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TOWN OF ASHLAND
STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

for

Project Name

located in
Town of Ashland, Virginia

Developed in compliance with:

General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880)

DELEGATED AUTHORITY

Name: _____

Title: _____

Company: _____

Phone #: _____

I certify the individual or position named above has the delegated authority to sign inspection reports and/or amend or modify this SWPPP.

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

OPERATOR

Signature: _____ Date: _____

Name: _____

Title: _____ Company: _____

INTRODUCTION

This Stormwater Pollution Prevention Plan (SWPPP) has been developed as a requirement of the General VPDES Permit for Discharges of Stormwater from Construction Activities (GCP), as defined in 9VAC25-880. The purpose of this SWPPP is to:

1) Identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges from the construction site, and
2) To describe and ensure the implementation of practices that will be used to reduce pollutants in stormwater discharges from the construction site and to assure compliance with the conditions of the Permit.

Implementation of the components of this SWPPP is required as a condition of the GCP (Tab 17).

The GCP has a fixed term of 5 years from the effective date of July 1, 2014 and permit coverage is required for all VSMP land-disturbing activities as described in Chapters 4 and 5 of the Town of Ashland Code of Ordinances.

The GCP authorizes the discharge of stormwater from construction activities until the expiration date. The GCP also authorizes the discharge of stormwater from offsite support activities, provided that certain conditions are met as outlined in Part I A. 2 of the GCP. Certain non-stormwater discharges are also authorized and are described in Part I E of the GCP.

The GCP must be maintained, modified, transferred, and terminated in accordance with requirements outlined in the GCP and Town Codes.

REQUIRED SWPPP COMPONENTS

In accordance with the *General VPDES Permit for Discharges of Stormwater from Construction Activities* , the SWPPP must include the following information:

1. General Information
   a. A signed copy of the registration statement for coverage under the GCP;
   b. Upon receipt, a copy of the notice of coverage under the GCP (i.e., notice of coverage letter);
   c. Upon receipt, a copy of the GCP;
   d. A narrative description of the nature of the construction activity, including the function of the project (e.g., low density residential, shopping mall, highway, etc.);
   e. A legible site plan identifying:
      1) Directions of stormwater flow and approximate slopes anticipated after major grading activities;
      2) Limits of land disturbance including steep slopes and natural buffers around surface waters that will not be disturbed;
      3) Locations of major structural and nonstructural control measures including sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to filter, settle, or similarly treat sediment that will be installed between disturbed areas and the undisturbed vegetated areas, in order to increase sediment removal and maximize stormwater infiltration;
      4) Locations of surface waters;
      5) Locations where concentrated stormwater is discharged;
      6) Locations of support activities, when applicable and when required by the VSMP authority, including but not limited to: (i) areas where equipment and vehicle washing, wheel wash water, and other wash water is to occur; (ii) storage areas for chemicals such as acids, fuels, fertilizers and other lawn care chemicals; (iii) concrete wash out areas; (iv) vehicle fueling and maintenance areas; (v) sanitary waste facilities, including those temporarily placed on the construction site; and (vi) construction waste storage; and
      7) When applicable, the location of the on-site rain gauge, or the methodology established in consultation with the VSMP authority, used to identify measurable storm events for inspection purposes.
2. An Erosion and Sediment Control (ESC) Plan.
3. A Stormwater Management (SWM) Plan.
4. A Pollution Prevention Plan (PPP).
5. Information demonstrating compliance with the Total Maximum Daily Load (TMDL) Requirements.

6. Qualified personnel responsible for conducting on-site and off-site inspections required by the GCP shall be identified by the Operator in the SWPPP. The Operator is responsible for insuring that the qualified personnel conduct inspections.
7. The SWPPP must identify individuals or positions with delegated authority to sign inspection reports and/or amend or modify the SWPPP.
8. The SWPPP shall be signed and dated in accordance with the signatory requirements.
9. The SWPPP must contain documentation of all amendments, modifications, and updates.
10. The SWPPP must include documentation of inspections conducted in accordance with the inspection requirements.
11. The SWPPP must contain documentation of corrective actions taken in accordance with the requirements.

REQUIRED SWPPP COMPONENTS			
Required Components	**Permit Reference**	**Responsible Party**	**Location**
A signed copy of the registration statement for coverage under the GCP	Part II A.1.a		Tab15 of the SWPPP Binder
A copy of the notice of coverage under the GCP	Part II A.1.b		Tab 16 of the SWPPP Binder
A copy of the GCP	Part II A.1.c		Tab 17 of the SWPPP Binder
A narrative description of the nature of the construction activity, including the function of the project	Part II A.1.d		Tab 4 of the SWPPP Binder
A legible site plan identifying:			
Directions of stormwater flow and approximate slopes anticipated after major grading activities	Part II A.1.e.(1)		Sheet __ of the Site Plan
Limits of land disturbance including steep slopes and natural buffers around surface waters that will not be disturbed	Part II A.1.e.(2)		Sheet __ of the Site Plan
Locations of major structural and nonstructural control measures including sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to filter, settle, or similarly treat sediment that will be installed between disturbed areas and the undisturbed vegetated areas, in order to increase sediment removal and maximize stormwater infiltration	Part II A.1.e.(3)		Sheet __ of the Site Plan
Locations of surface waters	Part II A.1.e.(4)		Sheet __ of the Site Plan

Locations where concentrated stormwater is discharged	Part II A.1.e.(5)		Sheet __ of the Site Plan
Locations of support activities, when applicable and when required by the VSMP authority, including but not limited to: (i) areas where equipment and vehicle washing, wheel wash water, and other wash water is to occur; (ii) storage areas for chemicals such as acids, fuels, fertilizers and other lawn care chemicals; (iii) concrete wash out areas; (iv) vehicle fueling and maintenance areas; (v) sanitary waste facilities, including those temporarily placed on the construction site; and (vi) construction waste storage	Part II A.1.E.(6)		Sheet __ of the Site Plan
When applicable, the location of the on-site rain gauge, or the methodology established in consultation with the VSMP authority, used to identify measurable storm events for inspection purposes	Part II A.1.e.(7)	Town Hall Gauge	Sheet __ of the Site Plan
An Erosion and Sediment Control (ESC) Plan	Part II A.2		Sheet __ of the Site Plan Tab 7 of the SWPPP Binder
A Stormwater Management (SWM) Plan	Part II A.3		Sheet __ of the Site Plan Tab 7 of the SWPPP Binder
A Pollution Prevention Plan (PPP)	Part II a.4		Sheet __ of the Site Plan Tabs 7 and 8 of the SWPPP Binder
Information demonstrating compliance with the Total Maximum Daily Load (TMDL) Requirements	Part II A.5.a		Tab 9 of the SWPPP Binder Sheet __ of the Site Plan

Qualified personnel responsible for conducting on-site and off-site inspections required by the GCP shall be identified by the Operator in the SWPPP.	Part II A.6		Tab 6 of the SWPPP Binder
The SWPPP must identify individuals or positions with delegated authority to sign inspection reports and/or amend or modify the SWPPP.	Part II A.7		Title Sheet and Tab 5 of the SWPPP Binder
The SWPPP shall be signed and dated in accordance with the signatory requirements	Part II A.8		Title Sheet of the SWPPP Binder
The SWPPP must contain documentation of all amendments, modifications, and updates	Part II B		Tab 10 of the SWPPP Binder
The SWPPP must include documentation of inspections conducted in accordance with the inspection requirements	Part II F		Tab 12 of the SWPPP Binder
The SWPPP must contain documentation of corrective actions taken	Part II G		Tab 13 of the SWPPP Binder

NARRATIVE

In accordance with the *General VPDES Permit for Discharges of Stormwater from Construction Activities* and the Town VSMP ordinance, the SWPPP must include a narrative description of the nature of the construction activity, including the function of the project (e.g., low density residential, shopping mall, highway, etc.).

Option 1 – Written Narrative

Add narrative here.

Option 2 – Fill-in-the-Blank Narrative

Nature and function of the Project: _____

_____

_____

_____

Number of Lots created: _____

Location of Project: _____

REVISIONS TO DELEGATION OF AUTHORITY

In accordance with the *General VPDES Permit for Discharges of Stormwater from Construction Activities*, the individuals or positions with delegated authority to sign inspection reports and/or amend this SWPPP must be identified. If the individual or position identified on the Title Sheet of the SWPPP changes or additional individuals or positions are given this responsibility after the preconstruction meeting occurs, the changes/additions must be noted below and submitted to the Town of Ashland director of Public Works.

Print Name: _____

Title: _____

Company: _____

Phone #: _____

I certify the individual or position named above has the delegated authority to sign inspection reports and/or amend or modify this SWPPP.

Operator Signature: _____ Date: _____

Print Name: _____

Title: _____

Company: _____

Phone #: _____

I certify the individual or position named above has the delegated authority to sign inspection reports and/or amend or modify this SWPPP.

Operator Signature: _____ Date: _____

Print Name: _____

Title: _____

Company: _____

Phone #: _____

I certify the individual or position named above has the delegated authority to sign inspection reports and/or amend or modify this SWPPP.

Operator Signature: _____ Date: _____

Print Name: _____

Title: _____

Company: _____

Phone #: _____

I certify the individual or position named above has the delegated authority to sign inspection reports and/or amend or modify this SWPPP.

Operator Signature: _____ Date: _____

IDENTIFICATION OF QUALIFIED PERSONNEL

In accordance with the *General VPDES Permit for Discharges of Stormwater from Construction Activities*, the individuals responsible for conducting on-site and off-site inspections must be identified. If the identified individual changes or additional individuals are given this responsibility after the preconstruction meeting occurs, the changes/additions must be noted below and submitted to the Town of Ashland Inspector.

Print Name: _____

Company: _____

Address: _____

Phone #: _____

Qualifications:

- ☐ Responsible Land Disturber # _____
- ☐ Certified ESC Inspector # _____
- ☐ Certified SWM Inspector # _____
- ☐ Licensed Professional (P.E., L.S., etc.)
- ☐ Other: _____

Print Name: _____

Company: _____

Address: _____

Phone #: _____

Qualifications:

- ☐ Responsible Land Disturber # _____
- ☐ Certified ESC Inspector # _____
- ☐ Certified SWM Inspector # _____
- ☐ Licensed Professional (P.E., L.S., etc.)
- ☐ Other: _____

Print Name: _____

Company: _____

Address: _____

Phone #: _____

Qualifications:

- ☐ Responsible Land Disturber # _____
- ☐ Certified ESC Inspector # _____
- ☐ Certified SWM Inspector # _____
- ☐ Licensed Professional (P.E., L.S., etc.)
- ☐ Other: _____

Print Name: _____

Company: _____

Address: _____

Phone #: _____

Qualifications:

- ☐ Responsible Land Disturber # _____
- ☐ Certified ESC Inspector # _____
- ☐ Certified SWM Inspector # _____
- ☐ Licensed Professional (P.E., L.S., etc.)
- ☐ Other: _____

ENVIRONMENTAL COMPLIANCE
AND
INCORPORATED PLANS

Environmental Compliance Plan

Environmental Compliance as demonstrated within site plans was developed and approved in accordance with the requirements of the Town Code of Ordinances for the project titled:

_____
(project title)

The site plans were prepared by:

_____
(consultant)

The site plans were approved for content on:
_____
(date of DPW Director's signature)

The preconstruction meeting was held on: _____
(date of preconstruction meeting)

Erosion and Sediment Control Plan

An Erosion and Sediment Control (ESC) Plan was developed as a required component of the site plans and was approved as authorized by the Virginia Erosion and Sediment Control Regulations (9VAC25-840). When properly implemented, the approved ESC plan has been determined to adequately address the following effluent limit guidelines:

1. Controls the volume and velocity of stormwater runoff within the site to minimize soil erosion;
2. Controls stormwater discharges, including peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;
3. Minimizes the amount of soil exposed during the construction activity;
4. Minimizes the disturbance of steep slopes;
5. Minimizes sediment discharges from the site in a manner that addresses (i) the amount, frequency, intensity, and duration of precipitation, (ii)the nature of resulting stormwater runoff, and (iii) soil characteristics, including the range of soil particle sizes present on the

site;

6. Provides and maintains natural buffers around surface waters, directs stormwater to vegetated areas to increase sediment removal, and maximized infiltration, unless infeasible;
7. Minimizes soil compaction and, unless infeasible, preserves topsoil;
8. Ensures that stabilization of disturbed areas will be initiated immediately whenever any clearing, grading, or excavating, or other land-disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 days;
9. Utilizes outlet structures that withdraw stormwater from the surface (i.e., above the permanent pool or wet storage water surface elevation), unless infeasible, when discharging from sediment basins or sediment traps.

The following individual(s) will implement and maintain the control measures identified in the ESC plan (if other than the Operator or Delegated Authority):

Name(s): _____

Company: _____

Stormwater Management Plan

A Stormwater Management Plan (SWM) plan was developed as a required component of the site plans and was approved as authorized by the Virginia Stormwater Management Program Regulations (9VAC25-870).

The following individual(s) will implement and maintain the control measures identified in the SWM plan (if other than the Operator or Delegated Authority):

Name(s): _____

Company: _____

Pollution Prevention Plan

A Pollution Prevention Plan sheet has been provided as a required component of the site plans and addresses many of the required elements of the Pollution Prevention Plan as required by the GCP. The other required elements are addressed in Tab 8 of the SWPPP Binder.

The individuals responsible for implementing and maintaining the control measures identified in the Pollution Prevention Plan are listed in Tab 8.

Total Maximum Daily Load (TMDL) Requirements

All projects requiring coverage under the GCP are subject to the following requirements associated with discharges to impaired waters, surface waters with an applicable TMDL wasteload allocation established and approved prior to the term of this GCP, or exceptional waters:

1. Identify the impaired water(s), approved TMDL(s), pollutants of concern, and exceptional waters identified in 9VAC25-260-30.A.3.c, when applicable;
2. Provide clear direction that:
    a. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site;
    b. Nutrients shall be applied in accordance with manufacturer's recommendations or an approved nutrient management plan and shall not be applied during rainfall events; and
    c. A modified inspection schedule shall be implemented in accordance with Part I B.4 or Part I B.5.

These requirements are addressed on the Pollution Prevention Plan sheet of the site plans and in Tab 9 of the SWPPP Binder.

