



Virginia Stormwater Management Program (VSMP)

Effective July 1, 2014, the County will begin to administer and enforce certain provisions of Commonwealth of Virginia's urban nonpoint source pollution programs, specifically certain elements of the Virginia Stormwater Management Program (VSMP) and Virginia Pollutant Discharge Elimination System (VPDES), Stormwater Construction General Permit program. This is in accordance with the Virginia Stormwater Management Act § 62.1-44.15:24, the Virginia Stormwater Management Program Regulations 9VAC25-870, and the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-880 (VAR10).

The County is required to implement a VSMP program because it is a Tidewater locality subject to the provisions of the Chesapeake Bay Preservation Area, Designation and Management Regulations, has a local erosion and sediment control program, and because the County is an operator of a regulated small Municipal Separate Storm Sewer System (MS4).

In General, Who Must Apply for VPDES Construction General Permit Coverage (VAR10)?

- Operators of construction activities resulting in land disturbing activity equal to or greater than one acre;
- Operators of construction activity resulting in land disturbance equal to or greater than 2,500 square feet and less than one acre within areas designated as subject to the Chesapeake Bay Preservation Act; and
- Operators of construction activities resulting in land disturbance less than one acre that are part of a larger common plan of development or sale that ultimately disturbs one or more acres. A larger common plan of development or sale is a contiguous area where separate and distinct construction may be taking place at different times on different schedules. A permit is required if one or more acres of land will be disturbed, regardless of the size of the individually owned or developed sites. For example, if a developer buys a 20-acre lot and builds roads with the intention of building homes or other structures in the future, or if the land is parceled off or sold, and construction occurs on plots that are less than an acre by separate, independent builders, these activities would still be subject to stormwater permitting requirements. A larger common plan of development or sale applies to various types of land development including but not limited to residential, commercial or industrial use.

Local VSMP Ordinance

On May 13, 2014, the James City County Board of Supervisors adopted the local *Virginia Stormwater Management Program (VSMP) ordinance*, Ordinance No. 85A-21, Article II of Chapter 8 of the County Code. A locally adopted ordinance was a required element of a local VSMP program. The Department of Community Development, Division of Stormwater and Resource Protection is designated by the ordinance as the VSMP authority and program administrator.

Responsibilities of the Local VSMP Authority

Under the VSMP program, the state will continue to issue general permit coverage for construction activities. The County has no regulatory authority to issue general permit coverage. The County, as a designated local Virginia Erosion and Sediment Control (VESC) and now VSMP authority and program administrator, has the following obligations, in general, to assist with implementation of the VSMP program in accordance with current state law and regulations and the local VSMP ordinance:

- Accept and process complete, accurate and signed registration statements.
- The collection of registration, modification/transfer and annual permit maintenance fees.
- By use of the state's online reporting SWQCP system, obtain evidence of state CGP coverage prior to providing approval to begin land disturbing activities (LDAs).

- Verification of projects which claim exemption or grandfathering status.
- Review and approval of Stormwater Pollution Prevention Plans (SWPPPs), including:
 - Erosion and sediment control (E&SC) plans or executed agreement-in-lieu of a plan, as applicable.
 - Stormwater management (SWM) plans or an executed agreement-in-lieu of a stormwater management plan, as applicable.
 - Review and approval of pollution prevention plans (P2 plan or PPP), as applicable.
- Require the submission of a reasonable performance surety and provide for the release of such surety consistent with the Code of Virginia.
- Issue a consolidated erosion and sediment control (land disturbing) and stormwater management (stormwater construction) permit and obtain evidence of state VPDES/VSMP permit coverage prior to approval to begin land disturbance activities (LDAs). No VSMP authority permit shall be issued until evidence of general permit coverage is obtained and no local grading, building or other local permits shall be issued unless a local VSMP authority permit has been issued.
- Monitoring and inspection of land disturbing activities during construction for compliance with approved plans.
- Require provisions for long term responsibility and maintenance of stormwater management facilities.
- Require the submission of construction record drawings for permanent stormwater management facilities, as applicable.
- Granting of exceptions, as allowed by the regulations.
- Appeals, hearings and enforcement activities, including verbal warnings and inspection reports, notices to comply or notices of corrective action.
- Reporting and record keeping.

