

FACT SHEET

REISSUANCE OF THE GENERAL VPDES PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES

The Virginia State Water Control Board has under consideration the reissuance of the general Virginia Pollutant Discharge Elimination System (VPDES) permit for point source discharges of stormwater from construction activities to surface waters.

Permit Number: VAR10

Name of Permittee: Any operator in the Commonwealth of Virginia agreeing to be regulated under the terms of this general permit.

Facility Location: Commonwealth of Virginia

Receiving Waters: Surface waters within the boundaries of the Commonwealth of Virginia except waters specifically named in Board regulations which prohibit such discharges.

On the basis of preliminary review and application of lawful standards and regulations, the State Water Control Board (Board) proposes to reissue the general permit subject to certain conditions and has prepared a draft permit. The category of discharges to be included involves stormwater discharges from construction activities with the same or similar types of operations and discharging the same or similar types of wastes. The Board has determined that this category of discharges is appropriately controlled under a general permit. The draft general permit requires that all covered construction activities meet standardized permit conditions including the development and implementation of a stormwater pollution prevention plan (SWPPP). This general permit will maintain the water quality standards adopted by the Board. This general permit will replace the general permit VAR10 which expires on June 30, 2024. Operators covered under the expiring general permit who wish to continue to discharge under a general permit must register for coverage under the new permit.

Public involvement in permit reissuance

A public hearing was held at the following location on September 7, 2023: Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen Virginia 23060. The notice of the public comment period/public hearing was published in the Richmond Times Dispatch and the Virginia Register. The public comment period opened on August 14, 2023, and closed on December 6, 2023. During the public comment period, DEQ staff reviewed comments received, drafted responses, and revised the final permit regulation as appropriate. The State Water Control Board adopted the general permit regulation on INSERT DATE. The regulation is effective for all covered facilities on July 1, 2024. Every authorization to discharge under this general permit will expire June 30, 2029.

DEQ Staff Contact

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Rebeccah Rochet at:

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Administrative

The general permit will have a fixed term of five (5) years effective, upon Board approval, July 1, 2024. Every authorization to discharge under this general permit will expire at the same time and all authorizations

to discharge will be renewed on the same date. Discharges will be covered under the general permit upon approval of the Registration Statement and delivery of a copy of the general permit to the applicant. However, in accordance with § 62.1-44.15:28 9 e of the Code of Virginia, the submission of a registration statement for the construction of single-family detached residential structures associated with small construction activity within or outside a common plan of development or sale is not required. A registration statement is required for a large construction activity associated with the construction of a single family detached residential structure within or outside a common plan of development or sale; however, the Department's portion of the permit fee continues to be waived.

The submission of a registration statement is required for the overall construction of a residential common plan of development or sale. As single-family detached residential properties are transferred to new owners/operators within a common plan of development or sale, the new owners/operators are authorized to discharge under the general permit provided that they comply with the terms and conditions of the general permit including the development and implementation of a stormwater pollution prevention plan for each new single-family detached residential structure.

This general permit does not apply to any new or increased discharge that will result in significant effects to the receiving waters. That determination is made in accordance with the State Water Control Board's Antidegradation Policy contained in the Virginia Water Quality Standards, 9VAC25-260-30. Anti-backsliding will also be considered prior to granting coverage under this general permit to construction activities currently discharging stormwater under another applicable or VPDES permit. If a discharge appears to qualify for this general permit, the operator must submit a general permit Registration Statement to apply for general permit coverage. The Department will either send a copy of the general permit to those applicants that qualify or send a copy of the Virginia Erosion and Stormwater Management Program (VESMP) individual permit application to those that do not qualify.

Considerations

U.S. EPA Construction General Permit (CGP)

The U.S. EPA CGP became effective on February 17, 2022. In this CGP, the EPA added new requirements for dewatering discharge. The EPA CGP uses a weekly average benchmark of 50 nephelometric turbidity units (NTUs). Prior to finalizing the revised draft permit, DEQ performed extensive research on dewatering discharge requirements in existing approved and/or adopted construction general permits across the U.S. As a result of this research, DEQ proposed three options for monitoring construction dewatering discharge, in order to provide flexibility, but still remain equally as protective of water quality as the EPA CGP. In addition, DEQ has included the language allowing the permittee to request an alternative benchmark threshold that is also included in the EPA CGP. This change is reflected in permit language found in the flowing sections of the permit; 9VAC25-880-1, Part II.B.8, Part II.G.3.(e), Part II.G.4.d, and Part II.H.2.

Commonwealth of Virginia Chapter 356 of the 2022 Acts of Assembly (Senate Bill 657)

SB 657 was passed during the 2022 Session of the General Assembly. This bill limits the authority of the State Water Control Board under Chapters 3.1 (State Water Control Law) and 24 (Surface Water Management Areas) of Title 62.1 of the Code of Virginia to the issuance of regulations and transfers the Board's existing authority to issue permits and orders to DEQ. The Governor signed this bill into law on April 11, 2022 (SB657 – Chapter 356 of the 2022 Acts of Assembly) and these changes became effective July 1, 2022. The State Water Control Board adopted regulatory amendments to 9VAC25-890 on August 25, 2022, and affirmed changes to be incorporated into 9VAC25-890 resulting from Chapter 356 of the 2022 Acts of Assembly (Senate Bill 657). Revisions to the regulations include those necessary to address changes to the authority of the State Water Control Board to issue and enforce permits. Changes to the regulations included changing designations from “board” to “department” where appropriate; adding definitions of “Board” and “Department”; and the repeal of the delegation of authority provisions.

Commonwealth of Virginia Chapters 68 and 758 of the 2016 Acts of Assembly (“Consolidation Bill”)

House Bill 2390 and Senate Bill 1168 were passed during the 2016 Session of the General Assembly. These bills combined requirements in the Erosion and Sediment Control Law and Stormwater Management

Act into the Virginia Erosion and Stormwater Management Act (VESMA). One of the enactment clauses directed the State Water Control Board adopt regulations to implement the requirements of the VESMA. The Virginia Erosion and Stormwater Management Regulation was adopted by the State Water Control Board at its June 22, 2023 meeting. It becomes effective on July 1, 2024. Revisions were made throughout the general permit to update citations and references to the Erosion and Sediment Control Regulations (9VAC25-840), Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850), and Virginia Stormwater Management Program Regulation (9VAC25-870) to reflect the consolidation of these three chapters into the Virginia Erosion and Stormwater Management Regulation (9VAC25-875).

Commonwealth of Virginia Chapters 48 (House Bill 1848) and 49 (Senate Bill 1376) of the 2023 Acts of Assembly

House Bill 1848 and Senate Bill 1168 were passed during the 2023 Session of the General Assembly. These bills added a definition for “small construction activity” to the Stormwater Management Act (and VESMA, effective July 1, 2024) and revised the provisions about submitting registration statements for the general permit. The changes bring the Virginia Stormwater Management Program Regulation (and Virginia Erosion and Stormwater Management Regulation) into conformity with federal law. Specifically, the bills included provisions for DEQ to establish a procedure by which a registration statement shall not be required for coverage under the CGP for small construction activity involving a single-family detached residential structure. This change is reflected in permit language found in the following sections of the permit; 9VAC25-880-10, 9VAC25-880-50. A.1.c and A.2.b, 9VAC25-880-60.A, 9VAC25-880-70 General permit, and Part II.A.1.