The following individual(s) will implement and maintain these control measures (if other than the Operator or Delegated Authority):

Name(s): _____

Company: _____

Other Incorporated Plans

The Consultant will add language briefly describing any other plans that will be used to address the project requirements (i.e., plans for off-site borrow or disposal plans, regional stormwater management plans, etc.)

OR

☐ No other plans are incorporated by reference at time of plan approval.

Additional off-site areas to be used during construction:

Location	Plan Title	Approval Date	Purpose

POLLUTION PREVENTION PLAN INFORMATION

In accordance with Part II A.4 of the *General VPDES Permit for Discharges of Stormwater from Construction Activities,* the SWPPP must:

1. Identify potential pollutant-generating activities and pollutants expected to be exposed to stormwater;
2. Describe the location where the potential pollutant generating activity will occur, or if identified on the site plans, reference the site plans;
3. Identify all authorized non-stormwater discharges that are or will be comingled with stormwater discharges from the construction activity, including any applicable support activity;
4. Identify the person responsible for implementing the pollution prevention practice(s) for each pollutant generating activity, if other than the person listed as the qualified personnel;
5. Describe pollution prevention procedures and practices that will be implemented to:
    a. Prevent and respond to leaks, spills and other releases including (i) procedures for expeditiously stopping, containing, and cleaning up spills, leaks and other releases; and (ii) procedures for reporting leaks, spills, and other releases;
    b. Prevent the discharge of spilled or leaked fuels and chemicals from vehicle fueling and maintenance activities (e.g., providing secondary containment such as spill berms, decks, spill containment pallets, providing cover where appropriate, and having spill kits readily available);
    c. Prevent the discharge of soaps, detergents, solvents, and wash water from construction materials, including the cleanup of stucco, paint, form release oils, and curing compounds (e.g., providing (i) cover (e.g., plastic sheeting or temporary roofs) to prevent contact with stormwater; (ii) collection and proper disposal in a manner to contact with stormwater; and (iii) a similarly effective means designed to prevent discharge of these pollutants;
    d. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing (e.g., locating activities away from surface waters and stormwater inlets or conveyance and directing wash waters to sediment basins/traps, using filtration devices such as filter bags or sand filters or using similarly effective controls);
    e. Direct concrete wash water into a leak-proof container or leak-proof settling basin. The container or basin must be designed so that no overflows can occur due to inadequate sizing or precipitation. Hardened concrete wastes must be removed and disposed of in a manner consistent with the handling of other construction wastes. Liquid concrete wastes must be removed and disposed of in a

manner consistent with the handling of other construction wash waters and shall not be discharged to surface waters;

f. Minimize the discharge of pollutants from storage, handling, and disposal of construction products, materials, and wastes, including (i) building products such as asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures; (ii) pesticides, herbicides, insecticides, fertilizers, and landscape materials; and (iii) construction and domestic wastes such as packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials;

g. Prevent discharges of fuels, oils, and other petroleum products, hazardous or toxic waste, and sanitary wastes; and

h. Address any other discharges from potential pollutant generating activity not addressed above.

6. Describe procedures for providing pollution prevention awareness of all applicable wastes, including any wash water, disposal practices, and applicable disposal locations of such wastes, to personnel in order to comply with the conditions of the GCP.

The information required in Items 1, 2, and 4 can be found in Table 8.1 of this section of the SWPPP.

The information required in Item 3 can be found in Table 8.2 of this section of the SWPPP.

The information required in Items 5 and 6 can be found on the Pollution Prevention Plan Sheet included as a required component of the site plans.

Table 8.1 – Pollutant-Generating Activities, Potential Pollutants and Responsible Parties

Pollutant Generating Activity	Check if Present	Potential Pollutants																Responsible Party (if other than the person(s) identified as the qualified personnel)
		Sediment	Nutrients, Fertilizer	Heavy Metals	pH (acids and bases)	Pesticides or Herbicides	Oil or Grease	Bacteria or Viruses	Trash, Debris or Solids	Toxic Chemicals	Paints or Plaster	Adhesives, solvents or curing compounds	Asphalt or Concrete	Vehicle or heavy equipment wash water	Gasoline, diesel or kerosene	Wood preservatives	Antifreeze or coolant	
Clearing, grading or excavating	☐	●					●		●					●	●		●	
Paving operations	☐	●					●		●				●	●	●		●	
Concrete washout and concrete waste disposal	☐			●	●				●				●	●				
Structure construction, stucco, painting or cleaning	☐			●	●				●	●	●	●				●		
Dewatering operations	☐	●	●						●									
Material delivery and storage	☐		●	●	●	●	●		●	●	●	●	●	●	●	●	●	
Material use during building process	☐		●	●	●				●	●	●	●	●			●		

Pollutant Generating Activity	Check if Present	Potential Pollutants																Responsible Party (if other than the person(s) identified as the qualified personnel)
		Sediment	Nutrients, Fertilizer	Heavy Metals	pH (acids and bases)	Pesticides or Herbicides	Oil or Grease	Bacteria or Viruses	Trash, Debris or Solids	Toxic Chemicals	Paints or Plaster	Adhesives, solvents or curing compounds	Asphalt or Concrete	Vehicle or heavy equipment wash water	Gasoline, diesel or kerosene	Wood preservatives	Antifreeze or coolant	
Solid waste disposal	☐	●	●	●	●	●	●		●	●	●	●	●	●	●		●	
Sanitary waste disposal	☐		●		●			●						●	●		●	
Landscaping operations	☐	●	●			●			●	●				●	●		●	
Vehicle Fueling or Maintenance	☐			●			●							●	●		●	
Other (describe)	☐																	
Other (describe)	☐																	
Other (describe)	☐																	

Table 8.2 – Authorized Non-stormwater Discharges Anticipated from the Construction Activity or Support Activities

Authorized Non-stormwater Discharges	Anticipated from the Construction Activity or support Activities (check if applicable)
Discharges from firefighting activities	☐
Fire hydrant flushings	☐
Waters used to wash vehicles or equipment where soaps, solvents, or detergents have not been used and the wash water has been filtered, settled, or similarly treated prior to discharge	☐
Water used to control dust that has been filtered, settled, or similarly treated prior to discharge	☐
Potable water sources, including uncontaminated waterline flushings	☐
Routine external building wash down where soaps, solvents, or detergents have not been used and the wash water has been filtered, settled, or similarly treated prior to discharge	☐
Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurrs (or where all spilled or leaked material has been removed prior to washing); where soaps, solvents, or detergents have not been used; and where the wash water has been filtered, settled, or similarly treated prior to discharge	☐
Uncontaminated air conditioning or compressor condensate	☐
Uncontaminated ground water or spring water	☐
Foundation or footing drains where flows are not contaminated with process materials such as solvents	☐
Uncontaminated excavation dewatering, including dewatering of trenches and excavations that have been filtered, settled, or similarly treated prior to discharge	☐
Landscape irrigation	☐

TOTAL MAXIMUM DAILY LOAD INFORMATION

In accordance with Part II A.5 of the *General VPDES Permit for Discharges of Stormwater from Construction Activities*, the SWPPP must:

1. Identify the impaired water(s), approved TMDL(s), pollutants of concern, and exceptional waters identified in 9VAC25-260-30.A.3.c; and
2. Provide clear direction that:
   a. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site;
   b. Nutrients shall be applied in accordance with manufacturer's recommendations or an approved nutrient management plan and shall not be applied during rainfall events; and
   c. A modified inspection schedule shall be implemented in accordance with Part I B.4 or Part I B.5 of the *General VPDES Permit for Discharges of Stormwater from Construction Activities.*

The information required by Item 1 can be found in Table 9.1 and 9.2. Please note that no waterbodies in the Town of Ashland are identified as exceptional in 9VAC25-260-30.A.3.c.

The information required by Items 2.a and 2.b can be found on the ESC plan sheet included as a required component of the site plans.

The information required by Item 2.c can be found on the Pollution Prevention Plan Sheet included as a required component of the site plans.

Table 9.1 – Identification of the Impaired Waters the Project Discharges Into

Waterbody	Location / Length	Pollutant of Concern	Check if the project discharge to the waterbody
Mechumps Creek	From Headwaters to Town Limits	Escherichia coli	☐

Table 9.2 – Identification of the Surface Waters with Applicable TMDL Wasteload Allocations the Project Discharges Into

Waterbody	Pollutants of Concern	Does the project discharge to the waterbody?
Chesapeake Bay	Phosphorus Nitrogen Sediment	YES
Mechumps Creek	Escherichia coli-- Approved TMDL is 3.16+13 cfu/yr	YES or No

AMENDMENTS, MODIFICATIONS AND UPDATES

In accordance with Part II B of the *General VPDES Permit for Discharges of Stormwater from Construction Activities*:

1. The operator or their designee shall amend the SWPPP whenever there is a change in the design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to surface waters and that has not been previously addressed in the SWPPP.
2. The SWPPP must be amended if, during inspections or investigations by the operator's qualified personnel, or by local, state, or federal officials, it is determined that the existing control measures are ineffective in minimizing pollutants in discharges from the construction activity. Revisions to the SWPPP shall include additional or modified control measures designed and implemented to correct problems identified. If approval by the VESCP authority, VSMP authority, or DEQ is necessary for the control measure, revisions to the SWPPP shall be completed no later than seven calendar days following approval. Implementation of these additional of modified control measures must be accomplished as described in Section 13.3, part 11.
3. The SWPPP must clearly identify the contractor(s) that will implement and maintain each control measure identified in the SWPPP. The SWPPP shall be amended to identify any new contractor that will implement and maintain a control measure.
4. The operator or their designee shall update the SWPPP no later than seven days following any modification to its implementation. All modifications or updates to the SWPPP shall be noted and shall include the following items;
   a. A record of dates when:
      (1) Major grading activities occur;
      (2) Construction activities temporarily or permanently cease on a portion of the site; and
      (3) Stabilization measures are initiated.
   b. Documentation of replaced or modified controls where periodic inspections or other information have indicated that the controls have been used inappropriately or incorrectly and where modified as soon as possible;
   c. Areas that have reached final stabilization and where no further SWPPP inspection requirements apply;
   d. All properties that are no longer under the legal control of the operator and the dates on which the operator no longer had legal control over each property;
   e. The date of any prohibited discharges, the discharge volume released, and what actions were taken to minimize the impact of the release;

f. Measures taken to prevent the reoccurrence of any prohibited discharge; and

g. Measures taken to address any evidence identified as a result of an inspection.

5. Amendments, modifications, or updates to the SWPPP shall be signed in accordance with Section 18.10 of this chapter.

The following Amendment, Modification, and Update Log form must be used to document all amendments, modification, and updates.

SWPPP AMENDMENT, MODIFICATION AND UPDATE LOG

Date	Description of Amendment, Modification or Update
_____	_____
Responsible Party	_____

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

_____

Operator or Delegated Authority Signature

PUBLIC NOTICE, AVAILABLITY AND IMPLEMENTATION OF THE SWPPP

In accordance with Part II C of the *General VPDES Permit for Discharges of Stormwater from Construction Activities*:

> Upon commencement of land disturbance, the operator shall post conspicuously a copy of the notice of coverage letter near the main entrance of the construction activity. For linear projects, the operator shall post the notice of coverage letter at a publically accessible location near an active part of the construction project. The operator shall maintain the posted information until termination of general permit coverage.

In accordance with Part II D of the *General VPDES Permit for Discharges of Stormwater from Construction Activities*:

> Operators with day-to-day operational control over SWPPP implementation shall have a copy of the SWPPP available at a central location on-site for use by those identified as having responsibilities under the SWPPP whenever they are on the construction site.
>
> The operator shall make the SWPPP and all amendments, modifications, and updates available upon request to the department, the VSMP authority, the EPA, the VESCP authority, local government officials, or the operator of a municipal separate storm sewer system receiving discharges from the construction activity. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the SWPPP's location must be posted near the main entrance of the construction site.
>
> The operator shall make the SWPPP available for public review in an electronic format or in hard copy. Information for public access to the SWPPP shall be posted and maintained in accordance with Part II C. If not provided electronically, public access to the SWPPP may be arranged upon request at a time and at a publicly accessible location convenient to the operator or his designee but shall be no less than once per month and shall be during normal business hours. Information not required to be contained within the SWPPP by this general permit is not required to be released.

In accordance with Part II E of the *General VPDES Permit for Discharges of Stormwater from Construction Activities*:

> The operator shall implement the SWPPP and subsequent amendments, modifications, and updates from commencement of land disturbance until termination of general permit coverage.

All control measures must be properly maintained in effective operating condition in accordance with good engineering practices and, where applicable, manufacturer specifications. If a site inspection identifies a control measure that is not operating effectively, corrective action(s) shall be completed as soon as practicable, but no later than seven days after discovery or a longer period as established by the VSMP authority, to maintain the continued effectiveness of the control measures.

If site inspections identify an existing control measure that needs to be modified or if an additional control measure is necessary for any reason, implementation shall be completed prior to the next anticipated measurable storm event. If implementation prior to the next anticipated measurable storm event is impracticable, then alternative control measures shall be implemented as soon as practicable, but no later than seven days after discovery or a longer period as established by the VSMP authority.

