

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

## **Introduction:**

Beginning July 1, 2014, Town of Herndon Department of Public Works (DPW) has assumed responsibility for administering the local Virginia Stormwater Management Program (VSMP). Administration of the VSMP includes processing coverage under the *General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities* (construction general permit) on behalf of the Virginia Department of Environmental Quality (DEQ). While DEQ will continue to issue the coverage letter, Town of Herndon DPW will process registration statements, permit transfers, permit modifications, and notices of termination related to construction general permit coverage. This Technical Memo addresses those new procedures.

## **Background:**

Under the 2009 construction general permit, coverage was obtained by submitting a registration statement to the Department of Conservation and Recreation (DCR) central office in Richmond. DEQ became responsible for the construction general permit effective July 1, 2013. The 2009 construction general permit expired June 30, 2014. Coverage under the 2014 construction general permit became effective July 1, 2014. Town Code Chapter 26, Article VIII “Stormwater Management Ordinance” (Town ordinance) refers to the general construction permit as a ‘general permit’ or ‘state permit’. The Virginia Stormwater Management Regulations required the Town to assume responsibility for administration of the state permit effective July 1, 2014. More about construction general permit coverage can be found on the DEQ website at this link:

<http://www.deq.state.va.us/Programs/Water/StormwaterManagement/VSMPPermits/ConstructionGeneralPermit.aspx>

## **Procedures:**

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

**NOTE:** Land-disturbing activities for construction of single family detached residential structures disturbing one or more acres and land-disturbing activities for construction of single family detached residential structures that are part of a common plan of development or sale that in aggregate disturb one or more acres are not required to submit a registration statement for coverage. However, these activities must comply with the terms of the state permit and must download a coverage letter, copy

of the general permit, and the *Single Family Residence Common Plan of Development or Sale Stormwater Pollution Prevention Plan (SWPPP)* template from the DEQ website at:

<http://www.deq.state.va.us/Programs/Water/StormwaterManagement/VSMPPPermits/ConstructionGeneralPermit.aspx>.

In addition, all land disturbing activities, whether subject to the requirement to obtain coverage under the state permit or not, must comply with applicable stormwater management provisions of the Town ordinance.

### **Process for obtaining initial state permit coverage:**

1. Applicants for projects requiring coverage must submit a complete and accurate registration statement [form attached] to the Town of Herndon, Department of Public Works, 777 Lynne Street 2<sup>nd</sup> floor, Herndon, VA 20170. Incomplete or inaccurate submissions will be returned to the applicant.

a. Line by line instructions for completing the registration statement are on the back of the form.

b. The registration statement must be signed certifying that a Stormwater Pollution Prevention Plan (SWPPP) meeting the requirements of Town Code § 26-325 and the requirements of the general permit has been prepared.

c. The 6<sup>th</sup> Order (12-digit) Hydrologic Unit Code and name of the receiving waters to be entered on the form can be found by using the Virginia Hydrologic Unit Explorer found at this web link:

<http://dswcapps.dcr.virginia.gov/htdocs/maps/HUExplorer.htm>, or by using DEQ's online GIS Mapping Application found at this link:

[http://www.deq.virginia.gov/mapper\\_ext/default.aspx?service=public/wimby](http://www.deq.virginia.gov/mapper_ext/default.aspx?service=public/wimby).

Instructions for the DEQ mapping utility are found at this link:

[http://www.deq.state.va.us/Portals/0/DEQ/Water/Publications/CGP-GIS\\_HUC\\_Instructions.pdf](http://www.deq.state.va.us/Portals/0/DEQ/Water/Publications/CGP-GIS_HUC_Instructions.pdf).

Both web tools include a search by street address.

d. Latitude / longitude coordinates for the approximate center of the land disturbance must be provided in decimal degrees.

e. The construction general permit requires the construction site operator to develop and implement a site specific SWPPP. The coverage letter, copy of the general permit, and SWPPP developed using the template, must be kept at the project site at all times and be available for inspection by Town or DEQ inspectors.

2. Applicants pay the appropriate permit fee to the Town of Herndon per Sec. 26-335.

3. Town of Herndon DPW staff will review the registration statement along with the required project plans and documents per the Town ordinance. Once the Town deems that a plan is "approvable" the Town will notify DEQ.

4. Once DEQ has received notification that the plan is approvable and has received the applicable fee, DEQ will email a coverage letter to the email address included on the registration statement

within approximately 2 to 4 days of the notification to DEQ. If no email address is provided on the registration statement, DEQ will mail the coverage letter, which will lengthen the processing time.

5. Applicants must provide a copy of the DEQ coverage letter to the Town of Herndon DPW before the land disturbance permit can be issued.

**Permit Issuance Fees:**

Type of Permit	Fee Amount Paid to Town
Small Residential Activity (Single family detached residential areas within or outside a common plan development or sale that is equal to or greater than 1 acre but less than 5 acres)	\$209
Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$290
Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$290
Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 acres)	\$2,700
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400
Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$4,500
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600

**Permit Maintenance Fees:**

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

Type of Permit	Fee Amount
Land Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$50
Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	\$1,400

**Permit Modification or Transfer:**

Transfer of state permits to a new operator requires submission of a corrected registration statement to the Town with changes highlighted. State permit coverage may be transferred to a new operator if the current operator notifies the Town at least 30 days in advance of the proposed transfer of the title to the facility or property. The notice must include a written agreement between the existing and new operator containing a specific date for transfer of permit responsibility, coverage, and liability to the new operator. Applicants must submit a Transfer Agreement form (copy attached) to the Town along with the required fee below.

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

Type of Permit	Fee Amount
Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700