Summary of Changes from the 2019 Construction General Permit (CGP)

This general permit replaces the 2019 CGP which was issued for a five-year term on July 1, 2019. Revisions were made throughout to update citations and references to the Erosion and Sediment Control Regulations (9VAC25-840), Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850), and Virginia Stormwater Management Program Regulation (9VAC25-870) to reflect the consolidation of these three chapters into the Virginia Erosion and Stormwater Management Regulation (9VAC25-875). In addition, DEQ finalized several minor changes throughout the general permit to ensure consistent use of terminology and improve readability. These changes did not modify the underlying requirement from the 2019 CGP and are only intended to make the original objective easier to understand. The following is a list of substantial changes included in the general permit as compared to the 2019 CGP:

Section 1 – Definitions

- Revised the introductory paragraph to improve readability and incorporate the correct title and citation of the Virginia Erosion and Stormwater Management Program (VESMP) Regulation.
- Minor changes were made to terms throughout this section to ensure consistent use of terminology, improve readability, and correct grammatical errors. These minor changes did not alter, narrow, or expand the meaning of terms.
- Revised definition of “*impaired waters*” to reflect 2022 § 305(b)/303(d) Water Quality Assessment Integrated Report.
- Added definition of “*construction dewatering*,” based on the definition included in EPA’s 2022 CGP and input from the Technical Advisory Committee, to mean the act of draining or pumping stormwater or ground water from building foundations, vaults, and trenches, or other similar points of accumulation, including from sediment basins or similar impoundments for maintenance or decommissioning purposes. Construction dewatering does not include temporary pump arounds associated with instream construction activities.
- Revised definition of “*construction site*” to include water area, which conforms with the EPA’s definition. In addition, added clarity regarding construction support activities located on-site or off-site.
- Added definition of “*construction support activity*,” based on the definition included in EPA’s 2022 CGP, to mean a construction-related activity that specifically supports construction and involves land disturbance or pollutant-generating activities of its own and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated

material disposal areas, and borrow areas. This term was previously used but was not defined in the general permit.

- Revised definition of “*final stabilization*” to provide clarity on the required minimum percentage of vegetative cover and allowable bare area size to be classified as uniform for the purposes of final stabilization for consistency with EPA’s 2022 CGP. Also, removed the word “final” in front of stabilization in subdivisions 2.a, 2.b, and 3 to remove redundancy.
- Revised definition of “*measurable storm event*” to include snow melt for consistency with EPA’s 2022 CGP.
- Added definition of “*qualified personnel*” to address new stormwater team requirements in EPA’s 2022 CGP. Qualified personnel is defined as a person knowledgeable in the principles and practices of erosion and sediment and stormwater management controls who possesses the skills to assess conditions at the construction site for the operator that could impact stormwater quality and quantity and to assess the effectiveness of any sediment and erosion control measures or stormwater management facilities selected to control the quality and quantity of stormwater discharges from the construction activity. On or after July 1, 2025, “*qualified personnel*” shall hold an unexpired certificate of competence for Project Inspector for Erosion and Sediment Control and an unexpired certificate of competence for Project Inspector for Stormwater Management, both issued by the department, a Construction General Permit Qualified Personnel Certificate issued by the department or the Virginia Department of Transportation, or an equivalent certification provided by EPA (currently titled Construction Inspection Training Course). This definition is based on language in the Virginia Stormwater Management Program Regulation with additional certification options.

Section 10 – Purpose

- Revised language to improve the clarity and readability of this section. These changes did not alter the requirements of this section.

Section 15 – Applicability of incorporated references based on the dates that they became effective

- Updated the applicable date of Code of Federal Regulation (CFR) references used in the general permit; now July 1, 2022 updates.

Section 20 – Effective date of general permit

- Updated the effective date and expiration date of the general permit.

Section 30 – Authorization to discharge

- Minor changes were made to terms throughout this section to ensure consistent use of terminology, improve readability, and correct grammatical errors. These minor changes did not alter the requirements of this section.
- Added language to clarify that permit fees includes all outstanding permit maintenance fees. This revision was made to ensure general maintenance fees are paid for the continuation of general permit coverage.
- Added language to allow for reporting of new support activities in a modified registration statement once the need for the additional support activity is known.
- Added language to clarify that off-site construction support activities not authorized under the CGP shall not be included in calculating the total land area of the construction site and estimated area to be disturbed in the registration statement.
- Updated the list of nonstormwater authorized discharges for consistency with other recently issued VPDES permits.
- Revised the timeline for submitting a completed registration statement from 60 days to 90 days prior to the expiration date of the permit. This change is meant to grant more time in reviewing registration statements for continuation of general permit coverage.
- Added a requirement that all past due general maintenance fees must be paid prior to continuation of a CGP. This revision was made to ensure general maintenance fees are paid for the continuation of general permit coverage.

Section 40 – Delegation of authorities to state and local programs

- Minor changes were made to terms throughout this section to ensure consistent use of terminology, improve readability, and correct grammatical errors. These minor changes did not alter the requirements of this section.

Section 50 – General permit application (registration statement)

- Minor changes were made to terms throughout this section to ensure consistent use of terminology, improve readability, and correct grammatical errors. These minor changes did not alter the requirements of this section.
- Updated the registration statement submission deadline for existing construction activities seeking continued coverage under this general permit; now 90 days prior to expiration. This change is meant to grant more time in reviewing registration statements for continuation of general permit coverage.
- Updated the title of Subsection A 3 to “*Transfer of ownership*” for clarify and readability.
- Added the requirement to include a State Corporation Commission entity identification number to ensure consistency with other recently issued VPDES permits.
- Revised the requirement for submitting an 8.5-inch by 11-inch format site map to a legible site map to grant flexibility for submitting site maps while still ensuring the contents are readable.
- Included “*erosion and sediment control plans*” for construction activities approved by an entity with approved standards and specifications for consistency with the consolidation of 9VAC25-840 and 9VAC25-870.
- Reformatted Subsections B10, B11, and B13 to improve readability and clarify.
- Moved the requirement for a stormwater pollution prevention plan (SWPPP) from the registration statement specific requirements as the language is more reflective of preparing a SWPPP rather than the contents of a registration statement. This change was made to provide clarity and reduce redundancy.

Section 60 – Termination of general permit coverage

- Minor changes were made to terms throughout this section to ensure consistent use of terminology, improve readability, and correct grammatical errors. These minor changes did not alter the requirements of this section.
- Clarified the termination and reference to the registration statement requirement for a small construction activity of a single-family detached residential structure. The revision was due to 2023 legislative changes.
- Updated the timeline for which the termination of authorization shall become effective; now 90 days after receipt of a complete and accurate notice of termination. This revision was made to comply with § 62.1-44.15:26.1 of the Code of Virginia. In addition, added language to clarify that the timeline for the termination of the permit coverage does not apply if the operator is notified of an issue by the VESMP authority or the department.

