

VAARNG Water Quality Requirements for Planning and Managing Land Disturbing Projects

1. The VAARNG eMS requirements related to land disturbing activity for any VAARNG project must be adhered to by all VAARNG members, employees, contractors, and tenants.

a. Overview of requirements:

- any land disturbance project over 10,000 ft² requires an erosion and sediment control plan
- any land disturbance project in a Chesapeake Bay Preservation locality over 2,500 ft² requires an erosion and sediment control plan
- any construction activity over 1 acre requires a Virginia Stormwater Management Program (VSMP) General Construction Stormwater Permit
- any construction activity in a Chesapeake Bay Preservation locality over 2,500 ft² requires a (VSMP) General Construction Stormwater Permit.

2. KEY TASKS

Each land disturbing project should be reported to VAARNG-FM-E during the planning phase for the Environmental Team to advise the proponent of its responsibility and to track the necessary requirements and permits required to maintain compliance with relevant laws and regulations. This primarily relates to the Virginia Erosion and Sediment Control Laws and Regulations (codified at Title 10.1, Chapter 5, Article 4 of the Code of Virginia, regulations are found at Section 4VAC30-50) as well as the Virginia Stormwater Management Laws and Regulations (codified at Title 10.1, Chapter 6, Article 1.1 of the Code of Virginia and the Regulations are found at Section 4VAC3-20 of the Virginia Administrative Code).

a. Prior to land disturbing activity, the E&S plan must be approved by DCR and the Construction Stormwater Permit letter must be issued for any project that meets the criteria as defined above. VAARNG-FM-E recommends submitting your complete E&S plan to DCR as early as possible to allow time for comments, modifications, and approval prior to start of the project. The required stormwater calculations for the SWPPP should be completed in the development of the E&S plan. Once the contractor is selected for the project, immediately have their representative submit the registration statement and permit fee to DCR for the permit letter.

b. To secure coverage under the General Permit for Discharges from Construction Activities, the Registration Statement must be completed and mailed to:

**Department of Conservation and Recreation
Stormwater Permitting
203 Governor Street, Suite 206
Richmond, VA 23219**

The Application for Fee form must be completed and submitted with payment to:

**Department of Conservation and Recreation
Division of Finance, Accounts Payable
ATTN: Stormwater Permits
203 Governor Street**

Richmond, VA 23219

3. These erosion and sediment regulations protect the degradation of surface water quality by requiring standard management practices which contain sediment on site during construction projects and mandate proper stabilization of disturbed areas prior to project completion. The Virginia Stormwater Management Laws and Regulations regulate quantity and quality of post construction storm water runoff to protect downstream properties and aquatic resources from damages caused by increased volume, frequency and peak rate of stormwater runoff.

a. The Virginia Department of Conservation and Recreation (DCR) is the state regulatory agency which conducts erosion and sediment (E&S) control plan review and approval, and site inspections for all state projects. Development of E&S plans should be based on the criteria outlined in App. 10-1 Plan Review Checklist. After the initial plan is drafted, (including the narrative) it must be submitted to the appropriate Regional DCR office to be reviewed as a State Project. The appropriate DCR representative will have 45 days to review and provide comments for corrections and revisions relating to the E&S plans. The DCR stormwater engineer will have 60 days to review the stormwater calculations to make sure they meet stormwater runoff and water quality criteria set forth in the Stormwater Laws and Regulations.

b. DCR also issues and enforces Virginia Stormwater Management Program (VSMP) Permits. Under the VSMP, qualifying construction projects must be covered by a General Permit for Discharges of Stormwater from Construction Activities. This construction stormwater general permit requires construction site operators to develop and implement a stormwater pollution prevention plan (SWPPP) that uses best management practices for erosion and sediment control at the construction site.

4. The VAARNG Project Manager (PM) for individual land disturbing activities has many responsibilities relating to compliance with E&S controls. The PM (could be Federal, State, contract, or a Commander of troops) must notify VAARNG-FM-E of the estimated start date prior to beginning the land disturbing activity. It is the responsibility of the PM to ensure the Contractor or employees implementing the project install and maintain all E&S structures and systems in accordance with the approved plans and specifications for the duration of the project. Any modification of the land disturbing activity which deviates from the approved plan must be staffed through VAARNG-FM-E to ensure it still complies with the laws and regulations. If the contractor does not comply with the approved E&S plan the PM must notify him in writing (email or memo) and direct the Contractor to repair and maintain the E&S controls. If the Contractor is consistently non responsive to the PM's requests, then a Stop Work Order can be issued and payment withheld by the VAARNG until the E&S controls are in compliance. PM needs to keep a record of the written correspondence with the Contractor regarding E&S deficiencies and repair. VAARNG-FM-E must be copied on correspondence between VAARNG and DCR regarding E&S inspections and compliance. These management responsibilities also apply to troop construction or training projects on VAARNG lands, local training areas, or community relation projects.

If individual VAARNG PM's need additional E&S training regarding recognizing deficiencies in E&S implementation and making corrective actions then VAARNG-FM-E must be contacted and then can provide the necessary training for those employees.

5. REFERENCES

Visit this website: http://www.dcr.virginia.gov/soil_&_water/swintro.shtml#regional to obtain the contact information for the regional office that will review and approve plans for your project site.

Visit this website http://www.dcr.virginia.gov/soil_&_water/e&s.shtml#pubs for access to a copy of the Virginia Erosion and Sediment Control laws and regulations and the Virginia Erosion and Sediment Control Handbook.

Visit this website http://www.dcr.virginia.gov/soil_&_water/stormwat.shtml for access to a copy of the Virginia Stormwater Management laws and regulations and the Virginia Stormwater Management Handbook.

Visit http://www.dcr.virginia.gov/chesapeake_bay_local_assistance/local_status_contacts.shtml for a list of local government authorities and program status information who have defined Chesapeake Bay Protection Areas within their jurisdictions.

Visit http://www.dcr.virginia.gov/soil_&_water/documents/swmtlkt4tek.pdf to access the Engineers Toolkit for assistance in developing a compliant Virginia Stormwater Management Plan Permit.