SWPPP INSPECTIONS

In accordance with Part I B.4.d and Part II F of the *General VPDES Permit for Discharges of Stormwater from Construction Activities*:

1. Personnel responsible for on-site and off-site inspections. Inspections required by this general permit shall be conducted by the qualified personnel identified by the operator in the SWPPP. The operator is responsible for insuring that the qualified personnel conduct the inspection.
2. The applicable SWPPP inspection requirements specified in Part II F 2 shall be amended as follows:
   a. Inspections shall be conducted at a frequency of (i) at least once every four business days or (ii) at least once every five business days and no later than 48 hours following a measurable storm event. In the event that a measurable storm event occurs when there are more than 48 hours between business days, the inspection shall be conducted on the next business day, and
   b. Representative inspections used by utility line installation, pipeline construction, or other similar linear construction activities shall inspect all outfalls discharging to surface waters identified as impaired or for which a TMDL wasteload allocation has been established and approved prior to the term of this general permit.
3. Inspection requirements.
   a. As part of the inspection, the qualified personnel shall:
      (1) Record the date and time of the inspection and when applicable the date and rainfall amount of the last measurable storm event;
      (2) Record the information and a description of any discharges occurring at the time of the inspection;
      (3) Record any land-disturbing activities that have occurred outside of the approved erosion and sediment control plan;
      (4) Inspect the following for installation in accordance with the approved erosion and sediment control plan, identification of any maintenance needs, and evaluation of effectiveness in minimizing sediment discharge, including whether the control has been inappropriately or incorrectly used:
         (a) All perimeter erosion and sediment controls, such as silt fence;
         (b) Soil stockpiles, when applicable, and borrow areas for stabilization or sediment trapping measures;
         (c) Completed earthen structures, such as dams, dikes, ditches, and diversions for stabilization;
         (d) Cut and fill slopes;

(e) Sediment basins and traps, sediment barriers, and other measures installed to control sediment discharge from stormwater;

(f) Temporary or permanent channel, flume, or other slope drain structures installed to convey concentrated runoff down cut and fill slopes;

(g) Storm inlets that have been made operational to ensure that sediment laden stormwater does not enter without first being filtered or similarly treated; and

(h) Construction vehicle access routes that intersect or access paved roads for minimizing sediment tracking;

(5) Inspect areas that have reached final grade or that will remain dormant for more than 14 days for initiation of stabilization activities;

(6) Inspect areas that have reached final grade or that will remain dormant for more than 14 days for completion of stabilization activities within seven days of reaching grade or stopping work;

(7) Inspect for evidence that the approved erosion and sediment control plan, "agreement in lieu of a plan," or erosion and sediment control plan prepared in accordance with department-approved annual standards and specifications has not been properly implemented. This includes but is not limited to:

(a) Concentrated flows of stormwater in conveyances such as rills, rivulets or channels that have not been filtered, settled, or similarly treated prior to discharge , or evidence thereof;

(b) Sediment laden or turbid flows of stormwater that have not been filtered or settled to remove sediments prior to discharge;

(c) Sediment deposition in areas that drain to unprotected stormwater inlets or catch basins that discharge to surface waters. Inlets and catch basins with failing sediments controls due to improper installation, lack of maintenance, or inadequate design are considered unprotected;

(d) Sediment deposition on any property (including public and private streets) outside of the construction activity covered by this general permit;

(e) Required stabilization has not been initiated or completed on portions of the site;

(f) Sediment basins without adequate wet or dry storage volume or sediment basins that allow the discharge of stormwater from below the surface of the wet storage portion of the basin;

(g) Sediment traps without adequate wet or dry storage or sediment traps that allow the discharge of stormwater from below the surface of the wet storage portion of the trap; and

(h) Land disturbance outside of the approved area to be disturbed;

(8) Inspect pollutant generating activities identified in the pollution prevention plan for the proper implementation, maintenance and effectiveness of the procedures and practices;

(9) Identify any pollutant generating activities not identified in the pollution prevention plan; and

(10) Identify and document the presence of any evidence of the discharge of pollutants prohibited by this general permit.

4. Inspection report. Each inspection report shall include the following items:

a. The date and time of the inspection and when applicable, the date and rainfall amount of the last measurable storm event;

b. Summarized findings of the inspection;

c. The location(s) of prohibited discharges;

d. The location(s) of control measures that require maintenance;

e. The location(s) of control measures that failed to operate as designed or proved inadequate or inappropriate for a particular location;

f. The location(s) where any evidence identified under Part II F 3 a (7) exists;

g. The location(s) where any additional control measure is needed that did not exist at the time of inspection;

h. A list of corrective actions required (including any changes to the SWPPP that are necessary) as a result of the inspection or to maintain permit compliance;

i. Documentation of any corrective actions required from a previous inspection that have not been implemented; and

j. The date and signature of the qualified personnel and the operator or its duly authorized representative.

The inspection report and any actions taken in accordance with Part II must be retained by the operator as part of the SWPPP for at least three years from the date that general permit coverage expires or is terminated. The inspection report shall identify any incidents of noncompliance. Where an inspection report does not identify any incidents of noncompliance, the report shall contain a certification that the construction activity is in compliance with the SWPPP and this general permit. The report shall be signed in accordance with Part III K of this general permit.

VSMP INSPECTION REPORT

Project:			
GCP Number:		Notice of Coverage posted? ☐ YES ☐ NO	SWPPP available for review? ☐ YES ☐ NO

Inspection Date/Time		Inspection Conducted By	(must be the Qualified Personnel identified in the SWPPP)

Date of Last Measureable Storm Event		Rainfall Amount		☐ Not applicable since inspection frequency is at least once every four business days

Record the information and a description of any discharges occurring at the time of the inspection	
Record any land-disturbing activities that have occurred outside the approved erosion and sediment control plan	

Inspection requirements:	Have controls been installed in accordance with the approved site plans?	Are controls effectively minimizing sediment discharges?	Have controls been inappropriately or incorrectly used?	Describe any maintenance needs or other deficiencies that were identified and the location of the deficiencies
All perimeter erosion and sediment controls (silt fence, etc.)	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
Soil stockpiles and borrow areas (for stabilization or sediment trapping measures)	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	

Completed earthen structures, such as dams, dikes, ditches, and diversions for stabilization	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
Cut and fill slopes	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
Sediment basins and traps, sediment barriers, and other measures *(installed to control sediment discharges from stormwater)*	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
Temporary or permanent channels, flumes, or other slope drain structures *(installed to convey concentrated runoff down cut and fill slopes)*	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
Storm inlets *(to ensure that sediment laden stormwater does not enter without first being filtered or similarly treated)*	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
Construction entrances and access routes *(for minimizing mud/sediment tracking)*	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	

Have stabilization activities begun on areas that have reached final grade or that will remain dormant for more than 14 days?	☐ YES ☐ NO
Were stabilization activities completed within seven days of reaching final grade or stopping work on areas that have reached final grade or that will remain dormant for more than 14 days?	☐ YES ☐ NO

Inspect for the presence of the following:	Present?	Location
Concentrated flows of stormwater in conveyances *(such as rills, rivulets or channels)* that have not been filtered, settled, or similarly treated prior to discharge, *(or evidence thereof)*	☐ YES ☐ NO	
Sediment laden runoff that has not been filtered or settled to remove sediments prior to discharge	☐ YES ☐ NO	
Sediment deposition in areas that drain to unprotected stormwater inlets or catch basins that discharge to surface waters.	☐ YES ☐ NO	
Inlets and catch basins with failing sediment controls due to improper installation, lack of maintenance, or inadequate design	☐ YES ☐ NO	
Sediment deposition on any property *(including public and private streets)* outside of the construction activity covered by the general permit	☐ YES ☐ NO	

Required stabilization *(initiated or completed on portions of the site?)*	☐ YES ☐ NO	
Sediment basins/traps without adequate wet or dry storage volume	☐ YES ☐ NO	
Sediment basins where the riser appears to be leaking, water appears to be leaving the basin around the barrel pipe *(rather than through it)*, or the dewatering device appears to be dewatering basin from below the water surface	☐ YES ☐ NO	
Sediment traps that allow stormwater to discharge from below the surface of the wet storage portion of the trap	☐ YES ☐ NO	
Land disturbance outside of the approved limits of disturbance	☐ YES ☐ NO	

Inspect the pollution prevention controls associated with the pollutant generating activities identified in the Pollution Prevention Plan

Inspect the pollution prevention controls associated with the pollution generating activities identified in Table 8.1 of the SWPPP		Have the controls been properly implemented as outlined on the PPP sheet?	Are controls effectively minimizing pollutant discharges?	Describe any maintenance needs or other deficiencies that were identified and the location of the deficiencies
Clearing, grading or excavating	☐ N/A	☐ YES ☐ NO	☐ YES ☐ NO	
Paving operations	☐ N/A	☐ YES ☐ NO	☐ YES ☐ NO	
Concrete washout and concrete waste disposal	☐ N/A	☐ YES ☐ NO	☐ YES ☐ NO	
Structure construction, stucco, painting or cleaning	☐ N/A	☐ YES ☐ NO	☐ YES ☐ NO	
Dewatering operations	☐ N/A	☐ YES ☐ NO	☐ YES ☐ NO	
Material delivery and storage	☐ N/A	☐ YES ☐ NO	☐ YES ☐ NO	
Material use during building process	☐ N/A	☐ YES ☐ NO	☐ YES ☐ NO	
Solid waste disposal	☐ N/A	☐ YES ☐ NO	☐ YES ☐ NO	
Sanitary waste disposal *(porta-johns)*	☐ N/A	☐ YES ☐ NO	☐ YES ☐ NO	
Landscaping operations	☐ N/A	☐ YES ☐ NO	☐ YES ☐ NO	
Vehicle Fueling or Maintenance	☐ N/A	☐ YES ☐ NO	☐ YES ☐ NO	
Other (describe)		☐ YES ☐ NO	☐ YES ☐ NO	
Other (describe)		☐ YES ☐ NO	☐ YES ☐ NO	
Other (describe)		☐ YES ☐ NO	☐ YES ☐ NO	

Other (describe)		☐ YES ☐ NO	☐ YES ☐ NO	
Other (describe)		☐ YES ☐ NO	☐ YES ☐ NO	

Identify the material(s) and document the location or presence of any evidence of pollutant discharges that are not authorized by the general permit	

Identify the location(s) where any additional control measures are needed that did not exist at the time of the inspection	

List the corrective actions required *(including any changes to the SWPPP that are necessary)* as a result of the inspection or to maintain permit compliance	
Document any corrective action(s) required from a previous inspection that have not been implemented	

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

Signature: _____ Date: _____

Name: _____ Title: _____

(must be either the Operator or Delegated Authority, *not necessarily the person who conducted the inspection*)

CORRECTIVE ACTIONS

In accordance with Part II F.4 of the *General VPDES Permit for Discharges of Stormwater from Construction Activities,* documentation of any corrective actions taken must be retained by the operator as part of the SWPPP for at least three years from the date that general permit coverage expires or is terminated.

In accordance with Part II G of the *General VPDES Permit for Discharges of Stormwater from Construction Activities*:

> The operator shall implement the corrective action(s) identified as a result of an inspection as soon as practicable but no later than seven days after discovery or a longer period as approved by the VSMP authority. If approval of a corrective action by a regulatory authority (e.g., VSMP authority, VESCP authority, or the department) is necessary, additional control measures shall be implemented to minimize pollutants in stormwater discharges until such approvals can be obtained.
>
> The operator may be required to remove accumulated sediment deposits located outside of the construction activity covered by this general permit as soon as practicable in order to minimize environmental impacts. The operator shall notify the VSMP authority and the department as well as obtain all applicable federal, state, and local authorizations, approvals, and permits prior to the removal of sediments accumulated in surface waters including wetlands.

CORRECTIVE ACTION LOG

Correction Action Date	Description of Corrective Action
_____	_____
Responsible Party	_____

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

_____

Operator or Delegated Authority Signature

SWPPP TERMINATION

In accordance with Part I F of the *General VPDES Permit for Discharges of Stormwater from Construction Activities*:

The operator of the construction activity shall submit a notice of termination in accordance with 9VAC25-880-60 to the VSMP authority after one or more of the following conditions have been met:

a. Necessary permanent control measures included in the SWPPP for the site are in place and functioning effectively and final stabilization has been achieved on all portions of the site for which the operator is responsible. When applicable, long term responsibility and maintenance requirements shall be recorded in the local land records prior to the submission of a notice of termination;

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

c. Coverage under an alternative VPDES or state permit has been obtained; or

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

The notice of termination should be submitted no later than 30 days after one of the above conditions in subdivision 1 of this subsection are met. Authorization to discharge terminates at midnight on the date that the notice of termination is submitted for the conditions set forth in subdivisions 1 b through 1 d of this subsection. Termination of authorizations to discharge for the conditions set forth in subdivision 1 a of this subsection shall be effective upon notification from the department that the provisions of subdivision 1 a of this subsection have been met or 60 days after submittal of the notice of termination, whichever occurs first.

The notice of termination shall be signed in accordance with Part III K of the general permit.

PERMANENT STORMWATER MANAGEMENT FACILITIES INSTALLED

(information will need to reflect data requirements of online permitting system)

Stormwater Management Facility (Designation/Type)*	_____				
	Location	**Town of Ashland**			
	6th Order Hydrologic Unit Code**	☐ JL17	☐ YO11	☐ YO27	
	Waterbody the SWM Facility discharges to:	_____			
	Drainage Area Served	_____ acres			
	Impervious Area Served	_____ acres			
	Managed Turf Area Served	_____ acres			

* Must be one of the SWM Facility Types listed in Table 14.1

** See Map 14.1

Stormwater Management Facility (Designation/Type)*	_____				
	Location	**Town of Ashland**			
	6th Order Hydrologic Unit Code	☐ JL17	☐ YO11	☐ YO27	
	Waterbody the SWM Facility discharges to:	_____			
	Drainage Area Served	_____ acres			
	Impervious Area Served	_____ acres			
	Managed Turf Area Served	_____ acres			

* Must be one of the SWM Facility Types listed in Table 14.1

** See Map 14.1

Stormwater Management Facility (Designation/Type)*	_____				
	Location	**Town of Ashland**			
	6th Order Hydrologic Unit Code	☐ JL17	☐ YO11	☐ YO27	
	Waterbody the SWM Facility discharges to:	_____			
	Drainage Area Served	_____ acres			
	Impervious Area Served	_____ acres			
	Managed Turf Area Served	_____ acres			

* Must be one of the SWM Facility Types listed in Table 14.1

** See Map 14.1

Stormwater Management Facility (Designation/Type)*	_____				
	Location	**Town of Ashland**			
	6th Order Hydrologic Unit Code	☐ JL17	☐ YO11	☐ YO27	
	Waterbody the SWM Facility discharges to:	_____			
	Drainage Area Served	_____ acres			
	Impervious Area Served	_____ acres			
	Managed Turf Area Served	_____ acres			

