
1667 noncompliance.

1668 The permit-issuing authority may waive the written report on a case-by-case basis for
1669 reports of noncompliance under Section III I if the oral report has been received
1670 within 24 hours and no adverse impact on state waters has been reported.

1671 3. The permittee operator shall report all instances of noncompliance not reported under
1672 Section III I 1 or 2 in writing at the time the next monitoring reports are submitted as part
1673 of the SWPPP. The reports shall contain the information listed in Section III I 2.

1674 NOTE: The immediate (within 24 hours) reports required to be provided to the
1675 Department of Environmental Quality in Section III G, H and I may be made to the
1676 department's Urban Stormwater Program Program's Section of the Division of Soil and
1677 Water Conservation, appropriate Department of Environmental Quality's Regional Office
1678 Pollution Response Program, and the permit issuing authority. Reports may be made by
1679 telephone or by fax. For reports outside normal working hours, leaving a recorded

1680 message shall fulfill the immediate reporting requirement. For emergencies, the Virginia
1681 Department of Emergency Management maintains a 24-hour telephone service at 1-800-
1682 468-8892.

1683 4. Where the permittee operator becomes aware that it failed of a failure to submit any
1684 relevant facts in a permit application, or submitted submittal of incorrect information in a
1685 permit application or in any report to the department or the permit-issuing authority, if the
1686 operator shall promptly submit such facts or correct information.

1687 J. Notice of planned changes.

1688 1. The permittee operator shall give notice to the permit-issuing authority as soon as
1689 possible of any planned physical alterations or additions to the permitted facility. Notice
1690 is required only when:

1691 a. The permittee operator plans an alteration or addition to any building, structure,
1692 facility, or installation from which there is or may be a discharge of pollutants, the
1693 construction of which commenced:

1694 (1) After promulgation of standards of performance under §306 of the federal Clean
1695 Water Act that are applicable to such source; or

1696 (2) After proposal of standards of performance in accordance with §306 of the Clean
1697 Water Act that are applicable to such source, but only if the standards are
1698 promulgated in accordance with §306 within 120 days of their proposal;

1699 b. The operator plans alteration or addition could that would significantly change the
1700 nature or increase the quantity of pollutants discharged. This notification applies to
1701 pollutants that are not subject to effluent limitations in this permit; or

1702 2. The permittee operator shall give advance notice to the permit-issuing authority of any
1703 planned changes in the permitted facility or activity; that which may result in
1704 noncompliance with permit requirements.

1705 K. Signatory requirements.

1706 1. Registration statement. All registration statements shall be signed as follows:

1707 a. For a corporation: by a responsible corporate officer. For the purpose of this section
1708 part, a responsible corporate officer means: (i) a president, secretary, treasurer, or
1709 vice-president of the corporation in charge of a principal business function, or any

1710 other person who performs similar policy-making or decision-making functions for
1711 the corporation; or (ii) the manager of one or more manufacturing, production, or
1712 operating facilities, provided the manager is authorized to make management
1713 decisions that govern the operation of the regulated facility including having the
1714 explicit or implicit duty of making major capital investment recommendations, and
1715 initiating and directing other comprehensive measures to assure long-term
1716 environmental compliance with environmental laws and regulations; the manager can
1717 ensure that the necessary systems are established or actions taken to gather complete
1718 and accurate information for permit application requirements; and where authority to
1719 sign documents has been assigned or delegated to the manager in accordance with
1720 corporate procedures;

1721 b. For a partnership or sole proprietorship: by a general partner or the proprietor,
1722 respectively; or

1723 c. For a municipality, state, federal, or other public agency: by either a principal
1724 executive officer or ranking elected official. For purposes of this section-part, a
1725 principal executive officer of a public agency includes: (i) the chief executive officer
1726 of the agency or (ii) a senior executive officer having responsibility for the overall
1727 operations of a principal geographic unit of the agency.

1728 2. Reports, etc. All reports required by permits, including SWPPPs, and other information
1729 requested by the board, the department, or the permit issuing authority shall be signed by
1730 a person described in Section III K 1 or by a duly authorized representative of that
1731 person. A person is a duly authorized representative only if:

1732 a. The authorization is made in writing by a person described in Section III K 1;

1733 b. The authorization specifies either an individual or a position having responsibility
1734 for the overall operation of the regulated facility or activity such as the position of
1735 plant manager, operator of a well or a well field, superintendent, position of
1736 equivalent responsibility, or an individual or position having overall responsibility for
1737 environmental matters for the company operator. (A duly authorized representative
1738 may thus be either a named individual or any individual occupying a named position);
1739 and

1740 c. The signed and dated written authorization is submitted to the department included
1741 in the SWPPP. A copy must be provided to the permit issuing authority, if requested.