Section 70 – General permit

- Minor changes were made to terms throughout this section to ensure consistent use of terminology, improve readability, and correct grammatical errors. These minor changes did not alter the requirements of this section.
- Added a statement to clarify that stormwater discharge associated with a small construction activity of a single-family detached residential structure, within or outside a common plan of development or sale, is authorized to discharge under the general permit and shall comply with the requirements contained in the general permit and be subject to all requirements of 9VAC25-875. This revision a result of 2023 legislative changes for conformity with federal law.
- Updated the effective date to July 1, 2024 and the expiration date to June 30, 2029. Updated the regulation language for clarity and consistency with other general VPDES permits adopted by the Board.

Part I – Discharge Authorization and Special Conditions

- Coverage under this Permit: Added language to allow for reporting new support activities in a modified registration statement once the need for the additional support activity is known. This change was needed to clarify how to obtain coverage for a construction support activity if the activity is identified a general permit coverage is issued.
- Limitations on Coverage: Updated the Water Quality Assessment Integrated Report date from 2016 to 2022.
- Authorized nonstormwater discharges: Updated the list of nonstormwater authorized discharges for consistency with other recently issued VPDES permits.
- Termination of general permit coverage: Revised the timeline for the termination of authorization to discharge from 60 days to 90 days after receipt of a notice of termination. This change was made to comply with § 62.1-44.15:26.1 of the Code of Virginia. In addition, added language to clarify the timeline for the termination of permit coverage does not apply if the operated is notified of an issue by the VESMP authority or the department. Finally, language was added to improve clarity about which sections of the permit must be followed when submitted a notice of termination.

Part II – Stormwater Pollution Prevention Plan

- Minor changes were made to terms throughout this section to ensure consistent use of terminology, improve readability, and correct grammatical errors. These minor changes did not alter the requirements of this section.
- Added a statement to clarify that stormwater discharge associated with a small construction activity of a single-family detached residential structure, within or outside a common plan of development or sale, a Stormwater Pollution Prevention Plan must be developed and implemented prior to the initiation of the construction activity, including any construction support activity. This revision a result of 2023 legislative changes for conformity with federal law, as well as in response to comments received from EPA.
- Updated the effective date of the general permit.
- Contents, General: Revised existing language to improve readability and add additional detail and clarify as to what must be included in the construction site map. Added new language that requires listing the locations of areas where polymers, flocculants, or other stormwater treatment chemicals are used or stored. This language is from previous EPA permits; however, it is new to Virginia's CGP.
- Contents, Erosion and Sediment Control Plan: Revisions were made to improve readability, provide clarify, and incorporate new defined terms. In addition, new language was added to provide additional clarity on when directing stormwater to vegetated areas, minimizing soil compaction, and preserving topsoil would be considered infeasible. The new language in these subsections comes from EPA's CGP.
- Contents, Stormwater Management Plan: Revisions were made to improve readability and provide clarity.
- Contents, Pollution Prevention Plan: Revisions were made to improve readability and provide clarity. Also, revised to incorporate changes in terms from EPA's 2022 CGP. Added new language to clarify that concrete wash water cannot be disposed of through infiltration or otherwise disposed of on the ground. This new language is in response to issues raised through NOIRA public comments and during the Technical Advisory Committee meetings.
- Established SWPPP requirements for turbidity benchmark monitoring requirements for construction dewatering discharges to sensitive waters in response to new EPA requirements for controlling construction dewatering discharges. The department followed EPA's concept of creating a turbidity benchmark that is not an effluent limitation.
- Revised "*delegation of authority*" to "*duly authorized representative*" for consistency with other sections of the permit, as well as clarifies whose information needs to be included in the SWPPP. In addition, added language directing permittees to the provisions in the permit detailing signature and certification requirements.
- Added language clarifying that the SWPPP must contain a signature and certification and directing permittees to the provisions in the permit detailing signature and certification requirements. This was done to add clarity around requirements and to make the permit easier to navigate.

- SWPPP amendments, modification, and updates: Added language directing permittees to the provisions in the permit detailing signature and certification requirements. This revision was done to provide clarity.
- Public notification: Revised and added new language to clarify requirements for where a notice of coverage letter must be posted.
- SWPPP implementation: With regards to implementing corrective actions or routine maintenance, “seven days” replaced with “five business days” to create consistency throughout the permit. In addition, revised to add the need for routine maintenance as a trigger for this subsection. This is a new subsection incorporating new EPA requirements for what an operator must do if they must repeatedly repair the same stormwater control at the same location.
- SWPPP Inspections: Added language to clarify that the qualified personnel conducting inspections may be a person on the operator’s staff or a third party hired to conduct inspections. Added new language from EPA’s 2022 CGP that adds more detail around when an inspection must take place in the event of a measurable storm event. Revised to fix numbering issues that existed in past permits and to account for new defined terms. Added subsections to incorporate language from EPA’s permit stating that all stormwater discharge locations and all construction dewatering discharge locations must be inspected, and documented when an inspection indicates that pollutants are being discharged. In addition, new language was added to require reporting of incidents of noncompliance or a certification that the construction activity is in compliance with the SWPPP, as well as language directing permittees to the provisions in the permit detailing signature and certification requirements.
- Corrective Actions: Revised the number of days to implement corrective actions from “seven days” to “five business days” to create consistency throughout the permit. Added requirement to detail corrective actions that must be taken if required by the new construction dewatering turbidity benchmark.

Part III – Conditions Applicable to All VPDES Permits

- Minor changes were made to terms throughout this section to ensure consistent use of terminology, improve readability, and correct grammatical errors. These minor changes did not alter the requirements of this section.
- Reports of unusual or extraordinary discharges: Revised the number of days to report in writing to the department and the VESMP authority from “five days” to “five calendar days” to create a clear distinction from the use of “five business days” in other parts of the permit.
- Reports of noncompliance: Updated to ensure consistency with other recently reissued general VPDES permits in Virginia. The changes from this section come from the recently reissued General Permit for Vehicle Wash Facilities and Laundry Facilities (9VAC25-194-70). The revisions include changing “surface waters” to “state waters,” minor linguistic and number revisions, and changes to the subsection dealing with making reports to the department or VESMP authority.
- Notice of planned changes: Updated to provide clarification in instances where the permittee has requested a planned change and is awaiting a response from the review authority. This new language is in response to issues raised through NOIRA public comments and during the Technical Advisory Committee meetings.
- Signatory requirements: Revised to add notices of termination to the types of documents requiring signatures. This revision was done to provide clarity.
- Duty to reapply: Revised the timeline for submitting a completed registration statement from 60 days to 90 days prior to the expiration date of the permit for consistency with the requirements outlined in previous sections of the CGP. This change is meant to grant more time in reviewing registration statements for continuation of general permit coverage.