* Must be one of the SWM Facility Types listed in Table 14.1

** See Map 14.1

TABLE 14.1 – APPROVED SWM FACILITIES					
SWM Facility Designation	SWM Facility Type	DEQ Spec. #	Stormwater Application		
			Quality	Quantity	50/10
100	Rooftop Disconnection	1	✓	✓	
105	Sheetflow to Vegetated Filter or Conserved Open Space 1	2	✓	✓	
106	Sheetflow to Vegetated Filter or Conserved Open Space 2		✓	✓	
110	Grass Channel	3	✓	✓	
120	Soil Amendments	4	✓	✓	
125	Vegetated Roof 1	5	✓	✓	
126	Vegetated Roof 2		✓	✓	
130	Rainwater Harvesting	6	✓	✓	
135	Permeable Pavement 1	7	✓	✓	
136	Permeable Pavement 2		✓	✓	
140	Infiltration 1	8	✓	✓	
141	Infiltration 2		✓	✓	
145	Bioretention 1	9	✓	✓	
146	Bioretention 2		✓	✓	
147	Urban Bioretention		✓	✓	
150	Dry Swale 1	10	✓	✓	
151	Dry Swale 2		✓	✓	
155	Wet Swale 1	11	✓		
156	Wet Swale 2		✓		
160	Filtering Practice 1	12	✓		
161	Filtering Practice 2		✓		
165	Constructed Wetland 1	13	✓	✸	✸
166	Constructed Wetland 2		✓		
170	Wet Pond 1	14	✓	✸	✸
171	Wet Pond 2		✓	✸	✸
175	Extended Detention Pond 1	15	✓	✸	✸
176	Extended Detention Pond 2		✓	✸	✸
177	Dry Detention - Pond			✸	✓
178	Dry Detention - Underground			✸	✓

MAP 14.1 - 6TH ORDER HYDROLOGIC UNITS IN THE TOWN OF ASHLAND

Include map showing the 6th Order HUCs

Registration Statement
General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)

(Please Type or Print All Information)

1. **Construction Activity Operator:** *(General permit coverage will be issued to this operator. The Certification in Item #12 must be signed by the appropriate person associated with this operator.)*

   Name:_____

   Contact:_____

   Mailing Address:_____

   City:_____ State:_____ Zip:_____ Phone:_____

   Email address (if available):_____

   Indicate if DEQ may transmit general permit correspondence electronically: Yes ☐ No ☐

2. **Existing General Permit Registration Number (for renewals only):**_____

3. **Name and Location of the Construction Activity:**

   Name:_____

   Address (if available):_____

   City:_____ State:_____ Zip:_____

   County (if not located within a City):_____

   Latitude (decimal degrees):_____ Longitude (decimal degrees):_____

   Name and Location of all Off-site Support Activities to be covered under the general permit:

   Name:_____

   Address (if available):_____

   City:_____ State:_____ Zip:_____

   County (if not located within a City):_____

   Latitude (decimal degrees):_____ Longitude (decimal degrees):_____

4. **Status of the Construction Activity (check only one):** Federal ☐ State ☐ Public ☐ Private ☐

5. **Nature of the Construction Activity (e.g., commercial, industrial, residential, agricultural, oil and gas, etc.):**

   _____

6. **Name of the Receiving Water(s) and Hydrologic Unit Code (HUC):**

   Name:_____ Name:_____

   HUC:_____ HUC:_____

7. **If the discharge is through a Municipal Separate Storm Sewer System (MS4), the name of the MS4 operator:**

   _____

8. **Estimated Project Start and Completion Date:**

   Start Date (mm/dd/yyyy):_____ Completion Date (mm/dd/yyyy):_____

9. **Total Land Area of Development (to the nearest one-hundredth acre):**_____

   Estimated Area to be Disturbed (to the nearest one-hundredth acre):_____

10. **Is the area to be disturbed part of a larger common plan of development or sale?** Yes ☐ No ☐

11. **A stormwater pollution prevention plan (SWPPP) must be prepared in accordance with the requirements of the General VPDES Permit for Discharges of Stormwater from Construction Activities <u>prior to</u> submitting this Registration Statement. By signing this Registration Statement the operator is certifying that the SWPPP has been prepared.**

12. **Certification:** "I certify under penalty of law that I have read and understand this Registration Statement and that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

    Printed Name:_____ Title:_____

    Signature:_____ Date:_____

    (Please sign in INK. This Certification must be signed by the appropriate person associated with the operator identified in Item #1.)

Instructions for Completing the Registration Statement
General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)

GENERAL

A. Coverage Under this General Permit.

Any operator applying for coverage under this general permit who is required to submit a Registration Statement (see Section B below) must submit a complete Registration Statement to the Department. The Registration Statement serves as a Notice of Intent for coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10).

B. Single-family Residences.

Operators with an existing stormwater discharge or proposing a new stormwater discharge associated with the construction of a single-family residence separately built, disturbing less than one acre and part of a larger common plan of development or sale is not required to submit a Registration Statement, provided that the stormwater management plan for the larger common plan of development provides permanent control measures (i.e., stormwater management facilities) encompassing the single family residence.

Operators of these types of discharges are authorized to discharge under this general permit immediately upon the general permit's effective date of July 1, 2014.

C. To Apply for Permit Coverage.

1. New Construction Activities. Any operator proposing a new stormwater discharge from construction activities shall submit a complete Registration Statement to the Department prior to the commencement of land disturbance, unless exempted by Section B above. Any operator proposing a new stormwater discharge from construction activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment is immediately authorized to discharge under this general permit and must submit a complete Registration Statement to the Department no later than 30 days after commencing land disturbance; documentation to substantiate the occurrence of the public emergency must accompany the Registration Statement.

2. Existing Construction Activities. Any operator that was authorized to discharge under the general permit issued in 2009, and who intends to continue coverage under this general permit, shall submit a complete Registration Statement to the Department on or before June 1, 2014, unless exempted by Section B above.

D. Where to Submit Registration Statements.

All Registration Statements should be submitted to:

Town of Ashland
Department of Public Works
P.O. Box 1600
Ashland, VA 23005

LINE-BY-LINE INSTRUCTIONS

Item 1: Construction Activity Operator Information.

"Operator" means the owner or operator of any facility or activity subject to the Stormwater Management Act and regulations. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other state permit or VSMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions).

The entities that are considered operators will commonly consist of the owner or developer of a project (the party with control of project plans and specifications) or the general contractor (the party with day to day operational control of the activities at the project site which are necessary to ensure compliance with the general permit).

Provide the legal name (do not use a colloquial name), contact, mailing address, telephone number, and email address (if available) of the construction activity operator; general permit coverage will be issued to this operator. Indicate if the Department may transmit general permit correspondence electronically.

Item 2: Existing General Permit Registration Number.

For reapplications only, provide the existing general permit registration number for the construction activity. This item does not need to be completed for new construction activities applying for general permit coverage.

Item 3: Name and Location of the Construction Activity Information.

Provide the official name, street address (if available), city or county (if not located within a City) of the construction activity. Also, provide the latitude and longitude in decimal degrees of the approximate center of the construction activity (e.g., N 37.5000, W 77.5000).

Name and Location of Off-site Support Activity Information.

This general permit also authorizes stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) located on-site or off-site provided that (i) the support activity is directly related to a construction activity that is required to have general permit coverage; (ii) the support activity is not a commercial operation, nor does it serve multiple unrelated construction activities by different operators; (iii) the support activity does not operate beyond the completion of the construction activity it supports; (iv) the support activity is identified in the registration statement at the time of general permit coverage; (v) appropriate control measures are identified in a SWPPP and implemented to address the discharges from the support activity areas; and (vi) all applicable state, federal, and local approvals are obtained for the support activity.

Provide the official name, street address (if available), City and County (if not located within a City) of all off-site support activities to be covered under this general permit. Also, provide the latitude and longitude in decimal degrees of the approximate center of the off-site support activities (e.g., N 37.5000, W 77.5000). Also, if an off-site support activity is going to be covered under this general permit the total land area of the off-site support activity and the estimated area to be disturbed by the off-site support activity need to be included in Item #9.

Item 4: Status of the Construction Activity.

Indicate the appropriate status (Federal, State, Public, or Private) of the construction activity.

Item 5: Nature of the Construction Activity.

Provide a brief description of the construction activity, such as commercial, residential, agricultural, oil and gas, etc. This list is not all inclusive.

Item 6: Receiving Waters(s) and HUC Information.

Provide the name of the receiving water(s) and corresponding HUC for all stormwater discharges including any stormwater discharges from off-site support activities to be covered under this general permit.

Hydrologic Unit Code or HUC is a watershed unit established in the most recent version of Virginia's 6th order national watershed boundary dataset.

Item 7: MS4 Information.

If stormwater is discharged through a municipal separate storm sewer system (MS4), provide the name of the MS4 operator. The name of the MS4 operator is generally the Town, City, County, Institute or Federal facility where the construction activity is located.

Item 8: Construction Activity Start and Completion Date Information.

Provide the estimated start date (month/day/year) of the construction activity. Provide the estimated completion date (month/day/year) of the construction activity.

Item 9: Construction Activity Area Information.

Provide the total area (to the nearest one-hundredth acre) of the development (i.e.., the total acreage of the larger common plan of development or sale). Include the total acreage of any off-site support activity to be covered under this general permit.

Provide the estimated area (to the nearest one-hundredth acre) to be disturbed by the construction activity. Include the estimated area of land disturbance that will occur at any off-site support activity to be covered under this general permit.

Item 10: Common Plan of Development or Sale Information.

Indicate if the area to be disturbed by the construction activity is part of a larger common plan of development or sale. Larger common plan of development or sale is defined as a contiguous area where separate and distinct construction may be taking place at different times on different schedules. Plan is broadly defined as any announcement or documentation, including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, etc., or physical demarcation such as boundary signs, lot stakes, or surveyor markings indicating that construction activities may occur.

Item 11: Stormwater Pollution Prevention Plan (SWPPP).

A Stormwater Pollution Prevention Plan (SWPPP) must be prepared in accordance with the requirements of the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10) prior to submitting this Registration Statement. By signing this Registration Statement the operator is certifying that the SWPPP has been prepared.

Item 12: Certification.

A properly authorized individual associated with the operator identified in Item 1 of the Registration Statement is responsible for certifying and signing the Registration Statement. **Please sign the Registration Statement in INK.**

State statutes provide for severe penalties for submitting false information on the Registration Statement. State regulations require that the Registration Statement be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this part, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation, or

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

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

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this part, a principal executive officer of a public agency includes:

(i) The chief executive officer of the agency, or

(ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

Douglas W. Domenech
Secretary of Natural Resources

David A. Johnson
Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION
203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-1712

November 1, 2011

NOV 2011

[redacted]

RE: VSMP Construction Stormwater General Permit No. VAR10-[redacted]

Dear [redacted]

The staff has received your registration statement for the proposed land-disturbing project under the VSMP General Permit for Discharges of Stormwater from Construction Activities (VAR10) on 10/31/2011. The project's date of coverage is either the date in which you receive this letter or fifteen business days after the postmark date of the project's complete registration packet submittal to DCR.

By submission of the registration statement, you acknowledge that the proposed project is eligible for coverage under the General Permit and you have agreed to the conditions in the General Permit including any applicable conditions regarding Total Maximum Daily Loads and impaired waters. Please be aware that § 10.1-603.8:1 of the Code of Virginia and the General Permit contain additional requirements if nonpoint nutrient offsets are chosen to meet the post-development nonpoint nutrient runoff compliance requirements. Section § 10.1-603.8:1 I requires that the permit issuing authority require that nonpoint nutrient offsets or other off-site options achieve the necessary nutrient reductions **PRIOR TO THE COMMENCEMENT OF THE PERMITTEE'S LAND DISTURBING ACTIVITY.**

A copy of the General Permit is available on the DCR web page at **http://www.dcr.virginia.gov/soil_and_water/documents/vsmpgenpermvar10.pdf**. Print the VAR10 permit and read it carefully as you are responsible for meeting all the permit conditions. The General Permit will expire on June 30, 2014.

Your project specific permit registration number is **VAR**[redacted] A copy of this permit coverage letter, registration statement, copy of the VAR10 permit, and the project's stormwater pollution prevention plan (SWPPP) must be at the construction site from the date of commencement of the construction activity to final stabilization. In addition, DCR staff conducts periodic site inspections for compliance with the permit.

Additional information on the permit and DCR staff contact information are available at **http://www.dcr.virginia.gov/soil_and_water/vsmp.shtml** on the DCR web page.

Sincerely,

[redacted]

Stormwater Permits Manager

TAB 17

CHAPTER 880
GENERAL VPDES PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES

9VAC25-880-1. Definitions.

The words and terms used in this chapter shall have the meanings defined in the Virginia Stormwater Management Act (Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia), this chapter, and 9VAC25-870 unless the context clearly indicates otherwise, except as otherwise specified in this section. Terms not defined in the Act, this chapter, or 9VAC25-870 shall have the meaning attributed to them in the federal Clean Water Act (33 USC § 1251 et seq.) (CWA). For the purposes of this chapter:

"Business day" means Monday through Friday excluding state holidays.

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

"Construction site" means the land where any land-disturbing activity is physically located or conducted, including any adjacent land used or preserved in connection with the land-disturbing activity.

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

1. All soil disturbing activities at the site have been completed and a permanent vegetative cover has been established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform (e.g., evenly distributed), mature enough to survive, and will inhibit erosion.

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

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

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

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

"Immediately" means as soon as practicable, but no later than the end of the next business day, following the day when the land-disturbing activities have temporarily or permanently ceased. In the context of this general permit, "immediately" is used to define the deadline for initiating stabilization measures.

"Impaired waters" means surface waters identified as impaired on the 2012 § 305(b)/303(d) Water Quality Assessment Integrated Report.

"Infeasible" means not technologically possible or not economically practicable and achievable in light of best industry practices.

"Initiation of stabilization activities" means:

1. Prepping the soil for vegetative or nonvegetative stabilization;

2. Applying mulch or other nonvegetative product to the exposed area;

3. Seeding or planting the exposed area;

4. Starting any of the above activities on a portion of the area to be stabilized, but not on the entire area; or

5. Finalizing arrangements to have the stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

This list is not exhaustive.

"Measurable storm event" means a rainfall event producing 0.25 inches of rain or greater over 24 hours.

"Stabilized" means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

9VAC25-880-10. Purpose.

This general permit regulation governs stormwater discharges from regulated construction activities. For the purposes of this chapter, these discharges are defined as stormwater discharges associated with large construction activity, and stormwater discharges associated with small construction activity. Stormwater discharges associated with other types of industrial activity shall not have coverage under this general permit. This general permit covers only discharges through a point source to surface waters or through a municipal or nonmunicipal separate storm sewer system to surface waters. Stormwater discharges associated with industrial activity that originate from construction activities that have been completed and the site has undergone final stabilization are not authorized by this general permit.