1742 3. Changes to authorization. If an authorization under Section III K 2 is no longer
1743 accurate because a different individual or position has responsibility for the overall
1744 operation of the facility land disturbing activity, a new authorization satisfying the
1745 requirements of Section III K 2 shall be submitted to the permit-issuing authority prior to
1746 or together with any reports or information to be signed by an authorized representative.

1747 4. Certification. Any person signing a document under Section III K 1 or 2 shall make the
1748 following certification:

1749 "I certify under penalty of law that this document and all attachments were prepared
1750 under my direction or supervision in accordance with a system designed to assure that
1751 qualified personnel properly gather gathered and evaluate evaluated the information
1752 submitted. Based on my inquiry of the person or persons who manage the system, or
1753 those persons directly responsible for gathering the information, the information
1754 submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am
1755 aware that there are significant penalties for submitting false information, including the
1756 possibility of fine and imprisonment for knowing violations."

1757 L. Duty to comply. The permittee operator shall comply with all conditions of this permit.
1758 Any permit noncompliance constitutes a violation of the Virginia Stormwater Management Act
1759 and the Clean Water Act, except that noncompliance with certain provisions of this permit may
1760 constitute a violation of the Virginia Stormwater Management Act but not the Clean Water Act.
1761 Permit noncompliance is grounds for enforcement action; for permit termination, revocation and
1762 reissuance, or modification; or denial of a permit renewal application.

1763 The permittee operator shall comply with effluent standards or prohibitions established under
1764 §307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations
1765 that establish these standards or prohibitions or standards for sewage sludge use or disposal, even
1766 if this permit has not yet been modified to incorporate the requirement.

1767 M. Duty to reapply. If the permittee operator wishes to continue an activity regulated by this
1768 permit after the expiration date of this permit, the permittee operator shall submit a new
1769 registration statement at least 90 days before the expiration date of the existing permit, unless

1770 permission for a later date has been granted by the board. The board shall not grant permission
1771 for registration statements to be submitted later than the expiration date of the existing permit.

1772 N. Effect of a permit. This permit does not convey any property rights in either real or
1773 personal property or any exclusive privileges, nor does it authorize any injury to private property
1774 or invasion of personal rights, or any infringement of federal, state or local law or regulations.

1775 O. State law. Nothing in this permit shall be construed to preclude the institution of any legal
1776 action under, or relieve the permittee operator from any responsibilities, liabilities, or penalties
1777 established pursuant to any other state law or regulation or under authority preserved by §510 of
1778 the Clean Water Act. Except as provided in permit conditions on "bypassing" (Section III U),
1779 and "upset" (Section III V) nothing in this permit shall be construed to relieve the permittee
1780 operator from civil and criminal penalties for noncompliance.

1781 P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude
1782 the institution of any legal action or relieve the permittee operator from any responsibilities,
1783 liabilities, or penalties to which the permittee operator is or may be subject under §§62.1-
1784 44.34:14 through 62.1-44.34:23 of the State Water Control Law or § 311 of the Clean Water Act.

1785 Q. Proper operation and maintenance. The permittee operator shall at all times properly
1786 operate and maintain all facilities and systems of treatment and control (and related
1787 appurtenances), that which are installed or used by the permittee operator to achieve compliance
1788 with the conditions of this permit. Proper operation and maintenance also includes effective plant
1789 performance, adequate funding, adequate staffing, and adequate laboratory and process controls,
1790 including appropriate quality assurance procedures. This provision requires the operation of
1791 back-up or auxiliary facilities or similar systems, that which are installed by the permittee
1792 operator only when the operation is necessary to achieve compliance with the conditions of this
1793 permit.

1794 R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of
1795 treatment or management of pollutants shall be disposed of in a manner so as to prevent any
1796 pollutant from such materials from entering state waters.

1797 S. Duty to mitigate. The permittee operator shall take all reasonable steps to minimize or
1798 prevent any discharge in violation of this permit that has a reasonable likelihood of adversely
1799 affecting human health or the environment.