Activities Covered under this General Permit

This general permit covers point source discharges of stormwater from construction activities to surface waters of the Commonwealth, including discharges through municipal or non-municipal separate storm sewer systems. The term “construction activity” is defined in 9VAC25-875-20 as “...any clearing, grading or excavation associated with large construction activity or associated with small construction activity.” The

terms "*large construction activity*" and "*small construction activity*" are likewise defined in that section as follows:

"*Large construction activity*" means construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

"*Small construction activity*" means:

1. Construction activities including clearing, grading, and excavating that results in land disturbance of equal to or greater than one acre, and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. The department may waive the otherwise applicable requirements in a general permit for a stormwater discharge from construction activities that disturb less than five acres where stormwater controls are not needed based on a "total maximum daily load" (TMDL) that addresses the pollutant(s) of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutants of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this subdivision, the pollutants of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator must certify to the department that the construction activity will take place, and stormwater discharges will occur, within the drainage area addressed by the TMDL or equivalent analysis. As of the start dates in Table 1 of 9VAC25-31-1020, all certifications submitted in support of the waiver shall be submitted electronically by the owner or operator to the department in compliance with this subdivision and 40 CFR Part 3 (including, in all cases, 40 CFR Part 3 Subpart D), 9VAC25-875-940, and Part XI (9VAC25-31-950 et seq.) of the Virginia Pollutant Discharge Elimination (VPDES) Permit Regulation. Part XI of 9VAC25-31 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part XI of 9VAC25-31, permittees may be required to report electronically if specified by a particular permit.

2. Any other construction activity designated by the either the department or the EPA regional administrator, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters.

Coverage under this general permit applies to the "*Estimated Area To Be Disturbed*" as reported by the operator on the registration statement. For projects that are planned in sections over an extended period of time exceeding the 5-year term of this permit, coverage is only required for those sections of the project where land disturbance will be occurring prior to June 30, 2029. If during the term of this permit the operator determines additional land disturbance is necessary as part of the project, a permit registration modification is required to be submitted.

This general permit also covers point source discharges of stormwater from construction 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 stormwater discharges;
- (2) the support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;

- (3) the support activity does not operate beyond the completion of the last construction activity it supports;
- (4) the support activity is reported in the registration statement at the time of general permit coverage or reported in a modified registration statement once the need for the support activity is known;
- (5) appropriate control measures are identified in a stormwater pollution prevention plan and implemented to address the discharges from the support activity; and
- (6) all applicable, state, federal, and local approvals are obtained for the support activity.

Operators applying for coverage under this general permit are not required to include on-site or off-site support activities for which they do not have operational control. Any on-site or off-site support activity not included with an operators' general permit coverage may be required to obtain separate VDPES permit coverage. On-site or off-site support activities that require land disturbance are required to obtain construction general permit coverage regardless of the extent of the land disturbing activity (i.e., even if less than one acre).

This general permit covers stormwater discharges from a wide variety of construction activities. The conditions which affect the presence of pollutants in stormwater at construction sites vary significantly. Therefore, the general permit contains SWPPP requirements that apply to all construction activities and does not specify erosion and sediment controls or stormwater management controls that are appropriate or can be implemented by all operators. The volume and quality of stormwater discharges associated with construction activity will depend on a number of factors, including the land-disturbing activities occurring at the site and the nature of precipitation. Pollutants in stormwater discharges from construction activities may be reduced using the following methods: eliminating pollution sources, implementing Best Management Practices (BMPs) to prevent pollution, and using traditional erosion and sediment controls.

The draft general permit follows the basic framework of the U.S. EPA final 2022 Construction General Permit (CGP) published in the Federal Register (FR) on January 24, 2022 (87 FR 3522). Readers are also referred to EPA's final 2022 CGP Fact Sheet (available on EPA's website at <https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-fact-sheet.pdf> for additional details.

Limitations on Coverage

Because of the broad scope of this general permit, most construction activities currently regulated under the VESMP are eligible to be covered under the general permit. There are, however, several types of stormwater discharges not covered under this general permit. If an operator has been required to obtain an individual VSMP permit for their stormwater discharges pursuant to 9VAC25-875-980 B (VESMP Regulation), they are not authorized for coverage under this general permit. Discharges to surface waters where a discharge is specifically prohibited by another regulation of the State Water Control Board are not authorized by this general permit. Discharges from VPDES permitted industrial activities are also not eligible for coverage under this general permit.

Other discharges of stormwater that are not authorized under the general permit are:

- (1) discharges that originate from the construction site after construction activities have been completed and the construction site, including any construction support activity covered under the general permit registration, has undergone final stabilization;
- (2) discharges that are mixed with sources of nonstormwater, other than those discharges that are identified in Part I E (Authorized nonstormwater discharges) of the general permit;
- (3) discharges of stormwater from construction activities that are covered under an individual permit or required to obtain coverage under an alternative general permit;
- (4) discharges that cause, or may reasonably be expected to cause, or contribute to a violation of the Virginia Water Quality Standards (9VAC25-260);
- (5) discharges that violate or would violate the antidegradation policy in the Virginia Water Quality Standards (9VAC25-260-30); and
- (6) discharges that are not consistent with the assumptions and requirements of an applicable Total Maximum Daily Load (TMDL) approved prior to the term of this general permit.

In addition, there shall be no discharge of floating solids or visible foam in other than trace amounts.

Impaired Waters and TMDL Limitation

Stormwater discharges from construction activities to surface waters identified as impaired in the [2022 § 305\(b\)/303\(d\) Water Quality Assessment Integrated Report](#) for Benthic Macroinvertebrates Bioassessments or for which a TMDL wasteload allocation has been established and approved prior to the term of this general permit, including all surface waters within the Chesapeake Bay Watershed, for the following: (i) sediment or a sediment related parameter (i.e., total suspended solids or turbidity), (ii) nutrients (i.e., nitrogen or phosphorus), or (iii) polychlorinated biphenyls (PCBs) are not eligible for coverage under this general permit unless the operator develops, implements, and maintains a SWPPP in accordance with Parts II B 5 and II B 6 of the general permit that minimizes the pollutants of concern and, when applicable, is consistent with the assumptions and requirements of the approved TMDL wasteload allocations. In addition, for impairments for (i) sediment or a sediment related parameter (i.e., total suspended solids or turbidity), or (ii) nutrients (i.e., nitrogen or phosphorus), the operator must perform the following:

- (i) identify the impaired water(s), approved TMDL(s), and pollutant(s) of concern, when applicable, in the SWPPP;
- (ii) apply permanent or temporary soil stabilization to denuded areas within seven days after final grade is reached on any portion of the site;
- (iii) apply nutrients in accordance with manufacturer's recommendations or an approved nutrient management plan and not during rainfall events; and
- (iv) implement a more frequent SWPPP inspection schedule.

For PCB impairments, the operator must perform the following:

- (i) identify the impaired water(s), approved TMDL(s), and pollutant(s) of concern, when applicable, in the SWPPP;
- (ii) apply permanent or temporary soil stabilization to denuded areas within seven days after final grade is reached on any portion of the site;
- (iii) implement proper waste disposal in accordance with local, state, and federal requirements; and
- (iv) implement a more frequent SWPPP inspection schedule consistent with Part II G 2 a of the general permit.