9VAC25-880-15. Applicability of incorporated references based on the dates that they became effective.

Except as noted, when a regulation of the United States set forth in the Code of Federal Regulations is referenced and incorporated herein, that regulation shall be as it exists and has been published in the July 1, 2013, update.

9VAC25-880-20. Effective date of general permit.

This general permit is effective on July 1, 2014. The general permit will expire on June 30, 2019. This general permit is effective for any covered operator upon compliance with all provisions of 9VAC25-880-30.

9VAC25-880-30. Authorization to discharge.

A. Any operator governed by this general permit is authorized to discharge to surface waters of the Commonwealth of Virginia provided that:

1. The operator submits a complete and accurate registration statement, if required to do so, in accordance with 9VAC25-880-50 and receives acceptance of the registration by the board;

2. The operator submits any permit fees, if required to do so, in accordance with 9VAC25-870-700 et seq.;

3. The operator complies with the applicable requirements of 9VAC25-880-70;

4. The operator obtains approval of:

a. An erosion and sediment control plan from the appropriate VESCP authority as authorized under the Erosion and Sediment Control Regulations (9VAC25-840), unless the operator receives from the VESCP an "agreement in lieu of a plan" as defined in 9VAC25-840-10 or prepares the erosion and sediment control plan in accordance with annual standards and specifications approved by the department. The operator of any land-disturbing activity that is not required to obtain erosion and sediment control plan approval from a VESCP authority or is not required to adopt department-approved annual standards and specifications shall submit the erosion and sediment control plan to the department for review and approval; and

b. A stormwater management plan from the appropriate VSMP authority as authorized under the Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870), unless the operator prepares the stormwater management plan in accordance with annual standards and specifications approved by the department. The operator of any land-disturbing activity that is not required to obtain stormwater management plan approval from a VSMP authority or is not required to adopt department-approved annual standards and specifications shall submit the stormwater management plan to the department for review and approval; and

5. The board has not notified the operator that the discharge is not eligible for coverage in accordance with subsection B of this section.

B. The board will notify an operator that the discharge is not eligible for coverage under this general permit in the event of any of the following:

1. The operator is required to obtain an individual permit in accordance with 9VAC25-870-410 B;

2. The operator is proposing discharges to surface waters specifically named in other board regulations that prohibit such discharges;

3. The discharge causes, may reasonably be expected to cause, or contributes to a violation of water quality standards (9VAC25-260);

4. The discharge violates or would violate the antidegradation policy in the Water Quality Standards (9VAC25-260-30) ; or

5. The discharge is not consistent with the assumptions and requirements of an applicable TMDL approved prior to the term of this general permit.

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

1. The support activity is directly related to a construction activity that is required to have general permit coverage for discharges of stormwater from construction activities;

2. The support activity is not a commercial operation, nor does it serve multiple unrelated construction activities by different operators;

3. The support activity does not operate beyond the completion of the last construction activity it supports;

4. The support activity is identified in the registration statement at the time of general permit coverage;

5. Appropriate control measures are identified in a stormwater pollution prevention plan and implemented to address the discharges from the support activity areas; and

6. All applicable, state, federal, and local approvals are obtained for the support activity.

D. Support activities located off-site are not required to be covered under this general permit. Discharges of stormwater from off-site support activities may be authorized under

another state or VPDES permit. Where stormwater discharges from off-site support activities are not authorized under this general permit, the land area of the off-site support activity need not be included in determining the total land disturbance acreage of the construction activity seeking general permit coverage.

E. Discharges authorized by this general permit may be commingled with other sources of stormwater that are not required to be covered under a state permit, so long as the commingled discharge is in compliance with this general permit. Discharges authorized by a separate state or VPDES permit may be commingled with discharges authorized by this general permit so long as all such discharges comply with all applicable state and VPDES permit requirements.

F. Authorized nonstormwater discharges. The following nonstormwater discharges from construction activities are authorized by this general permit:

1. Discharges from firefighting activities;

2. Fire hydrant flushings;

3. Water used to wash vehicles or equipment where soaps, solvents, or detergents have not been used and the wash water has been filtered, settled, or similarly treated prior to discharge;

4. Water used to control dust that has been filtered, settled, or similarly treated prior to discharge;

5. Potable water source, including uncontaminated waterline flushings;

6. Routine external building wash down where soaps, solvents, or detergents have not been used and the wash water has been filtered, settled, or similarly treated prior to discharge;

7. Pavement wash water where spills or leaks of toxic or hazardous materials have not occurred (or where all spilled or leaked material has been removed prior to washing); where soaps, solvents, or detergents have not been used; and where the wash water has been filtered, settled, or similarly treated prior to discharge;

8. Uncontaminated air conditioning or compressor condensate;

9. Uncontaminated groundwater or spring water;

10. Foundation or footing drains where flows are not contaminated with process materials such as solvents;

11. Uncontaminated, excavation dewatering, including dewatering of trenches and excavations that have been filtered, settled, or similarly treated prior to discharge; and

12. Landscape irrigations.

G. Approval for coverage under this general permit does not relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

H. Continuation of general permit coverage.

1. Any operator that was authorized to discharge under the general permit issued in 2009 and that submits a complete and accurate registration statement on or before June 30, 2014, is authorized to continue to discharge under the terms of the 2009 general permit until such time as the board either:

a. Issues coverage to the operator under this general permit or

b. Notifies the operator that the discharge is not eligible for coverage under this general permit.

2. When the operator is not in compliance with the conditions of the expiring or expired general permit the board may choose to do any or all of the following:

a. Initiate enforcement action based upon the 2009 general permit;

b. Issue a notice of intent to deny the new general permit. If the general permit is denied, the owner or operator would then be required to cease the activities authorized by the continued general permit or be subject to enforcement action for operating without a state permit;

c. Issue a new state permit with appropriate conditions; or

d. Take other actions authorized by the VSMP Regulation (9VAC25-870).

9VAC25-880-40. Delegation of authorities to state and local programs.

A board-approved VSMP authority is authorized to administer requirements of this general permit, including but not limited to: (i) registration statement acceptance; (ii) fee collection; (iii) stormwater management plan review and approval; and (iv) permit compliance and enforcement dependent upon conditions established as part of the board approval.

9VAC25-880-50. General permit application (registration statement).

A. Deadlines for submitting registration statement. Any operator seeking coverage under this general permit, and that is required to submit a registration statement, shall submit a complete and accurate general VPDES permit registration statement in accordance with this section, which shall serve as a notice of intent for coverage under the general VPDES permit for discharges of stormwater from construction activities.

1. New construction activities.

a. Any operator proposing a new stormwater discharge from construction activities shall submit a complete and accurate registration statement to the VSMP authority prior to the commencement of land disturbance.

b. Any operator proposing a new stormwater discharge from construction activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment is authorized to discharge under this general permit, provided that:

(1) The operator submits a complete and accurate registration statement to the VSMP authority no later than 30 days after commencing land disturbance; and

(2) Documentation to substantiate the occurrence of the public emergency is provided with the registration statement.

c. Any operator proposing a new stormwater discharge associated with the construction of a single-family residence separately built, disturbing less than one acre and part of a larger common plan of development or sale, is authorized to discharge under this general permit and is not required to submit a registration statement or the department portion of the permit fee, provided that the stormwater management plan for the larger common plan of development or sale provides permanent control measures (i.e., stormwater management facilities) encompassing the single family residence.

2. Existing construction activities.

a. Any operator that was authorized to discharge under the general permit issued in 2009 and that intends to continue coverage under this general permit shall:

(1) Submit a complete and accurate registration statement to the VSMP authority on or before June 1, 2014; and

(2) Update its stormwater pollution prevention plan to comply with the requirements of this general permit no later than 60 days after the date of coverage under this general permit.

b. Any operator with an existing stormwater discharge associated with the construction of a single-family residence separately built, disturbing less than one acre and part of a larger common plan of development or sale, and that intends to continue coverage under this general permit, is authorized to discharge under this general permit and is not required to submit a registration statement or the department portion of the permit fee, provided that:

(1) The stormwater management plan for the larger common plan of development or sale provides permanent control measures (i.e., stormwater management facilities) encompassing the single-family residence; and

(2) The operator updates its stormwater pollution prevention plan to comply with the requirements of this general permit no later than 60 days after the date of coverage under this general permit.

3. For stormwater discharges from construction activities where the operator changes, the new operator must submit a complete and accurate registration statement or transfer agreement form to the VSMP authority prior to assuming operational control over site specifications or commencing work on-site.

4. Late notifications. Operators are not prohibited from submitting registration statements after commencing land disturbance. When a late registration statement is submitted, authorization for discharges shall not occur until coverage under the general permit is issued. The VSMP authority, department, board, and the EPA reserve the right to take enforcement action for any unpermitted discharges that occur between the commencement of land disturbance and discharge authorization.

B. Registration statement. The operator shall submit a registration statement to the VSMP authority that shall contain the following information:

1. Name, contact, mailing address, telephone number, and email address if available of the construction activity operator. No more than one operator may receive coverage under each registration statement.

NOTE: General permit coverage will be issued to this operator, and the certification in subdivision 11 of this subsection must be signed by the appropriate person associated with this operator;

2. Name and location if available of the construction activity and all off-site support activities to be covered under this general permit, including city or county, and latitude and longitude in decimal degrees;

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

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

5. Name of the receiving water(s) and HUC ;

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

7. Estimated project start date and completion date;

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

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

10. A stormwater pollution prevention plan (SWPPP) must be prepared in accordance with the requirements of the General VPDES Permit for Stormwater Discharges from Construction Activities prior to submitting the registration statement. By signing the registration statement the operator certifies that the SWPPP has been prepared ; and

11. The following certification: "I certify under penalty of law that I have read and understand this registration statement and that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

C. The registration statement shall be signed in accordance with 9VAC25-880-70, Part III K.

9VAC25-880-60. Termination of general permit coverage.

A. Requirements. The operator of the construction activity shall submit a notice of termination to the VSMP authority after one or more of the following conditions have been met:

1. Necessary permanent control measures included in the SWPPP for the site are in place and functioning effectively and final stabilization has been achieved on all portions of the site for which the operator is responsible. When applicable, long-term responsibility and maintenance requirements for permanent control measures shall be recorded in the local land records prior to the submission of a notice of termination;

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

3. Coverage under an alternative VPDES or state permit has been obtained; or

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

The notice of termination should be submitted no later than 30 days after one of the above conditions being met. Authorization to discharge terminates at midnight on the date that the notice of termination is submitted for the conditions set forth in subdivisions 2 through 4 of this subsection unless otherwise notified by the VSMP authority or the department. Termination of authorizations to discharge for the conditions set forth in subdivision 1 of this subsection shall be effective upon notification from the department that the provisions of subdivision 1 of this subsection have been met or 60 days after submittal of the notice of terminations, whichever occurs first.

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

1. Name, contact, mailing address, telephone number, and email address if available of the construction activity operator.

2. Name and location if available of the construction activity covered under this general permit, including city or county, and latitude and longitude in decimal degrees.

3. The general permit registration number.

4. The basis for submission of the notice of termination, pursuant to subsection A of this section.

5. Where applicable, a list of the on-site and off-site permanent control measures (both structural and nonstructural) that were installed to comply with the stormwater

management technical criteria. For each permanent control measure that was installed, the following information shall be included:

a. The type of permanent control measure installed and the date that it became functional as a permanent control measure;

b. The location if available of the permanent control measure, including city or county, and latitude and longitude in decimal degrees;

c. The receiving water of the permanent control measures; and

d. The number of total and impervious acres treated by the permanent control measure (to the nearest one-tenth of an acre).

6. Where applicable, the following information related to participation in a regional stormwater management plan. For each regional stormwater management facility, the following information shall be included:

a. The type of regional facility to which the site contributes;

b. The location if available of the regional facility, including city or county, and latitude and longitude in decimal degrees; and

c. The number of total and impervious site acres treated by the regional facility (to the nearest one-tenth of an acre).

7. Where applicable, the following information related to perpetual nutrient credits that were acquired in accordance with § 62.1-44.15:35 of the Code of Virginia:

a. The name of the nonpoint nutrient credit generating entity from which perpetual nutrient credits were acquired; and

b. The number of perpetual nutrient credits acquired (lbs. per acre per year).

8. The following certification: "I certify under penalty of law that I have read and understand this notice of termination and that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

C. The notice of termination shall be signed in accordance with 9VAC25-880-70 Part III K.

D. Termination by the board. The board may terminate coverage under this general permit during its term and require application for an individual permit or deny a general permit renewal application on its own initiative in accordance with the Act, this chapter, and the VSMP Regulation, 9VAC25-870.

9VAC25-880-70. General permit.

Any operator whose registration statement is accepted by the board will receive the following general permit and shall comply with the requirements contained therein and be subject to all requirements of 9VAC25-870.

General Permit No.: VAR10

Effective Date: July 1, 2014

Expiration Date: June 30, 2019

GENERAL VPDES PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES

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

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the Virginia Stormwater Management Act and regulations adopted pursuant thereto, operators of construction activities are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in State Water Control Board regulations that prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Discharge Authorization and Special Conditions, Part II - Stormwater Pollution Prevention Plan, and Part III - Conditions Applicable to All VPDES Permits as set forth herein.

PART I
DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS

A. Coverage under this general permit.

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

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

a. The support activity is directly related to the construction activity that is required to have general permit coverage for discharges of stormwater from construction activities;

b. The support activity is not a commercial operation, nor does it serve multiple unrelated construction activities by different operators ;

c. The support activity does not operate beyond the completion of the last construction activity it supports;

d. The support activity is identified in the registration statement at the time of general permit coverage;

e. Appropriate control measures are identified in a stormwater pollution prevention plan and implemented to address the discharges from the support activity areas; and

f. All applicable state, federal, and local approvals are obtained for the support activity.

B. Limitations on coverage.

1. Post-construction discharges. This general permit does not authorize stormwater discharges that originate from the site after construction activities have been completed and the site, including any support activity sites covered under the general permit

registration, has undergone final stabilization. Post-construction industrial stormwater discharges may need to be covered by a separate VPDES permit.