1800 T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee an
1801 operator in an enforcement action that it would have been necessary to halt or reduce the
1802 permitted activity in order to maintain compliance with the conditions of this permit.

1803 U. Bypass.

1804 1. "Bypass", as defined in 4VAC50-60-10, means the intentional diversion of waste
1805 streams from any portion of a treatment facility. The permittee operator may allow any
1806 bypass to occur that does not cause effluent limitations to be exceeded, but only if it also
1807 is for essential maintenance to ensure efficient operation. These bypasses are not subject
1808 to the provisions of Section III U 2 and 3.

1809 2. Notice.

1810 a. Anticipated bypass. If the permittee operator knows in advance of the need for a
1811 bypass, prior notice shall be submitted, if possible at least 10 days before the date of
1812 the bypass.

1813 b. Unanticipated bypass. The permittee operator shall submit notice of an
1814 unanticipated bypass as required in Section III I.

1815 3. Prohibition of bypass.

1816 a. Bypass is prohibited, and the permit-issuing authority may take enforcement action
1817 against a permittee operator for bypass unless:

1818 (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property
1819 damage. Severe property damage means substantial physical damage to property,
1820 damage to the treatment facilities which causes them to become inoperable, or
1821 substantial and permanent loss of natural resources which can reasonably be expected
1822 to occur in the absence of a bypass. Severe property damage does not mean
1823 economic loss caused by delays in production;

1824 (2) There were no feasible alternatives to the bypass, such as the use of auxiliary
1825 treatment facilities, retention of untreated wastes, or maintenance during normal
1826 periods of equipment downtime. This condition is not satisfied if adequate back-up
1827 equipment should have been installed in the exercise of reasonable engineering
1828 judgment to prevent a bypass that occurred during normal periods of equipment
1829 downtime or preventive maintenance; and

- 1830 (3) The permittee operator submitted notices as required under Section III U 2.
- 1831 b. The permit-issuing authority may approve an anticipated bypass, after considering
- 1832 its adverse effects, if the permit-issuing authority determines that it will meet the
- 1833 three conditions listed in Section III U 3 a.

1834 V. Upset.

1835 1. An upset, as defined in 4VAC50-60-10, constitutes an affirmative defense to an action

1836 brought for noncompliance with technology-based permit effluent limitations if the

1837 requirements of Section III V 2 are met. A determination made during administrative

1838 review of claims that noncompliance was caused by upset, and before an action for

1839 noncompliance, is not a final administrative action subject to judicial review.

1840 2. An upset does not include noncompliance to the extent caused by operational error,

1841 improperly designed treatment facilities, inadequate treatment facilities, lack of

1842 preventative maintenance, or careless or improper operation.

1843 23. A permittee operator who wishes to establish the affirmative defense of upset shall

1844 demonstrate, through properly signed, contemporaneous operating logs or other relevant

1845 evidence that:

1846 a. An upset occurred and that the permittee operator can identify the cause(s) of the

1847 upset;

1848 b. The permitted facility was at the time being properly operated;

1849 c. The permittee operator submitted notice of the upset as required in Section III I;

1850 and

1851 d. The permittee operator complied with any remedial measures required under

1852 Section III S.

1853 34. In any enforcement proceeding, the permittee operator seeking to establish the

1854 occurrence of an upset has the burden of proof.

1855 W. Inspection and entry. The permittee operator shall allow the director department as the

1856 board's designee, the permit issuing authority, or an authorized representative of either (including

1857 an authorized contractor acting as a representative of the administrator), upon presentation of

1858 credentials and other documents as may be required by law to:

- 1859 1. Enter upon the permittee's operator's premises where a regulated facility or activity is
1860 located or conducted, or where records must be kept under the conditions of this permit;
1861 2. Have access to and copy, at reasonable times, any records that must be kept under the
1862 conditions of this permit;
1863 3. Inspect at reasonable times any facilities, equipment (including monitoring and control
1864 equipment), practices, or operations regulated or required under this permit; and
1865 4. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance
1866 or as otherwise authorized by the Clean Water Act and the Virginia Stormwater
1867 Management Act, any substances or parameters at any location.