Exceptional Waters Limitation

Discharges of stormwater from construction activities to exceptional waters identified in 9VAC25-260-60 A 3 c (Virginia Water Quality Standards) are not eligible for coverage under this general permit unless the operator (i) identifies the exceptional water(s) in the SWPPP, (ii) applies permanent or temporary soil stabilization to denuded areas within seven days after final grade is reached on any portion of the site, (iii) applies nutrients in accordance with manufacturer's recommendations or an approved nutrient management plan and not during rainfall events, and (iv) implements a more frequent SWPPP inspection schedule consistent with Part II G 2 a of the general permit.

Permit Special Conditions

Commingled Discharges

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

Authorized Nonstormwater Discharges

The following nonstormwater discharges from construction activities are also covered by this general permit:

- (1) discharges from emergency firefighting activities;
- (2) fire hydrant flushings, managed to avoid an instream impact;
- (3) water used to wash vehicles or equipment provided no soaps, solvents, or detergents are used and the wash water is filtered, settled, or similarly treated prior to discharge;
- (4) water used to control dust that is filtered, settled, or similarly treated prior to discharge;

- (5) potable water, including uncontaminated waterline flushings, managed in a manner to avoid an instream impact;
- (6) routine external building wash down provided no soaps, solvents, or detergents are been used and the wash water is filtered, settled, or similarly treated prior to discharge;
- (7) pavement wash water provided spills or leaks of toxic or hazardous materials have not occurred, unless all spilled or leaked material has been removed prior to washing; soaps, solvents, or detergents are not used; and where the wash water is 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 provided flows are not contaminated with process materials such as solvents or contaminated groundwater;
- (11) uncontaminated, excavation dewatering, including dewatering of trenches and excavations that are filtered, settled, or similarly treated prior to discharge; and
- (12) landscape irrigations.

Potable water sources may contain chlorine or other chemicals commonly added to disinfect and prepare the water for public use. These chemicals may be toxic to fish and other aquatic life. When discharges of potable water at construction site is necessary, operators should consider the use of dichlorination measures or direct discharges to vegetated areas prior to discharging to surface waters.

Prohibition of Nonstormwater Discharges

All discharges covered by this general permit shall be composed entirely of stormwater associated with construction activities except as noted above. All other nonstormwater discharges including the following, which have been adapted from 40 Code of Federal Regulations (CFR) Part 450, are prohibited:

- (1) wastewater from the 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.

All nonstormwater discharges not covered under this general permit shall either be eliminated or covered under a separate VDPES permit.

Termination of General Permit Coverage

Operators of construction activities are required to submit a notice of termination after one or more of the following conditions have been met:

- (1) necessary permanent control measures identified in the SWPPP for the construction site are in place and functioning effectively and final stabilization as defined in 9VAC25-880-1 has been achieved on all portions of the construction site for which the operator has operational control. 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 complete and accurate notice of termination and the construction record drawing prepared;
- (2) another operator has assumed control over all areas of the construction site that have not been finally stabilized and obtained coverage for the ongoing discharge;
- (3) coverage under an alternate VPDES permit has been obtained; or
- (4) for individual lots in residential construction only, final stabilization as defined in 9VAC25-880-1 has been completed, including providing written notification to the homeowner and incorporating a copy of the notification and signed statement into the SWPPP, and the residence has been transferred to the homeowner.

The notice of termination should be submitted no later than 30 days after once of the above conditions being met and must be signed in accordance with Part III K of the general permit and include the required certification in accordance with Part III K 4 of the general permit. Notice of termination is not required for a small construction activity of a single-family detached residential structure that is not required to submit a registration statement.

For construction activities on land used for agricultural purposes (e.g., pipelines across crop or range land or staging areas for highway construction) construction activity operators may accomplish final stabilization by returning the disturbed land to its preconstruction agricultural use.

Water Quality Protection

Construction activity operators 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. If the department determines 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 VESMP authority, may take appropriate enforcement action and require the operator to:

- (1) modify or implement additional control measures in accordance with Part IIC of the general permit to adequately address the identified water quality concerns;
- (2) 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
- (3) cease discharges of pollutants from the construction activity and submit an individual permit application according to 9VAC25-875-980 B 3.

Stormwater Pollution Prevention Plan (SWPPP)

EPA established effluent limitation guidelines (ELGs) and new source performance standards (NSPS) to control the discharge of pollutants from construction activities; see 40 CFR Part 450. These requirements, known as the "*Construction and Development Rule*" or "*C&D Rule*", were published in the Federal Register on December 1, 2009 (74 FR 62996) and became effective on February 1, 2010. On November 5, 2010, EPA finalized a stay (75 FR 68215), effective January 4, 2011, for 40 CFR Parts 450.22 (a) and (b). EPA published amendments to the C&D Rule (79 FR 12661) on March 6, 2014, and May 4, 2014 (80 FR 25235) with an effective date of May 5, 2014. The amendments lifted the indefinite stay, withdrew the numeric discharge standards, and changed several of the non-numeric provisions of the original rule.

Effluent limitation guidelines for the Best Practicable Technology Currently Available (BPT), Best Available Technology Economically Achievable (BAT), and Best Conventional Pollutant Control Technology (BCT), which are codified at 40 CFR Parts 450.21 through 450.23, respectively, apply to all existing sources (i.e., construction activities which commenced land disturbance prior to February 1, 2010). The New Source Performance Standards codified in 40 CFR Part 450.24 apply to all new sources (i.e., construction activities which commenced land disturbance on or after February 1, 2010). This general permit establishes BPT/BCT/BAT/NSPS requirements in terms of requirements to develop and implement stormwater pollution prevention plans and thus, is consistent with the requirements of the Clean Water Act (CWA).

This general permit requires operators to develop and implement a site-specific stormwater pollution prevention plan. In doing so, this adequately addresses the variable stormwater management/pollution prevention opportunities available at a construction site. Stormwater pollution prevention plans are required to achieve BPT/BCT/BAT/NSPS requirements, and pollution prevention measures are the most practicable and cost-effective approach to minimizing pollutants in stormwater discharges. They also provide for flexibility in developing tailored plans and strategies. This general permit identifies specific components that the SWPPP must include; all the components of the plan are essential for minimizing pollutants in stormwater discharges. A specific list of erosion and sediment controls or stormwater management controls are not established in this general permit because the variability in covered construction activities precludes the identification of universal standards or practices that are appropriate or can be implemented by all operators.

Stormwater Pollution Prevention Plan Requirements

The SWPPP is intended to identify potential sources of pollutants which may reasonably be expected to affect the quality of stormwater discharges from the construction activity and describe control measures which will be used to minimize pollutant discharges and comply with the terms and conditions of the general permit. All SWPPPs shall be prepared in accordance with good engineering practices. SWPPP requirements of this general permit may be fulfilled by incorporating by reference other plans such as a spill

prevention control and countermeasure plan developed for the construction site under § 311 of the federal Clean Water Act or BMP programs otherwise required for the facility provided that the incorporated plan meets or exceeds the SWPPP requirements of this general permit. All plans incorporated by reference into the SWPPP are 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.