2. Discharges mixed with nonstormwater. This general permit does not authorize discharges that are mixed with sources of nonstormwater, other than those discharges that are identified in Part I E (Authorized nonstormwater discharges) and are in compliance with this general permit.

3. Discharges covered by another state permit. This general permit does not authorize discharges of stormwater from construction activities that have been covered under an individual permit or required to obtain coverage under an alternative general permit.

4. Impaired waters and TMDL limitation. Discharges of stormwater from construction activities to surface waters identified as impaired in the 2012 § 305(b)/303(d) Water Quality Assessment Integrated Report or for which a TMDL wasteload allocation has been established and approved prior to the term of this general permit for (i) sediment or a sediment-related parameter (i.e., total suspended solids or turbidity) or (ii) nutrients (i.e., nitrogen or phosphorus) are not eligible for coverage under this general permit unless the operator develops, implements, and maintains a SWPPP that minimizes the pollutants of concern and, when applicable, is consistent with the assumptions and requirements of the approved TMDL wasteload allocations. In addition, the operator shall implement the following items:

a. The impaired water(s), approved TMDL(s), and pollutant(s) of concern, when applicable, shall be identified in the SWPPP;

b. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site;

c. Nutrients shall be applied in accordance with manufacturer's recommendations or an approved nutrient management plan and shall not be applied during rainfall events; and

d. The applicable SWPPP inspection requirements specified in Part II F 2 shall be amended as follows:

(1) Inspections shall be conducted at a frequency of (i) at least once every four business days or (ii) at least once every five business days and no later than 48 hours following a measurable storm event. In the event that a measurable storm event occurs when there are more than 48 hours between business days, the inspection shall be conducted on the next business day; and

(2) Representative inspections used by utility line installation, pipeline construction, or other similar linear construction activities shall inspect all outfalls discharging to surface waters identified as impaired or for which a TMDL wasteload allocation has been established and approved prior to the term of this general permit.

5. Exceptional waters limitation. Discharges of stormwater from construction activities not previously covered under the general permit issued in 2009 to exceptional waters identified in 9VAC25-260-30 A 3 c are not eligible for coverage under this general permit unless the operator implements the following:

a. The exceptional water(s) shall be identified in the SWPPP;

b. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site;

c. Nutrients shall be applied in accordance with manufacturer's recommendations or an approved nutrient management plan and shall not be applied during rainfall events; and

d. The applicable SWPPP inspection requirements specified in Part II F 2 shall be amended as follows:

(1) Inspections shall be conducted at a frequency of (i) at least once every four business days or (ii) at least once every five business days and no later than 48 hours following a measurable storm event. In the event that a measurable storm event occurs when there are more than 48 hours between business days, the inspection shall be conducted on the next business day; and

(2) Representative inspections used by utility line installation, pipeline construction, or other similar linear construction activities shall inspect all outfalls discharging to exceptional waters.

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

C. Commingled discharges. Discharges authorized by this general permit may be commingled with other sources of stormwater that are not required to be covered under a state permit, so long as the commingled discharge is in compliance with this general permit. Discharges authorized by a separate state or VPDES permit may be commingled with discharges authorized by this general permit so long as all such discharges comply with all applicable state and VPDES permit requirements.

D. Prohibition of nonstormwater discharges. Except as provided in Parts I A 2, I C and I E, all discharges covered by this general permit shall be composed entirely of stormwater associated with construction activities. All other discharges including the following are prohibited:

1. Wastewater from washout of concrete;

2. Wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

4. Oils, toxic substances, or hazardous substances from spills or other releases; and

5. Soaps, solvents, or detergents used in equipment and vehicle washing.

E. Authorized nonstormwater discharges. The following nonstormwater discharges from construction activities are authorized by this general permit when discharged in compliance with this general permit:

1. Discharges from firefighting activities;

2. Fire hydrant flushings;

3. Waters used to wash vehicles or equipment where soaps, solvents, or detergents have not been used and the wash water has been filtered, settled, or similarly treated prior to discharge;

4. Water used to control dust that has been filtered, settled, or similarly treated prior to discharge;

5. Potable water sources, including uncontaminated waterline flushings;

6. Routine external building wash down where soaps, solvents or detergents have not been used and the wash water has been filtered, settled, or similarly treated prior to discharge;

7. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (or where all spilled or leaked material has been removed prior to

washing); where soaps, solvents, or detergents have not been used ; and where the wash water has been filtered, settled, or similarly treated prior to discharge;

8. Uncontaminated air conditioning or compressor condensate;

9. Uncontaminated ground water or spring water;

10. Foundation or footing drains where flows are not contaminated with process materials such as solvents;

11. Uncontaminated excavation dewatering, including dewatering of trenches and excavations that have been filtered, settled, or similarly treated prior to discharge; and

12. Landscape irrigation.

F. Termination of general permit coverage.

1. The operator of the construction activity shall submit a notice of termination in accordance with 9VAC25-880-60 to the VSMP authority after one or more of the following conditions have been met:

a. Necessary permanent control measures included in the SWPPP for the site are in place and functioning effectively and final stabilization has been achieved on all portions of the site for which the operator is responsible. When applicable, long term responsibility and maintenance requirements shall be recorded in the local land records prior to the submission of a notice of termination;

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

c. Coverage under an alternative VPDES or state permit has been obtained; or

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

2. The notice of termination should be submitted no later than 30 days after one of the above conditions in subdivision 1 of this subsection are met. Authorization to discharge terminates at midnight on the date that the notice of termination is submitted for the conditions set forth in subdivisions 1 b through 1 d of this subsection. Termination of authorizations to discharge for the conditions set forth in subdivision 1 a of this subsection shall be effective upon notification from the department that the provisions of subdivision 1 a of this subsection have been met or 60 days after submittal of the notice of termination, whichever occurs first.

3. The notice of termination shall be signed in accordance with Part III K of this general permit.

G. Water quality protection.

1. The operator must select, install, implement and maintain control measures as identified in the SWPPP at the construction site that minimize pollutants in the discharge as necessary to ensure that the operator's discharge does not cause or contribute to an excursion above any applicable water quality standard.

2. If it is determined by the department that the operator’s discharges are causing, have reasonable potential to cause, or are contributing to an excursion above any applicable water quality standard, the department, in consultation with the VSMP authority, may take appropriate enforcement action and require the operator to:

a. Modify or implement additional control measures in accordance with Part II B to adequately address the identified water quality concerns;

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

c. Submit an individual permit application in accordance with 9VAC25-870-410 B 3.

All written responses required under this chapter must include a signed certification consistent with Part III K.

PART II
STORMWATER POLLUTION PREVENTION PLAN

A stormwater pollution prevention plan (SWPPP) shall be developed prior to the submission of a registration statement and implemented for the construction activity, including any support activity, covered by this general permit. SWPPPs shall be prepared in accordance with good engineering practices. Construction activities that are part of a larger common plan of development or sale and disturb less than one acre may utilize a SWPPP template provided by the department and need not provide a separate stormwater management plan if one has been prepared and implemented for the larger common plan of development or sale.

The SWPPP requirements of this general permit may be fulfilled by incorporating by reference other plans such as a spill prevention control and countermeasure (SPCC) plan developed for the site under § 311 of the federal Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the SWPPP requirements of Part II A. All plans incorporated by reference into the SWPPP become enforceable under this general permit. If a plan incorporated by reference does not contain all of the required elements of the SWPPP, the operator must develop the missing elements and include them in the SWPPP.

Any operator that was authorized to discharge under the general permit issued in 2009, and that intends to continue coverage under this general permit, shall update its stormwater pollution prevention plan to comply with the requirements of this general permit no later than 60 days after the date of coverage under this general permit.

A. Stormwater pollution prevention plan contents. The SWPPP shall include the following items:

1. General information.

a. A signed copy of the registration statement for coverage under the general VPDES permit for discharges of stormwater from construction activities;

b. Upon receipt, a copy of the notice of coverage under the general VPDES permit for discharges of stormwater from construction activities (i.e., notice of coverage letter);

c. Upon receipt, a copy of the general VPDES permit for discharges of stormwater from construction activities;

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

e. A legible site plan identifying:

(1) Directions of stormwater flow and approximate slopes anticipated after major grading activities;

(2) Limits of land disturbance including steep slopes and natural buffers around surface waters that will not be disturbed;

(3) Locations of major structural and nonstructural control measures, including sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to filter, settle, or similarly treat sediment, that will be installed between disturbed areas and the undisturbed vegetated areas in order to increase sediment removal and maximize stormwater infiltration;

(4) Locations of surface waters;

(5) Locations where concentrated stormwater is discharged;

(6) Locations of support activities, when applicable and when required by the VSMP authority, including but not limited to (i) areas where equipment and vehicle washing, wheel wash water, and other wash water is to occur; (ii) storage areas for chemicals such as acids, fuels, fertilizers, and other lawn care chemicals; (iii) concrete wash out areas; (iv) vehicle fueling and maintenance areas; (v) sanitary waste facilities, including those temporarily placed on the construction site; and (vi) construction waste storage; and

(7) When applicable, the location of the on-site rain gauge or the methodology established in consultation with the VSMP authority used to identify measurable storm events for inspection purposes.

2. Erosion and sediment control plan.

a. An erosion and sediment control plan approved by the VESCP authority as authorized under the Erosion and Sediment Control Regulations (9VAC25-840), an "agreement in lieu of a plan" as defined in 9VAC25-840-10 from the VESCP authority, or an erosion and sediment control plan prepared in accordance with annual standards and specifications approved by the department. Any operator proposing a new stormwater discharge from construction activities that is not required to obtain erosion and sediment control plan approval from a VESCP authority or does not adopt department-approved annual standards and specifications shall submit the erosion and sediment control plan to the department for review and approval.

b. All erosion and sediment control plans shall include a statement describing the maintenance responsibilities required for the erosion and sediment controls used.

c. A properly implemented approved erosion and sediment control plan, "agreement in lieu of a plan," or erosion and sediment control plan prepared in accordance with department-approved annual standards and specifications, that adequately:

(1) Controls the volume and velocity of stormwater runoff within the site to minimize soil erosion;

(2) Controls stormwater discharges, including peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;

(3) Minimizes the amount of soil exposed during the construction activity;

(4) Minimizes the disturbance of steep slopes;

(5) Minimizes sediment discharges from the site in a manner that addresses (i) the amount, frequency, intensity, and duration of precipitation; (ii) the nature of resulting stormwater runoff; and (iii) soil characteristics, including the range of soil particle sizes present on the site;

(6) Provides and maintains natural buffers around surface waters, directs stormwater to vegetated areas to increase sediment removal, and maximizes stormwater infiltration, unless infeasible;

(7) Minimizes soil compaction and, unless infeasible, preserves topsoil;

(8) Ensures that stabilization of disturbed areas will be initiated immediately whenever any clearing, grading, excavating, or other land-disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 days; and

(9) Utilizes outlet structures that withdraw stormwater from the surface (i.e., above the permanent pool or wet storage water surface elevation), unless infeasible, when discharging from sediment basins or sediment traps.

3. Stormwater management plan.

a. New construction activities. A stormwater management plan approved by the VSMP authority as authorized under the Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870), or a stormwater management plan prepared in accordance with annual standards and specifications approved by the department. Any operator proposing a new stormwater discharge from construction activities that is not required to obtain stormwater management plan approval from a VSMP authority or does not adopt department-approved annual standards and specifications shall submit the stormwater management plan to the department for review and approval.

b. Existing construction activities. Any operator that was authorized to discharge under the general permit issued in 2009, and that intends to continue coverage under this general permit, shall ensure compliance with the requirements of 9VAC25-870-93 through 9VAC25-870-99 of the VSMP Regulation, including but not limited to the water quality and quantity requirements. The SWPPP shall include a description of, and all necessary calculations supporting, all post-construction stormwater management measures that will be installed prior to the completion of the construction process to control pollutants in stormwater discharges after construction operations have been completed. Structural measures should be placed on upland soils to the degree possible. Such measures must be designed and installed in accordance with applicable VESCP authority, VSMP authority, state, and federal requirements, and any necessary permits must be obtained.

4. Pollution prevention plan. A pollution prevention plan that addresses potential pollutant-generating activities that may reasonably be expected to affect the quality of stormwater discharges from the construction activity, including any support activity. The pollution prevention plan shall:

a. Identify the potential pollutant-generating activities and the pollutant that is expected to be exposed to stormwater;

b. Describe the location where the potential pollutant-generating activities will occur, or if identified on the site plan, reference the site plan;

c. Identify all nonstormwater discharges, as authorized in Part I E of this general permit, that are or will be commingled with stormwater discharges from the construction activity, including any applicable support activity;

d. Identify the person responsible for implementing the pollution prevention practice or practices for each pollutant-generating activity (if other than the person listed as the qualified personnel);

e. Describe the pollution prevention practices and procedures that will be implemented to:

(1) Prevent and respond to leaks, spills, and other releases including (i) procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other

releases; and (ii) procedures for reporting leaks, spills, and other releases in accordance with Part III G;

(2) Prevent the discharge of spilled and leaked fuels and chemicals from vehicle fueling and maintenance activities (e.g., providing secondary containment such as spill berms, decks, spill containment pallets, providing cover where appropriate, and having spill kits readily available);

(3) Prevent the discharge of soaps, solvents, detergents, and wash water from construction materials, including the clean-up of stucco, paint, form release oils, and curing compounds (e.g., providing (i) cover (e.g., plastic sheeting or temporary roofs) to prevent contact with stormwater; (ii) collection and proper disposal in a manner to prevent contact with stormwater; and (iii) a similarly effective means designed to prevent discharge of these pollutants);

(4) Minimize the discharge of pollutants from vehicle and equipment washing, wheel wash water, and other types of washing (e.g., locating activities away from surface waters and stormwater inlets or conveyance and directing wash waters to sediment basins or traps, using filtration devices such as filter bags or sand filters, or using similarly effective controls);

(5) Direct concrete wash water into a leak-proof container or leak-proof settling basin. The container or basin shall be designed so that no overflows can occur due to inadequate sizing or precipitation. Hardened concrete wastes shall be removed and disposed of in a manner consistent with the handling of other construction wastes. Liquid concrete wastes shall be removed and disposed of in a manner consistent with the handling of other construction wash waters and shall not be discharged to surface waters;

(6) Minimize the discharge of pollutants from storage, handling, and disposal of construction products, materials, and wastes including (i) building products such as asphalt sealants, copper flashing, roofing materials, adhesives, and concrete admixtures; (ii) pesticides, herbicides, insecticides, fertilizers, and landscape materials; and (iii) construction and domestic wastes such as packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials;

(7) Prevent the discharge of fuels, oils, and other petroleum products, hazardous or toxic wastes, and sanitary wastes; and

(8) Address any other discharge from the potential pollutant-generating activities not addressed above; and

f. Describe procedures for providing pollution prevention awareness of all applicable wastes, including any wash water, disposal practices, and applicable disposal locations of such wastes, to personnel in order to comply with the conditions of this general permit. The operator shall implement the procedures described in the SWPPP.