1868 For purposes of this section, the time for inspection shall be deemed reasonable during
1869 regular business hours, and whenever the facility is discharging. Nothing contained herein shall
1870 make an inspection unreasonable during an emergency.

1871 X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause.
1872 The filing of a request by the permittee operator for a permit modification, revocation and
1873 reissuance, or termination, or a notification of planned changes or anticipated noncompliance
1874 does not stay any permit condition.

1875 Y. Transfer of permits.

1876 1. Permits are not transferable to any person except after notice to the permit-issuing
1877 authority. Except as provided in Section III Y 2, a permit may be transferred by the
1878 permittee operator to a new owner or operator only if the permit has been modified or
1879 revoked and reissued, or a minor modification made, to identify the new permittee
1880 operator and incorporate such other requirements as may be necessary under the Virginia
1881 Stormwater Management Act and the Clean Water Act.

1882 2. As an alternative to transfers under Section III Y 1, this permit may be automatically
1883 transferred to a new permittee operator if:

1884 a. The current permittee operator notifies the permit-issuing authority at least 30 days
1885 in advance of the proposed transfer of the title to the facility or property;

1886 b. The notice includes a written agreement between the existing and new permittees
1887 operators containing a specific date for transfer of permit responsibility, coverage,
1888 and liability between them; and

1889 c. The permit-issuing authority does not notify the existing permittee operator and the
1890 proposed new permittee operator of its intent to modify or revoke and reissue the
1891 permit. If this notice is not received, the transfer is effective on the date specified in
1892 the agreement mentioned in Section III Y 2 b.

1893 3. For ongoing construction activity involving a change of operator, the new operator
1894 shall accept and maintain the existing SWPPP, or prepare and implement a new SWPPP
1895 prior to taking over operations at the site.

1896 Z. Severability. The provisions of this permit are severable, and if any provision of this
1897 permit or the application of any provision of this permit to any circumstance, is held invalid, the
1898 application of such provision to other circumstances and the remainder of this permit shall not be
1899 affected thereby.

1900

1901 FORMS

1902 Application Form 1-General Information, Consolidated Permits Program, EPA Form 3510-1
1903 (August 1990) (DCR 199-149).

1904 Department of Conservation and Recreation Permit Application Fee Form, (DCR 199-145)
1905 (09/04).

1906 VSMP General Permit Registration Statement for Construction Activity Stormwater
1907 Discharges, ~~(DCR01) (VAR10)~~, (DCR 199-146) ~~(09/04) (XX/08)~~.

1908 VSMP General Permit Notice of Termination for Construction Activity Stormwater
1909 Discharges, ~~(DCR01) (VAR10)~~, (DCR 199-147) ~~(09/04) (XX/08)~~.

1910 VSMP General Permit for Construction Activity Stormwater Discharges Transfer (VAR10),
1911 (DCR 199-XXX) (XX/08)

1912 VSMP General Permit Registration Statement for Stormwater Discharges From Small
1913 Municipal Separate Storm Sewer Systems (VAR04), (DCR 199-148) (07/08).

1914 DOCUMENTS INCORPORATED BY REFERENCE

1915 Illicit Discharge Detection and Elimination – A Guidance Manual for Program Development
1916 and Technical Assessments, EPA Cooperative Agreement X-82907801-0, October 2004, by

1917 Center for Watershed Protection and Robert Pitt, University of Alabama, available on the
1918 Internet at http://www.cwp.org/idde_verify.htm.

1919 Getting in Step – A Guide for Conducting Watershed Outreach Campaigns, EPA-841-B-03-
1920 002, December 2003, U.S. Environmental Protection Agency, Office of Wetlands, Oceans, and
1921 Watersheds, available on the Internet at
1922 <http://www.epa.gov/owow/watershed/outreach/documents/getnstep.pdf>, or may be ordered from
1923 National Service Center for Environmental Publications, telephone 1-800-490-9198.

1924 Municipal Stormwater Program Evaluation Guidance, EPA-833-R-07-003, January 2007
1925 (field test version), U.S. Environmental Protection Agency, Office of Wastewater Management,
1926 available on the Internet at
1927 http://cfpub.epa.gov/npdes/docs.cfm?program_id=6&view=allprog&sort=name#ms4_guidance,
1928 or may be ordered from National Technical Information Service, 5285 Port Royal Road,
1929 Springfield, VA 22161, telephone 1-800-553-6847 or (703) 605-6000.

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