1. Deadlines for SWPPP Preparation

To be covered under the general permit, the stormwater pollution prevention plan must be developed prior to the submission of a registration statement to the department. This SWPPP preparation requirement does not apply to the submission of a registration statement to a local VESMP authority; operators of private construction activities are required to submit registration statements for initial permit coverage or reissuance of permit coverage, as well as transfer and modification of coverage, to local VESMP authorities for review and acceptance on the department's behalf. It is the department's expectation that all components of the SWPPP, including any necessary approved plans, will be prepared by the operator prior to any local VESMP authority forwarding the complete registration statement to the department for issuance of general permit coverage.

For a small construction activity of a single-family detached residential structure, within or outside a common plan of development or sale, a SWPPP shall be developed and implemented prior to the initiation of the construction activity. A registration statement is now required for a large construction activity of a single-family detached residential structure, including those that were previously automatically covered prior to July 1, 2024. To be covered under the general permit, the large construction activity of a single-family detached residential structure, the SWPPP must be developed prior to the submission of a registration statement to the department. As previously mentioned, This SWPPP preparation requirement does not apply to the submission of a registration statement to a local VESMP authority; operators of private construction activities are required to submit registration statements for initial permit coverage or reissuance of permit coverage, as well as transfer and modification of coverage, to local VESMP authorities for review and acceptance on the department's behalf. It is the department's expectation that all components of the SWPPP, including any necessary approved plans, will be prepared by the operator prior to any local VESMP authority forwarding the complete registration statement to the department for issuance of general permit coverage.

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

2. Stormwater Pollution Prevention Plan Contents

Stormwater pollution prevention plans must include the following:

- (1) general information;
- (2) erosion and sediment controls;
- (3) stormwater management controls;
- (4) pollution prevention practices for any applicable nonstormwater discharge(s); and
- (5) measures to address stormwater discharges to impaired waters, surface waters with a TMDL approved prior to the term of this general permit, and exceptional waters.

a. General Information

Stormwater pollution prevention plans are based on an understanding of the pollution potential of the construction activity. The SWPPP identifies potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges. In addition, SWPPPs provide a description of the site and the construction activities. This information is intended to provide a better understanding of construction site runoff and major pollutant sources. The general information section of the SWPPP must include a copy of the signed Registration Statement; a copy of the Notice of Coverage letter upon receipt; a copy of the Construction General Permit upon receipt; a narrative description of the nature of the construction activity, including the function of the project (e.g., low density residential, shopping mall, highway); and a legible map of the construction site identifying the following:

- (1) existing and proposed drainage patterns on the construction site and approximate slopes before and after major grading activities;
- (2) limits of clearing and grading (i.e., land disturbance) including steep slopes and natural buffers around surface waters that will remain undisturbed;
- (3) locations of major structural and nonstructural control measures, including sediment basins and traps, perimeter dikes and diversions, 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 any construction support activities; and
- (7) when applicable, the location of the on-site rain gauge, or methodology established in consultation with the VESMP authority, used to identify measurable storm events for inspection purposes.

b. Erosion and Sediment Control Plan

Stormwater pollution prevention plans must include an approved erosion and sediment control plan, an “*agreement in lieu of a plan*” as defined in 9VAC25-875-20, or an erosion and sediment control plan prepared in accordance with department-approved standards and specifications for the *Estimated Area to be Disturbed* as reported on the registration statement. An erosion and sediment control plan or an “*agreement in lieu of a plan*” ensures the proper design and implementation of erosion and sediment controls to minimize pollutants in stormwater discharges from the construction activity. In addition, all erosion and sediment control plans must include a statement describing the maintenance responsibilities required for all controls employed, which serves to aid operators in maintenance activities. Unless there is evidence to the contrary, a properly implemented approved erosion and sediment control plan, an “*agreement in lieu of a plan*,” or an erosion and sediment control plan prepared in accordance with department-approved standards and specifications, adequately:

- (1) controls the volume and velocity of stormwater runoff within the construction site to minimize erosion;
- (2) controls stormwater discharges, including peak flow rates and total stormwater volume, to minimize erosion at outfalls 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 construction site in a manner that (i) addresses 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 expected to be present on the construction site;
- (6) provides and maintains natural buffers around surface waters, directs stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infiltration would be inadvisable due to the underlying geology (e.g., karst topography) and groundwater contamination concerns, or infeasible due to site conditions;
- (7) minimizes soil compaction (not required where the intended function of a specific area of the construction site dictates that it is to be compacted);
- (8) unless infeasible, preserve topsoil (not required where the intended function of a specific area of the construction site dictates that the topsoil be disturbed or removed);
- (9) ensures the initiation of stabilization activities of disturbed areas occurs immediately whenever any clearing, grading, or excavating, or other land-disturbing activities have permanently ceased on any portion of the construction site, or temporarily ceased on any portion of the construction site and will not resume for a period exceeding 14 days; and
- (10) 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.

In order to obtain permit coverage under the 2024 general permit, all operators must have obtained approval of an erosion and sediment control plan for the *Estimated Area to be Disturbed* as reported on the registration statement.

c. Stormwater Management Plan

Stormwater management plans ensure the implementation and maintenance of post-development stormwater management controls to minimize pollutants in stormwater discharges from the site after final stabilization and general permit termination has occurred. Stormwater management controls that mitigate changes to pre-development runoff characteristics assist in protecting and maintaining the physical and biological characteristics of receiving streams and wetlands. Therefore, stormwater pollution prevention plans must include an approved stormwater management plan in accordance with the Virginia Erosion and Stormwater Management Regulation (9VAC25-875) for new construction activities, an “*agreement in lieu of a plan*” as defined in 9VAC25-875-20, or a stormwater management plan prepared in accordance with department-approved standards and specifications.

For any operator that obtained an initial permit or commenced land disturbance prior to July 1, 2014, meeting the conditions of 9VAC25-875-480 B of the VESMP Regulation, an approved stormwater management plan is not required. In lieu of an approved stormwater management plan, 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, VESMP authority, state, and federal requirements, and any necessary permits must be obtained.

d. Pollution Prevention Plan

Pollution prevention plans identify and address pollutant-generating activities from both on-site and off-site activities, including construction support activities, which may be reasonably expected to affect the quality of discharges. The plan must identify and ensure the implementation of applicable pollution prevention practices for each component of the discharge. The pollution prevention plan shall include:

- (1) the identification of pollutant-generating activities and the pollutants that are expected to be exposed to stormwater;
- (2) the location where the pollutant-generating activities will occur (or if identified on the site plan, reference the site plan);
- (3) the identification of all nonstormwater discharges that are or will be commingled with stormwater discharges from the construction activity, including any support activity;
- (4) the identification of 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) a description of the pollution prevention procedures and practices that will be implemented to:
 - (i) prevent and respond to leaks, spills, and other releases,
 - (ii) prevent the discharge of spilled and leaked fuels and chemicals from vehicle fueling and maintenance activities,
 - (iii) 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,
 - (iv) minimize the discharge of pollutants from vehicle and equipment washing, wheel wash water and other types of washing,
 - (v) direct concrete wash water into a leak-proof container or leak-proof settling basin designed so that no overflows can occur due to the inadequate sizing or precipitation,
 - (vi) minimize the discharge of pollutants from storage, handling, and disposal of construction products, materials, and wastes,
 - (vii) prevent the discharge of fuels, oils, and other petroleum products, hazardous or toxic wastes, waste concrete, and sanitary wastes;
 - (viii) addresses any other discharge from the potential pollutant-generating activities not addressed above;
 - (ix) minimizes the exposure of water materials to precipitation by closing or covering waste containers during precipitation events and at the end of the business day or implementing other similarly effective practices; and
- (6) a description of the procedures for providing pollution prevention awareness of all applicable wastes to personnel in order to comply with the conditions of this general permit.