5. SWPPP requirements for discharges to impaired waters, surface waters with an applicable TMDL wasteload allocation established and approved prior to the term of this general permit, and exceptional waters. The SWPPP shall:

a. Identify the impaired water(s), approved TMDL(s), pollutant(s) of concern, and exceptional waters identified in 9VAC25-260-30 A 3 c, when applicable;

b. Provide clear direction that:

(1) Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site;

(2) Nutrients shall be applied in accordance with manufacturer's recommendations or an approved nutrient management plan and shall not be applied during rainfall events; and

(3) A modified inspection schedule shall be implemented in accordance with Part I B 4 or Part I B 5.

6. Qualified personnel. The name, phone number, and qualifications of the qualified personnel conducting inspections required by this general permit.

7. Delegation of authority. The individuals or positions with delegated authority, in accordance with Part III K, to sign inspection reports or modify the SWPPP.

8. SWPPP signature. The SWPPP shall be signed and dated in accordance with Part III K.

B. SWPPP amendments, modification, and updates.

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

2. The SWPPP must be amended if, during inspections or investigations by the operator's qualified personnel, or by local, state, or federal officials, it is determined that the existing control measures are ineffective in minimizing pollutants in discharges from the construction activity. Revisions to the SWPPP shall include additional or modified control measures designed and implemented to correct problems identified. If approval by the VESCP authority, VSMP authority, or department is necessary for the control measure, revisions to the SWPPP shall be completed no later than seven calendar days following approval. Implementation of these additional or modified control measures must be accomplished as described in Part II G.

3. The SWPPP must clearly identify the contractor(s) that will implement and maintain each control measure identified in the SWPPP. The SWPPP shall be amended to identify any new contractor that will implement and maintain a control measure.

4. The operator shall update the SWPPP no later than seven days following any modification to its implementation. All modifications or updates to the SWPPP shall be noted and shall include the following items:

a. A record of dates when:

(1) Major grading activities occur;

(2) Construction activities temporarily or permanently cease on a portion of the site; and

(3) Stabilization measures are initiated;

b. Documentation of replaced or modified controls where periodic inspections or other information have indicated that the controls have been used inappropriately or incorrectly and where modified as soon as possible;

c. Areas that have reached final stabilization and where no further SWPPP or inspection requirements apply;

d. All properties that are no longer under the legal control of the operator and the dates on which the operator no longer had legal control over each property;

e. The date of any prohibited discharges, the discharge volume released, and what actions were taken to minimize the impact of the release;

f. Measures taken to prevent the reoccurrence of any prohibited discharge; and

g. Measures taken to address any evidence identified as a result of an inspection required under Part II F.

5. Amendments, modifications, or updates to the SWPPP shall be signed in accordance with Part III K.

C. Public Notification. Upon commencement of land disturbance, the operator shall post conspicuously a copy of the notice of coverage letter near the main entrance of the construction activity. For linear projects, the operator shall post the notice of coverage letter at a publicly accessible location near an active part of the construction project (e.g., where a pipeline crosses a public road). The operator shall maintain the posted information until termination of general permit coverage as specified in Part I F.

D. SWPPP availability.

1. Operators with day-to-day operational control over SWPPP implementation shall have a copy of the SWPPP available at a central location on-site for use by those identified as having responsibilities under the SWPPP whenever they are on the construction site.

2. The operator shall make the SWPPP and all amendments, modifications, and updates available upon request to the department, the VSMP authority, the EPA, the VESCP authority, local government officials, or the operator of a municipal separate storm sewer system receiving discharges from the construction activity. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the SWPPP's location must be posted near the main entrance of the construction site.

3. The operator shall make the SWPPP available for public review in an electronic format or in hard copy. Information for public access to the SWPPP shall be posted and maintained in accordance with Part II C. If not provided electronically, public access to the SWPPP may be arranged upon request at a time and at a publicly accessible location convenient to the operator or his designee but shall be no less than once per month and shall be during normal business hours. Information not required to be contained within the SWPPP by this general permit is not required to be released.

E. SWPPP implementation. The operator shall implement the SWPPP and subsequent amendments, modifications, and updates from commencement of land disturbance until termination of general permit coverage as specified in Part I F.

1. All control measures must be properly maintained in effective operating condition in accordance with good engineering practices and, where applicable, manufacturer specifications. If a site inspection required by Part II F identifies a control measure that is not operating effectively, corrective action(s) shall be completed as soon as practicable, but no later than seven days after discovery or a longer period as established by the VSMP authority, to maintain the continued effectiveness of the control measures.

2. If site inspections required by Part II F identify an existing control measure that needs to be modified or if an additional control measure is necessary for any reason, implementation shall be completed prior to the next anticipated measurable storm event. If implementation prior to the next anticipated measurable storm event is impracticable, then alternative control measures shall be implemented as soon as practicable, but no later than seven days after discovery or a longer period as established by the VSMP authority.

F. SWPPP Inspections.

1. Personnel responsible for on-site and off-site inspections. Inspections required by this general permit shall be conducted by the qualified personnel identified by the operator in the SWPPP. The operator is responsible for insuring that the qualified personnel conduct the inspection.

2. Inspection schedule.

a. Inspections shall be conducted at a frequency of:

(1) At least once every five business days; or

(2) At least once every 10 business days and no later than 48 hours following a measurable storm event. In the event that a measurable storm event occurs when there are more than 48 hours between business days, the inspection shall be conducted no later than the next business day.

b. Where areas have been temporarily stabilized or land-disturbing activities will be suspended due to continuous frozen ground conditions and stormwater discharges are unlikely, the inspection frequency may be reduced to once per month. If weather conditions (such as above freezing temperatures or rain or snow events) make discharges likely, the operator shall immediately resume the regular inspection frequency.

c. Representative inspections may be utilized for utility line installation, pipeline construction, or other similar linear construction activities provided that:

(1) Temporary or permanent soil stabilization has been installed and vehicle access may compromise the temporary or permanent soil stabilization and potentially cause additional land disturbance increasing the potential for erosion;

(2) Inspections occur on the same frequency as other construction activities;

(3) Control measures are inspected along the construction site 0.25 miles above and below each access point (i.e., where a roadway, undisturbed right-of-way, or other similar feature intersects the construction activity and access does not compromise temporary or permanent soil stabilization); and

(4) Inspection locations are provided in the report required by Part II F.

3. Inspection requirements.

a. As part of the inspection, the qualified personnel shall:

(1) Record the date and time of the inspection and when applicable the date and rainfall amount of the last measurable storm event;

(2) Record the information and a description of any discharges occurring at the time of the inspection;

(3) Record any land-disturbing activities that have occurred outside of the approved erosion and sediment control plan;

(4) Inspect the following for installation in accordance with the approved erosion and sediment control plan, identification of any maintenance needs, and evaluation of effectiveness in minimizing sediment discharge, including whether the control has been inappropriately or incorrectly used:

(a) All perimeter erosion and sediment controls, such as silt fence;

(b) Soil stockpiles, when applicable, and borrow areas for stabilization or sediment trapping measures;

(c) Completed earthen structures, such as dams, dikes, ditches, and diversions for stabilization;

(d) Cut and fill slopes;

(e) Sediment basins and traps, sediment barriers, and other measures installed to control sediment discharge from stormwater;

(f) Temporary or permanent channel, flume, or other slope drain structures installed to convey concentrated runoff down cut and fill slopes;

(g) Storm inlets that have been made operational to ensure that sediment laden stormwater does not enter without first being filtered or similarly treated; and

(h) Construction vehicle access routes that intersect or access paved roads for minimizing sediment tracking;

(5) Inspect areas that have reached final grade or that will remain dormant for more than 14 days for initiation of stabilization activities;

(6) Inspect areas that have reached final grade or that will remain dormant for more than 14 days for completion of stabilization activities within seven days of reaching grade or stopping work;

(7) Inspect for evidence that the approved erosion and sediment control plan, "agreement in lieu of a plan," or erosion and sediment control plan prepared in accordance with department-approved annual standards and specifications has not been properly implemented. This includes but is not limited to:

(a) Concentrated flows of stormwater in conveyances such as rills, rivulets or channels that have not been filtered, settled, or similarly treated prior to discharge , or evidence thereof;

(b) Sediment laden or turbid flows of stormwater that have not been filtered or settled to remove sediments prior to discharge;

(c) Sediment deposition in areas that drain to unprotected stormwater inlets or catch basins that discharge to surface waters. Inlets and catch basins with failing sediments controls due to improper installation, lack of maintenance, or inadequate design are considered unprotected;

(d) Sediment deposition on any property (including public and private streets) outside of the construction activity covered by this general permit;

(e) Required stabilization has not been initiated or completed on portions of the site;

(f) Sediment basins without adequate wet or dry storage volume or sediment basins that allow the discharge of stormwater from below the surface of the wet storage portion of the basin;

(g) Sediment traps without adequate wet or dry storage or sediment traps that allow the discharge of stormwater from below the surface of the wet storage portion of the trap; and

(h) Land disturbance outside of the approved area to be disturbed;

(8) Inspect pollutant generating activities identified in the pollution prevention plan for the proper implementation, maintenance and effectiveness of the procedures and practices;

(9) Identify any pollutant generating activities not identified in the pollution prevention plan; and

(10) Identify and document the presence of any evidence of the discharge of pollutants prohibited by this general permit.

4. Inspection report. Each inspection report shall include the following items:

a. The date and time of the inspection and when applicable, the date and rainfall amount of the last measurable storm event;

b. Summarized findings of the inspection;

c. The location(s) of prohibited discharges;

d. The location(s) of control measures that require maintenance;

e. The location(s) of control measures that failed to operate as designed or proved inadequate or inappropriate for a particular location;

f. The location(s) where any evidence identified under Part II F 3 a (7) exists;

g. The location(s) where any additional control measure is needed that did not exist at the time of inspection;

h. A list of corrective actions required (including any changes to the SWPPP that are necessary) as a result of the inspection or to maintain permit compliance;

i. Documentation of any corrective actions required from a previous inspection that have not been implemented; and

j. The date and signature of the qualified personnel and the operator or its duly authorized representative.

The inspection report and any actions taken in accordance with Part II must be retained by the operator as part of the SWPPP for at least three years from the date that general permit coverage expires or is terminated. The inspection report shall identify any incidents of noncompliance. Where an inspection report does not identify any incidents of noncompliance, the report shall contain a certification that the construction activity is in compliance with the SWPPP and this general permit. The report shall be signed in accordance with Part III K of this general permit.

G. Corrective actions.

1. The operator shall implement the corrective action(s) identified as a result of an inspection as soon as practicable but no later than seven days after discovery or a longer period as approved by the VSMP authority. If approval of a corrective action by a regulatory authority (e.g., VSMP authority, VESCP authority, or the department) is necessary, additional control measures shall be implemented to minimize pollutants in stormwater discharges until such approvals can be obtained.

2. The operator may be required to remove accumulated sediment deposits located outside of the construction activity covered by this general permit as soon as practicable in order to minimize environmental impacts. The operator shall notify the VSMP authority and the department as well as obtain all applicable federal, state, and local authorizations, approvals, and permits prior to the removal of sediments accumulated in surface waters including wetlands.

PART III
CONDITIONS APPLICABLE TO ALL VPDES PERMITS

NOTE: Discharge monitoring is not required for this general permit. If the operator chooses to monitor stormwater discharges or control measures, the operator must comply with the requirements of subsections A, B, and C, as appropriate.

A. Monitoring.

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

2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this general permit. Analyses performed according to test procedures approved under 40 CFR Part 136 shall be performed by an environmental laboratory certified under regulations adopted by the Department of General Services (1VAC30-45 or 1VAC30-46).

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

B. Records.

1. Monitoring records and reports shall include:

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

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

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

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

e. The analytical techniques or methods used; and

f. The results of such analyses.

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

C. Reporting monitoring results.

1. The operator shall update the SWPPP to include the results of the monitoring as may be performed in accordance with this general permit, unless another reporting schedule is specified elsewhere in this general permit.

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

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

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

D. Duty to provide information. The operator shall furnish, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this general permit or to determine compliance with this general permit. The board, department, EPA, or VSMP authority may require the operator to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of surface waters, or such other information as may be necessary to accomplish the purposes of the CWA and the Virginia Stormwater Management Act. The operator shall also furnish to the board, department, EPA, or VSMP authority, upon request, copies of records required to be kept by this general permit.

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

F. Unauthorized stormwater discharges. Pursuant to § 62.1-44.5 of the Code of Virginia, except in compliance with a state permit issued by the department, it shall be unlawful to cause a stormwater discharge from a construction activity.

G. Reports of unauthorized discharges. Any operator who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance or a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, 40 CFR Part 302, or § 62.1-44.34:19 of the Code of Virginia that occurs during a 24-hour period into or upon surface waters or who discharges or causes or allows a discharge that may reasonably be expected to enter surface waters, shall notify the Department of Environmental Quality of the discharge immediately upon discovery of the discharge, but in no case later than within 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department and the VSMP authority within five days of discovery of the discharge. The written report shall contain:

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

Discharges reportable to the department and the VSMP authority under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a "bypass" or "upset", as defined herein, should occur from a facility and the discharge enters or could be expected to enter surface waters, the operator shall promptly notify, in no case later than within 24 hours, the department and the VSMP authority by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The operator shall reduce the report to writing and shall submit it to the department and the VSMP authority within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service of some or all of the facilities; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The operator shall report any noncompliance which may adversely affect surface waters or may endanger public health.