Chesapeake Bay Preservation Act Land Disturbing Activities greater than 2,500 square feet and less than 1 acre

James City County is a locality subject to the provisions of Chesapeake Bay Preservation Act land disturbing activities as outlined in Sections 9VAC25-870-51 and 9VAC25-870-103 of the VSMP regulations. After June 30, 2014 such land disturbing activities (ie. areas with land disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre) shall not require completion of a registration statement or require coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities but shall be subject to the technical criteria and program and administrative requirements outlined in 9VAC25-870-51 and 9VAC25-870-103 and the local VSMP ordinance. Registration fees (\$290) and annual permit maintenance fees (\$50), which go to the locality, may apply.

Single-family Residences Not Part of a Common Plan of Development or Sale

Single-family residences separately built, that disturb less than one acre of land, and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures, are exempt activities. Registration for coverage under the general permit to discharge stormwater from construction activities is not required in accordance with the Virginia Stormwater Management Act and the Regulations. This exemption covers single-family residences in all areas subject to the Chesapeake Bay Preservation Act.

Although registration for general permit coverage may not apply to certain single-family detached residential structures, within or outside a common plan of development, payment of local VSMP fees and submission of required program materials such as an agreement in lieu of a plan (E&SC), an agreement-in-lieu of a stormwater management plan, and a pollution prevention plan (P2 plan or PPP) may still apply. For example, a small construction activity/land clearing for a single-family detached residential structure within or outside a common plan of development or sale with land disturbance acreage less than 5 acres is required to pay a \$209 fee for VSMP purposes (\$0 state portion).

Stormwater Pollution Prevention Plans (SWPPP's)

Under the VSMP, a stormwater pollution prevention plan (SWPPP) includes the following components: a site erosion and sediment control (E&SC) plan, a stormwater management (SWM) plan and a pollution prevention plan (P2 plan or PPP). The construction general permit requires the construction site operator to develop and implement a site specific SWPPP. The SWPPP must be prepared prior to submitting a registration statement for permit coverage to the VSMP authority. The SWPPP is to be retained at the construction site along with a copy of the permit and permit coverage letter. The operator has the lead in developing, implementing and maintaining the SWPPP and committing the resources necessary to prevent pollution. Please note however, the local VSMP ordinance incorporates the provisions for local review and approval of pollution prevention plans (if applicable to a project) prior to site implementation, modification or update. Pollution prevention plans (P2 or PPP) as developed for implementation under the single-family building permit application process may be accepted and processed by the VSMP authority through the agreement in lieu of plan process under County VESCP and VSMP authority programs, including an agreement-in-lieu of a stormwater management plan. This may not apply in Chesapeake Bay Preservation Act land disturbing activity areas. Random site inspections for compliance with the general permit, including SWPPP review, may be conducted by the VSMP authority staff. The SWPPP outlines the steps and techniques the operator will take to comply with the terms and conditions of the permit, including water quality and quantity requirements that are consistent with the VSMP permit regulations, to reduce pollutants in the stormwater runoff from the construction site. The SWPPP also specifies all potential pollutant sources that could enter stormwater leaving the construction site and covers methods used to reduce pollutants in stormwater runoff during and after construction. A complete list of SWPPP requirements is contained in Section II of the general permit and the local VSMP ordinance.

Other Ordinance Items of Interest

Please note that there were a few other changes to the County's local erosion and sediment control and stormwater management plan review and permit program with the adoption of the local VSMP ordinance. Expanded exemptions, beyond those required by state law and regulations were provided in the VSMP ordinance to add flexibility to the development community and County on small scale private and municipal projects. Also incorporated in the ordinance is the requirement for the County to review and approve developed pollution prevention plans (P2 plan or PPP) which are required as part of an overall stormwater pollution prevention plan SWPPP. Please note again that pollution prevention plans as developed for implementation under the single-family building permit application process may be accepted and processed by the VSMP authority through the agreement in lieu of plan process under the County VESCP and VSMP authority programs, including an agreement-in-lieu of a stormwater management plan. The VSMP ordinance continues to require the need to provide construction certifications, in addition to record drawings, for permanent stormwater conveyance systems and stormwater management/BMP facilities. This is consistent with past County stormwater management program requirements.