e. Measures to address stormwater discharges to impaired waters, surface waters with a TMDL approved prior to the term of this general permit, and exceptional waters

Operators must develop, implement, and maintain a SWPPP that minimizes the pollutants of concern (i.e., sediment or a sediment-related parameter or nutrients) when discharging to surface waters identified as impaired on the 2022 305(b)/303(d) Water Quality Assessment Integrated Report for Benthic Macroinvertebrates Bioassessments or with an applicable TMDL wasteload allocation established and approved prior to the term of this general permit, including all surface waters within the Chesapeake Bay Watershed. Operators must also:

- (1) identify the impaired water(s), approved TMDL(s), and pollutant(s) of concern, in the SWPPP and
- (2) provide documentation in the SWPPP that:
 - (i) permanent or temporary soil stabilization shall be applied to denuded areas within 7 days after final grade is reached on any portion of the construction site,
 - (ii) 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 perform site inspections at a frequency of at least once every 4 business days or, at least once every 5 business days and no later than 24 hours following a measurable storm event. In addition, operators shall inspect all outfalls discharging to impaired waters when employing representative inspections for utility line installations, pipeline construction, or other similar linear construction activities.

When construction activities discharge to surface waters identified as PCB impaired on the 2022 305(b)/303(d) Water Quality Assessment Integrated Report or with an applicable TMDL wasteload allocation established approved prior to the term of this general permit and the activities include the demolition of a building 10,000 square feet or greater of floor space built or renovated prior to January 1, 1980, operators must develop, implement, and maintain a SWPPP that minimizes the exposure of building materials containing PCBs to precipitation and stormwater. Operators must also perform the following:

- (i) identify the impaired water(s), approved TMDL(s), and pollutant(s) of concern; in the SWPPP;
- (ii) implement the approved erosion and sediment control plan;
- (iii) ensure disposal of waste materials in compliance with applicable state, federal, and local requirements; and
- (iv) perform site inspections at a frequency of at least once every four business days or, at least once every five business days and no later than 24 hours following a measurable storm event.

It is anticipated that the implementation and maintenance of traditional erosion and sediment controls in accordance with an approved Erosion and Sediment Control Plan, an "*agreement in lieu of a plan*", or an Erosion and Sediment Control Plan prepared in accordance with department-approved standards and specifications will minimize (i.e., reduce or eliminate) the discharge of (i) sediment or a sediment related parameter or (ii) nutrients from construction activities. The implementation and maintenance of traditional erosion and sediment controls is also expected to minimize the discharge of pollutants typically bound to sediment particles such as heavy metals or polychlorinated biphenyl (PCB). Also, more frequent inspection requirements will enhance an operator's ability to find and correct problems before a discharge of pollutants to impaired waters occurs. In addition, reducing the amount of time that exposed soil is left in an un-stabilized state is important for limiting the sediment or nutrient load to waters already degraded for pollutants associated with construction activities. The faster stabilization requirement for construction activities discharging to sediment or nutrient impaired waters is anticipated to minimize the erosion losses and downstream sedimentation issues that are associated with large, exposed areas. In the absence of information demonstrating otherwise, it is anticipated that compliance with the conditions of this general permit will result in stormwater discharges being controlled as necessary such that an operator's stormwater discharges will not cause or contribute to a water quality impairment and are consistent with the assumptions and requirements of all applicable TMDLs approved prior to the term of this general permit.

The Chesapeake Bay TMDL established and approved by EPA in December 2010 was developed to address water quality impairments associated with excess sediment and nutrient loadings. Since discharges of stormwater from construction activities are an identified source of sediment and nutrients, all construction activities occurring within the Bay watershed must implement the provisions of Part II B 5 of the general permit as discussed above.

For stormwater discharges to exceptional waters identified in the Virginia Water Quality Standards, operators must:

- (1) identify the exceptional water(s) in the SWPPP and
- (2) provide documentation in the SWWP that:
 - (i) permanent or temporary soil stabilization shall be applied to denuded areas within 7 days after final grade is reached on any portion of the site;
 - (ii) nutrients shall be applied in accordance with manufacturer's recommendations or an approved nutrient management plan and not during rainfall events, and
 - (iii) perform site inspections at a frequency of at least once every four days or, at least once every seven days and no later than 24 hours following a measurable storm event.

In addition, operators must inspect all outfalls discharging to exceptional waters when employing representative inspections for utility line installations, pipeline construction, or other similar linear construction activities. These general permit requirements serve to implement the Commonwealth's antidegradation policy for exceptional (i.e., Tier 3) waters.

f. Construction dewatering discharges to sediment impaired waters or exceptional waters

Dewatering discharges from construction site dewatering activities may contain pollutants that exceed applicable water quality standards and contribute to downstream erosion, if not managed by appropriate controls. The turbidity levels in construction dewatering effluent can vary greatly depending upon many site-specific conditions, such as soil condition, type and extent of construction activity, implementation of controls, and location of the activity in relation to receiving waters.

As previously mentioned, the U.S. EPA CGP, effective on February 17, 2022, included new requirements for dewatering discharge. DEQ has proposed three options for monitoring construction dewatering discharge, in order to provide flexibility, but still remain equally as protective of water quality as the EPA CGP. The benchmark threshold for turbidity is not an effluent limit. As such, an exceedance of the benchmark threshold does not itself constitute a permit violation. Rather, the benchmark threshold acts as a warning sign to the operator that changes may be needed in the dewatering controls to improve pollutant removal and protect water quality. The permit language requires the operator to test a minimum of one time or two times if a benchmark is exceeded. An ongoing exceedance of a benchmark would not constitute a permit violation, provided the operator verified their controls were in place, ensured controls were being maintained, and documented corrective actions. Failure to verify controls or perform routine maintenance would constitute a permit violation. In addition, if dewatering activities do not reach surface water (e.g., are allowed to infiltrate through a vegetated area) then no turbidity monitoring is required due to there not being a discharge.

Dewatering discharges of uncontaminated stormwater or groundwater from footers or foundations of a single-family detached residential structure is exempt from the requirements of this section, provided that such discharges are not directly discharged to surface waters.