1. An oral report to the department and the VSMP authority shall be provided within 24 hours from the time the operator becomes aware of the circumstances. The following shall be included as information that shall be reported within 24 hours under this subdivision:

a. Any unanticipated bypass; and

b. Any upset that causes a discharge to surface waters.

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

a. A description of the noncompliance and its cause;

b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The department may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on surface waters has been reported.

3. The operator shall report all instances of noncompliance not reported under Part III I 1 or 2 in writing as part of the SWPPP. The reports shall contain the information listed in Part III I 2.

NOTE: The reports required in Part III G, H and I shall be made to the department and the VSMP authority. Reports may be made by telephone, email, or by fax. For reports outside normal working hours, leaving a recorded message shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Management maintains a 24-hour telephone service at 1-800-468-8892.

4. Where the operator becomes aware of a failure to submit any relevant facts, or submittal of incorrect information in any report, including a registration statement, to the department or the VSMP authority, the operator shall promptly submit such facts or correct information.

J. Notice of planned changes.

1. The operator shall give notice to the department and the VSMP authority as soon as possible of any planned physical alterations or additions to the permitted facility or activity. Notice is required only when:

a. The operator plans an alteration or addition to any building, structure, facility, or installation that may meet one of the criteria for determining whether a facility is a new source in 9VAC25-870-420;

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

2. The operator shall give advance notice to the department and VSMP authority of any planned changes in the permitted facility or activity, which may result in noncompliance with state permit requirements.

K. Signatory requirements.

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

a. For a corporation: by a responsible corporate officer. For the purpose of this chapter, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the

explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for state permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

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

2. Reports, etc. All reports required by this general permit, including SWPPPs, and other information requested by the board or the department shall be signed by a person described in Part III K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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

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

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

3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the construction activity, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the VSMP authority as the administering entity for the board prior to or together with any reports or information to be signed by an authorized representative.

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

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

L. Duty to comply. The operator shall comply with all conditions of this general permit. Any state permit noncompliance constitutes a violation of the Virginia Stormwater Management Act and the Clean Water Act, except that noncompliance with certain provisions of this general permit may constitute a violation of the Virginia Stormwater Management Act but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for state permit

termination, revocation and reissuance, or modification; or denial of a state permit renewal application.

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

M. Duty to reapply. If the operator wishes to continue an activity regulated by this general permit after the expiration date of this general permit, the operator shall submit a new registration statement at least 90 days before the expiration date of the existing general permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing general permit.

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

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

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

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

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering surface waters and in compliance with all applicable state and federal laws and regulations.

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

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

U. Bypass.

1. "Bypass," as defined in 9VAC25-870-10, means the intentional diversion of waste streams from any portion of a treatment facility. The operator may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for

essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Part III U 2 and 3.

2. Notice.

a. Anticipated bypass. If the operator knows in advance of the need for a bypass, the operator shall submit prior notice to the department, if possible at least 10 days before the date of the bypass.

b. Unanticipated bypass. The operator shall submit notice of an unanticipated bypass as required in Part III I.

3. Prohibition of bypass.

a. Except as provided in Part III U 1, bypass is prohibited, and the board or department may take enforcement action against an operator for bypass unless:

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

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

(3) The operator submitted notices as required under Part III U 2.

b. The department may approve an anticipated bypass, after considering its adverse effects, if the department determines that it will meet the three conditions listed in Part III U 3 a.

V. Upset.

1. An "upset," as defined in 9VAC25-870-10, means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based state permit effluent limitations because of factors beyond the reasonable control of the operator. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based state permit effluent limitations if the requirements of Part III V 4 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

3. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

4. An operator who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

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

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

c. The operator submitted notice of the upset as required in Part III I; and

d. The operator complied with any remedial measures required under Part III S.

5. In any enforcement proceeding, the operator seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The operator shall allow the department as the board's designee, the VSMP authority, EPA, or an authorized representative of either entity (including an authorized contractor), upon presentation of credentials and other documents as may be required by law to:

1. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this general permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this general permit;

3. Inspect and photograph at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and

4. Sample or monitor at reasonable times, for the purposes of ensuring state permit compliance or as otherwise authorized by the Clean Water Act or the Virginia Stormwater Management Act, any substances or parameters at any location.

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

X. State permit actions. State permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the operator for a state permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any state permit condition.

Y. Transfer of state permits.

1. State permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a state permit may be transferred by the operator to a new operator only if the state permit has been modified or revoked and reissued, or a minor modification made, to identify the new operator and incorporate such other requirements as may be necessary under the Virginia Stormwater Management Act and the Clean Water Act.

2. As an alternative to transfers under Part III Y 1, this state permit may be automatically transferred to a new operator if:

a. The current operator notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;

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

c. The department does not notify the existing operator and the proposed new operator of its intent to modify or revoke and reissue the state permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

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

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

9VAC25-880-80. (Repealed.)

9VAC25-880-82. (Repealed.)

9VAC25-880-84. (Repealed.)

9VAC25-880-86. (Repealed.)

9VAC25-880-88. (Repealed.)

9VAC25-880-90. (Repealed.)

9VAC25-880-100. Delegation of authority.

The director, or his designee, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

FORMS (9VAC25-880)

Department of Environmental Quality Construction Activity Operator Permit Fee Form (rev. 01/2014)

Notice of Termination - General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10) (rev. 01/2014)

Registration Statement - General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10) (rev. 01/2014)

Transfer Agreement - General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10) (rev. 01/2014)

Notice of Termination
General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)

(Please Type of Print All Information)

1. **Construction Activity Operator:**

   Name:_____

   Contact:_____

   Mailing Address:_____

   City:_____ State:_____ Zip:_____ Phone: _____

   Email address (if available):_____

2. **Name and Location of the Construction Activity:** (As listed on the Registration Statement.)

   Name:_____

   Address (if available):_____

   City:_____ State:_____ Zip:_____

   County (if not located within a City):_____

   Latitude (decimal degrees):_____ Longitude (decimal degrees):_____

3. **General Permit Registration Number:**_____

4. **Reason for Terminating Coverage Under the General Permit:** (The operator shall submit a Notice of Termination after one or more of the following conditions have been met.)

   ☐ A. Necessary permanent control measures included in the SWPPP for the site are in place and functioning effectively and final stabilization has been achieved on all portions of the site for which the operator is responsible. When applicable, long-term responsibility and maintenance requirements for permanent control measures shall be recorded in the local land records prior to the submission of a notice of termination;

   ☐ B. Another operator has assumed control over all areas of the site that have not been finally stabilized and obtained coverage for the ongoing discharge;

   ☐ C. Coverage under an alternative VPDES or state permit has been obtained; or

   ☐ D. For residential construction only, temporary soil stabilization has been completed and the residence has been transferred to the homeowner.

   The notice of termination should be submitted no later than 30 days after one of the above conditions being met. Authorization to discharge terminates at midnight on the date that the notice of termination is submitted for the conditions set forth in subsections B through D above, unless otherwise notified by the VSMP authority or the Department. Termination of authorizations to discharge for the conditions set forth in subsection A above shall be effective upon notification from the Department that the provisions of subsection A have been met or 60 days after submittal of the notice of terminations, whichever occurs first.

5. **Permanent Control Measures Installed:** (When applicable, a list of the on-site and off-site permanent control measures (both structural and nonstructural) that were installed to comply with the stormwater management technical criteria. Attach a separate list if additional space is needed.)

   Permanent Control Measure #1

   Type of Permanent Control Measure:_____

   Date Functional:_____

   Address (if available):_____

   City:_____ State:_____ Zip:_____

   County (if not located within a City):_____

   Latitude (decimal degrees):_____ Longitude (decimal degrees):_____

   Receiving Water:_____

   Total Acres Treated:_____ Impervious Acres Treated:_____

Permanent Control Measure #2

Type of Permanent Control Measure:_____

Date Functional:_____

Address (if available):_____

City:_____ State:_____ Zip:_____

County (if not located within a City):_____

Latitude (decimal degrees):_____ Longitude (decimal degrees):_____

Receiving Water:_____

Total Acres Treated:_____ Impervious Acres Treated:_____

Permanent Control Measure #3

Type of Permanent Control Measure:_____

Date Functional:_____

Address (if available):_____

City:_____ State:_____ Zip:_____

County (if not located within a City):_____

Latitude (decimal degrees):_____ Longitude (decimal degrees):_____

Receiving Water:_____

Total Acres Treated:_____ Impervious Acres Treated:_____

6. **Participation in a Regional Stormwater Management Plan:** (When applicable, information related to the participation in a regional stormwater management plan. Attach a separate list if additional space is needed.)

Regional Stormwater Management Facility

Type of Regional Stormwater Management Facility:_____

Address (if available):_____

City:_____ State:_____ Zip:_____

County (if not located within a City):_____

Latitude (decimal degrees):_____ Longitude (decimal degrees):_____

Total Site Acres Treated:_____ Impervious Site Acres Treated:_____

7. **Perpetual Nutrient Credits:** (When applicable, information related to perpetual nutrient credits that were acquired in accordance with § 62.1-44.15:35 of the Code of Virginia. Attach a separate list if additional space is needed.)

Nonpoint Nutrient Credit Generating Entity

Name:_____

Perpetual Nutrient Credits Acquired (lbs/acre/year):_____

8. **Certification:** "I certify under penalty of law that I have read and understand this Notice of Termination and that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Printed Name:_____ Title:_____

Signature:_____ Date:_____

(Please sign in INK. This Certification must be signed by the appropriate person associated with the operator identified in Item #1.)

Instructions for Completing the Notice of Termination
General VDPES Permit for Discharges of Stormwater from Construction Activities (VAR10)

GENERAL

A Notice of Termination must be submitted when an operator no longer wishes to be covered under the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10).

All Notice of Terminations should be submitted to:

Town of Ashland
Department of Public Works
P.O. Box 1600
Ashland, VA 23005

LINE-BY-LINE INSTRUCTIONS

Item 1: Construction Activity Operator Information.

Provide the legal name (do not use a colloquial name), contact, mailing address, telephone number, and email address (if available) of the construction activity operator that was issued general permit coverage.

Item 2: Name and Location of the Construction Activity Information.

Provide the official name, street address (if available), city or county (if not located within a City) of the construction activity. Also, provide the latitude and longitude in decimal degrees of the approximate center of the construction activity (e.g., N 37.5000, W 77.5000). NOTE: This information can be obtained from the previously submitted Registration Statement.

Item 3: General Permit Registration Number.

Provide the existing general permit registration number for the construction activity identified in Item 2.

Item 4: Reason for Termination.

Indicate the appropriate reason for submitting this Notice of Termination. The Notice of Termination may only be submitted after one or more of the following conditions have been met:

a. Necessary permanent control measures included in the SWPPP for the site are in place and functioning effectively and final stabilization has been achieved on all portions of the site for which the operator is responsible. <u>When applicable, long-term responsibility and maintenance requirements for permanent control measures shall be recorded in the local land records prior to the submission of a notice of termination</u>;

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

c. Coverage under an alternative VPDES or state permit has been obtained; or

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

The Notice of Termination should be submitted no later than 30 days after one of the above conditions being met.

Item 5: Permanent Control Measures (when applicable).

For each on-site and off-site permanent control measure (both structural and non-structural) that was installed to comply with the stormwater management technical criteria provide the following information:

a. The type of permanent control measure;

b. The date that the permanent control measure became functional as a post-development stormwater management control;

c. The street address (if available), City or County (if not located within a City) of the permanent control measure;

d. The latitude and longitude in decimal degrees of the approximate center of the permanent control measure;

e. The receiving water of the permanent control measure; and

f. The number of total and impervious acres treated by the permanent control measure (to the nearest one-tenth of an acre).

Attach a separate list if additional space is needed.

Item 6: Participation in a Regional Stormwater Management Plan (when applicable).

For each Regional Stormwater Management Facility provide the following information:

a. The type of regional facility to which the site contributes;

b. The street address (if available), City or County (if not located within a City) of the regional facility;

c. The latitude and longitude in decimal degrees of the approximate center of the regional facility; and

d. The number of total and impervious site acres treated by the regional facility (to the nearest one-tenth of an acre).

Attach a separate list if additional space is needed.

Item 7: Perpetual Nutrient Credits (when applicable).

Provide the following information related to perpetual nutrient credits that were acquired in accordance with § 62.1-44.15:35 of the Code of Virginia:

a. The name of the nonpoint nutrient credit generating entity from which perpetual nutrient credits were acquired; and

b. The number of perpetual nutrient credits acquired (lbs. per acre per year).

Attach a separate list if additional space is needed.

Item 8: Certification.

A properly authorized individual associated with the operator identified in Item 1 of the Registration Statement is responsible for certifying and signing the Registration Statement. **Please sign the Registration Statement in INK.**

State statutes provide for severe penalties for submitting false information on the Registration Statement. State regulations require that the Registration Statement be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this part, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation, or

(ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated

facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this part, a principal executive officer of a public agency includes:

(i) The chief executive officer of the agency, or

(ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

Transfer of Ownership Agreement Form
General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)

(Please Type or Print All Information)

Instructions: This agreement form must be signed in INK by properly authorized individuals as specified in the General VPDES Permit for Stormwater Discharges from Construction Activities (VAR10), Part III K (Signatory Requirements). Please retain a copy of this agreement form for your records.

Mail the original agreement form to:

Town of Ashland
Department of Public Works
P.O. Box 1600
Ashland, VA 23005

General Permit Registration Number:_____ Date of Transfer (mm/dd/yyyy):_____

Construction Activity Name:_____

CURRENT CONSTRUCTION ACTIVITY OPERATOR:

Name:_____

Contact:_____

Mailing Address:_____

City:_____ State:_____ Zip:_____ Phone:_____

Email Address (if available):_____

"I (We) hereby agree to the transfer of ownership modification to the referenced General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)."

Printed Name:_____ Title:_____

Signature:_____ Date:_____

NEW CONSTRUCTION ACTIVITY OPERATOR:

Name:_____

Contact:_____

Mailing Address:_____

City:_____ State:_____ Zip:_____ Phone:_____

Email Address (if available):_____

Indicate if DEQ may transmit general permit correspondence electronically: Yes ☐ No ☐

I (We) hereby agree to the change of ownership modification to the referenced General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10), and agree to accept all responsibility, coverage, and liability of the general permit."

Printed Name:_____ Title:_____

Signature:_____ Date:_____