

VIRGINIA DEPARTMENT OF TRANSPORTATION

LOCATION AND DESIGN DIVISION

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

GENERAL SUBJECT: VIRGINIA STORMWATER MANAGEMENT PROGRAM	NUMBER: IIM-LD-242
SPECIFIC SUBJECT: GENERAL VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) CONSTRUCTION PERMIT	DATE: AUGUST 15, 2006
	SUPERSEDES:
DIVISION ADMINISTRATOR APPROVAL:	Mohammad Mirshahi, P.E. State Location and Design Engineer Approved August 15, 2006

EFFECTIVE DATE

- This memo is effective upon receipt.
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BACKGROUND

- Acts of the General Assembly have resulted in the enactment of the Stormwater Management Law (Section 10.1-603 of the Code of Virginia) and the issuance of the Virginia Stormwater Management Program (VSMP) Permit Regulations (4 VAC 50-60 et seq.) for discharges of stormwater from Regulated Land Disturbing Activities (RLDA). The law empowered the Virginia Soil and Water Conservation Board to regulate, permit, and control stormwater runoff in the Commonwealth and authorized the Board to delegate such powers to the Department of Conservation and Recreation.
- Authorization to discharge under the VSMP Permit Regulations and the Virginia Stormwater Management Act is permitted through the Department of Conservation and Recreation's General Permit, DCR01, which became effective on July 1, 2004 and will expire on June 30, 2009. Coverage under this permit must be applied for prior to beginning any land disturbance on regulated activities.

APPLICATION

- The VSMP General Construction Permit DCR01 is applicable for all RLDA's undertaken by or for VDOT including, but not limited to, RAAP, SAPP, Minimum and No Plan, PPTA and Design Build, Capital Outlay projects and non routine maintenance activities.
- As a condition of the General Permit, a Stormwater Pollution Prevention Plan (SWPPP) must be developed and implemented for the RLDA. For VDOT activities, the SWPPP is comprised of, but not limited to, the Erosion and Sediment Control (ESC) Plan, the Stormwater Management (SWM) Plan and all related Road and Bridge Specifications and Standards (See Special Provision 107F). The SWPPP "must describe and insure the implementation of practices that will be used to reduce the pollutants in stormwater discharges from the construction site." This requirement of the General Permit is met by designing and implementing an ESC and SWM Plan for the RLDA in accordance with VDOT's Approved ESC and SWM Standards and Specifications.
- Coverage under the General Permit is required for all land disturbing activities, except that associated with routine maintenance (See next bullet), that equal or exceed the following land disturbance threshold amounts:

Chesapeake Bay Preservation Areas – 2,500 square feet
All other areas – 1 Acre

1. The area of land disturbance for any offsite support facilities, such as concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas, etc., associated with the RLDA and identified in the ESC and SWM Plan shall be included in the total calculated land disturbance for the RLDA.
2. In many instances, the locations of the off-site support facilities are not known until after the award of the contract for the RLDA and after the VSMP Permit Registration Process has been completed. The approved ESC & SWM Plan and permit registration for the RLDA will require modification for the inclusion of these activities. (See IIM-LD-11 for additional information for modifying the approved ESC & SWM Plan) A revised VSMP Construction Permit Registration assembly must be completed and resubmitted following the same procedures as for the initial permit registration outlined in this document.
3. In some cases, where the proposed land disturbance activity does not require coverage under the VSMP Permit, the additional disturbed area associated with the offsite support activities identified after the award of the contract, when combined with the total disturbed area for the initial activity, may necessitate the need for coverage under the DCR01 General Permit. Once this is determined, all land disturbing activities shall be halted until coverage under the DCR01

General Permit is secured. An ESC & SWM Plan will need to be prepared for the total RLDA in accordance with the instructions in IIM-LD-11 and IIM-LD-195 and the VSMP Permit Registration application will need to be processed in accordance with the procedures outlined in this document.

- Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility and disturbs less than five acres of land is exempt from the VSMP Construction Permit requirements.
 1. This exemption is only for those maintenance activities considered routine (e.g., ditch cleaning operations, dressing of shoulders, etc.) and only applies to the Stormwater Management and VSMP Construction Permit Program. It does not apply to the Erosion and Sediment Control Program. An Erosion and Sediment Control Plan (including MS-19 channel adequacy analysis, as appropriate) is required for any land disturbing activity that exceeds the land disturbance thresholds requiring an ESC plan (See IIM-LD-11) regardless of any exemption under the Stormwater Management and VSMP Construction Permit Program.
 2. For any maintenance activity being authorized under this exemption, the activity files should be thoroughly documented as to the original and proposed line, grade, hydraulic capacity and purpose of the facility. Changes effecting hydraulic capacity could include changes to depth, width, side slopes, grade, lining or any other hydraulic characteristic that changes the capacity of the ditch. Likewise, for culverts, changes in size, slope and material may affect the hydraulic capacity.
 3. Where there is any question as to the application of this exemption, the appropriate District Hydraulics Engineer should be consulted.
- Information and instructions for the incorporation of erosion and sediment and stormwater management details in plan assemblies are contained in IIM-LD-11 and IIM-LD-195.

RESPONSIBLE PARTIES

- Project Authority
 1. Responsible for initiating the VSMP Construction Permit Registration application process. Completes, or coordinates the completion of, all of the information on the VSMP Construction Permit Registration Information form (LD-445), the Permanent BMP Information form (LD-445A), the VSMP Permit Fee Registration form (LD-445B), attaches the completed ESC & SWM Plan Certification form (LD-445C) and sends the completed assembly for each RLDA to the applicable District VSMP Permit Coordinator.

2. For the purposes of this IIM, the Project Authority is defined as the person with responsibility for oversight of the preliminary engineering aspects of the RLDA such as the Project Manager, the Residency Contract Administrator, or other such person that manages/oversees pre-construction activities of the proposed land disturbing activity.
- ESC Plan Designer/Hydraulic Engineer
 1. Responsible for preparing the ESC and SWM Plan for the RLDA in accordance with VDOT's Approved ESC and SWM Standards and Specifications. Develops and ensures that the applicable information is included in the Erosion and Sediment Control Section of the Plan General Notes for the RLDA, including the applicability of the VSMP Construction Permit (See IIM-LD-110 and IIM-LD-11 for additional information). Assists the Project Authority in completing the VSMP Construction Permit Registration Information form (LD-445) and the Permanent BMP Information form (LD-445A). Submits the completed Erosion and Sediment Control and Stormwater Management Plan Certification form (LD-445C) to the Project Authority.
 - District VSMP Permit Coordinator
 1. Responsible for coordinating the VSMP Construction Permit Registration application process for the District. Collects all of the completed VSMP Permit Registration application assemblies and submits them to the Central Office VSMP Permit Coordinator. Submits the completed VSMP Permit Termination Notice forms (LD-445D) to the Central Office VSMP Permit Coordinator.
 2. The District VSMP Coordinator is the District Drainage Engineer or their designee.
 - Responsible Land Disturber (RLD)
 1. Responsible for insuring the implementation of the ESC and SWM Plan for the RLDA. Completes, signs, and forwards, to the appropriate District VSMP Permit Coordinator, the VSMP Permit Termination Notice form (LD-445D) certifying that final stabilization has been achieved on all portions of the RLDA site.
 2. The RLD is that person so identified on the LD-455 form and is certified under DCR's RLD Certification Program. (See IIM-LD-11 for additional information)
 - Central Office VSMP Permit Coordinator
 1. Responsible for compiling the VSMP Construction Permit Registration assemblies and applying to DCR for coverage under the General Permit for the impending RLDA's. Submits the completed VSMP Construction Permit Registration assemblies, registration fees, and the VSMP Permit Termination Notice form (LD-445D) to DCR. Maintains an online database documenting the RLDA's submitted for coverage.

2. The Central Office VSMP Permit Coordinator is a designated engineer in the Central Office Hydraulics Section.
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DCR01 GENERAL PERMIT REGISTRATION PROCEDURE