The adopted VSMP ordinance now incorporates a component requiring the operator to perform an internal closed-circuit television (CCTV) post installation inspection for all stormwater conveyance system pipes, access or inlet structures, and culverts of 15-inch nominal diameter size or greater as part of the construction record drawing and construction certification process.

Registration, Forms and Fees

Certain fees apply to land disturbing activities (LDA's) associated with the Virginia Stormwater Management Program. These fees are for registration coverage, modification/transfer, and annual permit maintenance. The County has adopted the statewide fee structure in accordance with amended regulations in 9VAC25-870. This schedule is outlined in Section 8-34 of Chapter 8, Article II of the County Code. These fees are in addition to those required for Erosion and Sediment Control plan review and inspection (Section 8-5), stormwater facility inspection (Subdivision and Zoning ordinance), and for exceptions required under the Chesapeake Bay Preservation ordinance (Section 23-15).

To apply for construction general permit coverage, a complete registration statement, and appropriate local and state portions of fees must be submitted to the desk of the VSMP authority.

Forms effective beginning on July 1, 2014:

- Registration Statement, General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)
- Instructions for Completing the Registration Statement, General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)
- Notice of Termination, General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)
- Instructions for Completing the Notice of Termination, General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)
- Other forms will be posted as they become available.

The General VPDES Permit Registration Statement, with appropriate fees, the Notice of Termination, and all other appropriate forms must be completed and delivered or mailed to the desk of the VSMP authority at:



*James City County, Virginia
Department of General Services
Division of Stormwater and Resource
Protection 101-E Mounts Bay Road
Williamsburg, VA 23185-6505*

or

*P.O. Box 8784
Williamsburg, VA 23187-8784*

*Attention: Administrator, VSMP Authority
General Phone No.: 757-253-6670*

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) REGIONAL OFFICE INFORMATION



Virginia Dept. of Environmental Quality
Tidewater Regional Office
5636 Southern Blvd.
Virginia Beach, VA 23462
(757) 518-2000
(757) 518-2009 (fax)
Office Hours: 8:30 a.m. - 4:30 p.m. Monday-Friday

The **Tidewater Regional Office** serves the counties of Accomack, Isle of Wight, **James City**, Northampton, Southampton and York; and the cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamsburg.

ADDITIONAL INFORMATION

For additional information, visit the following web links:

James City County, Division of Stormwater and Resource Protection

<https://jamescitycountyva.gov/Stormwater>

Virginia Department of Environmental Quality

Construction General Permit

<https://www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPermits/ConstructionGeneralPermit.aspx>

Stormwater Management

<https://www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPermits.aspx>

Erosion and Sediment Control

<https://www.deq.virginia.gov/Programs/Water/StormwaterManagement/ErosionandSedimentControl.aspx>

Chesapeake Bay Preservation Act

<https://www.deq.virginia.gov/Programs/Water/ChesapeakeBay/ChesapeakeBayPreservationAct.aspx>

MS4 Permits

<https://www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPermits/MS4Permits.aspx>

Water Laws, Regulations & Guidance

<https://www.deq.virginia.gov/Programs/Water/Laws,Regulations,Guidance.aspx>

Training & Certification

<https://www.deq.virginia.gov/ConnectWithDEQ/TrainingCertification.aspx>

U.S. Environmental Protection Agency (EPA)

National Pollutant Discharge Elimination System (NPDES)

<https://www.epa.gov/npdes>

Stormwater Discharge from Construction Activities

<https://www.epa.gov/npdes/stormwater-discharges-construction-activities>

Stormwater Pollution Prevention Plan Guidance and Other Helpful Resources for Construction Activities

<https://www.epa.gov/npdes/developing-stormwater-pollution-prevention-plan-swppp>

Stormwater Program

<https://www.epa.gov/npdes/npdes-stormwater-program>

Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s)

<https://www.epa.gov/npdes/stormwater-discharges-municipal-sources>