- The registration process for coverage under the DCR01 General Permit must be completed prior to any land disturbance on activities that exceed the land disturbance thresholds amounts.
- On or before the initiation of the Pre-Advertisement Conference (PAC) process for a RLDA (or other appropriate stage for those activities that do not go through a formal PAC process), the Project Authority shall complete, or have the appropriate person complete, the applicable sections of the VSMP Construction Permit Registration Information form (LD-445), the Permanent BMP Information form (LD-445A), and the VSMP Permit Fee Registration form (LD-445B), attach the ESC and SWM Plan Certification form (LD-445C) and send this assembly to the appropriate District VSMP Permit Coordinator prior to the 21st day of each month. For information regarding the process for completing the LD-445C form see IIM-LD-11.
- The District VSMP Permit Coordinator shall review all permit registration assemblies for completeness and forward the completed assemblies to the Central Office VSMP Permit Coordinator on or before the last day of each month. The District VSMP Permit Coordinator will return all incomplete assemblies to the Project Authority for completion and resubmission.
- For Capital Outlay projects, the project authority shall submit the completed permit registration assembly directly to the Central Office VSMP Permit Coordinator in the Central Office Hydraulics Section.
- For PPTA and Design Build projects, the project authority shall submit the completed permit registration assembly to either the District VSMP Permit Coordinator (where the project is being managed in the District) or the Central Office VSMP Permit Coordinator (where the project is being managed in the Central Office).
- The Central Office VSMP Permit Coordinator shall compile all VSMP Permit registration form assemblies received and determine the total fee to be paid to DCR for registering the RLDA's.
- The Central Office VSMP Permit Coordinator shall, by the 7th day of each month, submit the VSMP Construction Permit Registration form assemblies, with original signatures, to DCR and shall authorize an Interagency Transfer (IAT) for the combined RLDA registration fees. At the request of DCR, these transactions will only be made on a once a month basis.

- Once DCR receives a complete registration application and appropriate fee, they will issue a registration statement to the Central Office VSMP Permit Coordinator with a project specific registration number for each RLDA. The Central Office VSMP Permit Coordinator will forward the RLDA coverage registration statements to the District VSMP Permit Coordinator or Capital Outlay/PPTA/Design Build Project Authority for distribution to the appropriate RLD. (Note: Since DCR is not currently issuing registration numbers, this portion of the process is waived until further notice. The RLDA is considered covered under the DCR01 General Permit once it has been officially registered with DCR.)
- The Central Office VSMP Permit Coordinator shall submit copies of the LD-445B forms to the Central Office Location and Design Administrative Section in order to debit the appropriate permit registration fees from each specific RLDA.
- The Central Office VSMP Permit Coordinator shall maintain an online database documenting the registered RLDAs and shall retain, on file, copies of the VSMP Construction Permit Registration form assemblies submitted to DCR for a period of not less than 6 months after the completion of the RLDA and the termination of the VSMP Construction Permit Registration.
- Any RLDA missing any of the submission cutoff dates (i.e., to District or Central Office VSMP Permit Coordinator) will have to be carried over to the next month's submission.

CONDITIONS OF COVERAGE UNDER THE DCR01 GENERAL PERMIT

- The SWPPP (ESC and SWM Plan and the related standards, specifications and contract documents), along with a copy of the DCR01 General Permit and the registration statement showing the registration number, must be retained on site of the RLDA from the commencement of land disturbance activity to the date of final stabilization. A copy of the DCR01 General Permit is included in Special Provision 107F of the Road and Bridge Specifications or may be obtained from the DCR website at <http://www.dcr.virginia.gov/sw/docs/swm/genper01consact.pdf> . (Note: Since DCR is not issuing registration numbers at this time, the need to retain a copy of the registration statement on site is waived until further notice. The RLDA is considered covered under the DCR01 General Permit once it has been officially registered with DCR.)
- Any modifications to the approved SWPPP must be implemented in accordance with Special Provision 107F, VDOT's Approved ESC and SWM Standards and Specifications, and the procedures outlined in LD-IIM-11.

PROCEDURE FOR TERMINATING COVERAGE UNDER THE DCR01 GENERAL PERMIT

- Upon completion of the RLDA, the Responsible Land Disturber (RLD) shall complete and sign the VSMP Permit Termination Notice form (LD-445D) and submit it to the appropriate District VSMP Permit Coordinator prior to the 21st day of the month.
- The District VSMP Permit Coordinator shall forward all original signed LD-445D forms to the Central Office VSMP Permit Coordinator on or before the last day of each month.
- The Central Office VSMP Permit Coordinator shall combine all LD-445D forms received and forward them to DCR by the 7th day of each month.
- The Central Office VSMP Permit Coordinator will retain a copy of the termination notice on file for a period of not less than 6 months after the completion of the RLDA and record the effective termination date in the online database.

FORMS

- LD-445 VSMP Construction Permit Registration Information
- LD-445A Permanent BMP Information
- LD-445B VSMP Permit Fee Registration
- LD-445C ESC and SWM Plan Certification
- LD-445D VSMP Permit Termination Notice

L&D forms are available through the VDOT website and can be downloaded at the following link: <http://www.extranet.vdot.state.va.us/forms/>