For construction dewatering discharges to surface waters (i) identified as impaired in the 2022 § 305(b)/303(d) Water Quality Assessment Integrated Report for Benthic Macroinvertebrates Bioassessments; (ii) with an applicable TMDL wasteload allocation established and approved prior to the term of this general permit for sediment or a sediment-related parameter (i.e., total suspended solids or turbidity) including all surface waters within the Chesapeake Bay Water; or (iii) identified in 9VAC25-260-30 A 3 c as an exceptional water, the operator shall undertake one of the following methods for controlling and documenting construction dewatering discharges:

A. Turbidity benchmark – Option 1

- (1) identify the location of all construction dewatering discharges in the SWPPP;
- (2) select, install, implement, and maintain control measures at each dewatering location that minimize pollutants, including suspended solids, in construction dewatering discharges prior to discharging into a stormwater conveyance system or surface water; and
- (3) provide documentation in the SWPPP that:
 - (i) one upstream grab sample collected from the receiving stream and at least one grab sample shall be collected from each construction dewatering discharge when the first discharge at that

- location occurs, daily thereafter, and after any installation of new controls or routine maintenance activity of existing control;
 - (ii) upstream grab samples of the receiving stream shall be collected within 15 minutes of the corresponding construction dewatering discharge sample and grab samples of the construction dewatering discharge shall be collected during the first 15 minutes of the construction dewatering discharge and daily thereafter;
 - (iii) grab samples shall be collected after the construction dewatering water has been filtered, settled, or similarly treated and prior to its discharge into a stormwater conveyance system or surface water;
 - (iv) grab samples taken as required by this section shall be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) or foramzine turbidity unit (FTUs), and conduct a turbidity meter calibration verification prior to each day's use, consistent with manufacturer recommendations;
 - (v) all dewatering discharges shall be visually monitored for changes in the characterization of effluent discharge;
 - (vi) if any turbidity measurement of the construction dewatering discharge exceeds the upstream grab sample of the receiving stream by more than 50 NTUs/FTUs, or if visual monitoring indicates a change in the characterization of effluent discharge, corrective action shall be taken in accordance with Part II H 2 of the general permit; and
 - (vii) turbidity monitoring information (i.e., location, date, sample collection time, and turbidity measurement) and any necessary corrective actions taken shall be recorded in the SWPPP;
- or
- B. Turbidity benchmark – Option 2
- (1) identify the location of all construction dewatering discharges in the SWPPP;
 - (2) select, install, implement, and maintain control measures at each dewatering location that minimize pollutants, including suspended solids, in construction dewatering discharges prior to discharging into a stormwater conveyance system or surface water; and
 - (3) provide documentation in the SWPPP that:
 - (i) at least one grab sample shall be collected from each construction dewatering discharge when the first discharge at that location occurs, daily thereafter, and after any installation of new controls or routine maintenance activity of existing controls, and tested to confirm a turbidity measurement of equal to or less than 150 NTUs/FTUs from the construction dewatering discharge;
 - (ii) grab samples of the construction dewatering discharge shall be collected during the first 15 minutes of the construction dewatering discharge and daily thereafter;
 - (iii) grab samples shall be collected after the construction dewatering water has been filtered, settled, or similarly treated and prior to its discharge into a stormwater conveyance system or surface water;
 - (iv) grab samples taken as required by this section shall be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) or foramzine turbidity unit (FTUs), and conduct a turbidity meter calibration verification prior to each day's use, consistent with manufacturer recommendations;
 - (v) all dewatering discharges shall be visually monitored for changes in the characterization of effluent discharge;
 - (vi) if any turbidity measurement of the construction dewatering discharge exceeds 150 NTUs/FTUs, or if visual monitoring indicates a change in the characterization of effluent discharge, corrective action shall be taken in accordance with Part II H 2 of the general permit; and
 - (vii) turbidity monitoring information (i.e., location, date, sample collection time, and turbidity measurement) and any necessary corrective actions taken shall be recorded in the SWPPP.
- C. Turbidity benchmark – Option 3
- (1) identify the location of all construction dewatering discharges in the SWPPP;
 - (2) select, install, implement, and maintain control measures at each dewatering location that minimize pollutants, including suspended solids, in construction dewatering discharges prior to discharging into a stormwater conveyance system or surface water; and

- (3) provide documentation in the SWPPP that:
- (i) at least one grab sample shall be collected from each construction dewatering discharge when the first discharge at that location occurs, daily thereafter, and after any installation of new controls or routine maintenance activity of existing controls, and tested to confirm a weekly average turbidity measurement of equal to or less than 50 NTUs/FTUs from the construction dewatering discharge;
 - (ii) grab samples of the construction dewatering discharge shall be collected during the first 15 minutes of the construction dewatering discharge and daily thereafter;
 - (iii) grab samples shall be collected after the construction dewatering water has been filtered, settled, or similarly treated and prior to its discharge into a stormwater conveyance system or surface water;
 - (iv) grab samples taken as required by this section shall be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) or foramzine turbidity unit (FTUs), and conduct a turbidity meter calibration verification prior to each day's use, consistent with manufacturer recommendations;
 - (v) all dewatering discharges shall be visually monitored for changes in the characterization of effluent discharge;
 - (vi) if the weekly average turbidity measurement of the construction dewatering discharge exceeds 50 NTUs/FTUs, or if visual monitoring indicates a change in the characterization of effluent discharge, corrective action shall be taken in accordance with Part II H 2 of the general permit; and
 - (vii) turbidity monitoring information (i.e., location, date, sample collection time, and turbidity measurement) and any necessary corrective actions taken shall be recorded in the SWPPP.

For Option 3, the weekly average is the sum of all turbidity samples taken during a monitoring week divided by the number of samples measures during that week. A monitoring week starts on Monday and ends on Sunday. If dewatering does not occur on one or more days, those days are not included in the calculation of the weekly average. At the beginning of each monitoring week, a new average for that week of turbidity monitoring results is required to be calculated. If the operator elects to perform more than one turbidity sample per day from the dewatering discharge, these additional results must be included in the calculation of the weekly average. In addition, a weekly average turbidity value must be calculated for each discharge point and compared to the turbidity benchmark.

Below are two examples of how to calculate the weekly average:

Day Dewatering Occurs	Monitoring result (NTU or FTU)
Tuesday	45
Wednesday	63
Thursday	40
Weekly Average	49 $((45+63+40) \div 3)$

Day Dewatering Occurs	Monitoring result (NTU or FTU)
Monday	52
Monday	45
Tuesday	48
Wednesday	34
Friday	60
Friday	72
Weekly Average	52 $((52+45+48+34+60+72) \div 6)$

If in week 2, your turbidity samples resulted in values of 45 NTU on Monday, 30 NTU on Tuesday, 25 NTU on Wednesday, and 15 NTU on Thursday, you would calculate a new average for that week, which would yield an average turbidity value of 28.75 NTU $((45+30+25+15) \div 4 = 29$ NTU).

At any time prior to or during coverage under the permit, the operator may request approval from the department for an alternative benchmark threshold for their construction site. To request approval, the operator shall submit the following to the department:

- (1) The current turbidity water quality standard that applied to the receiving stream and the supporting documentation of this standard, and
- (2) Applicable information on the natural or background turbidity level to determine the specific standard for the receiving water, including available data that can be used to establish the natural turbidity levels of your receiving water. This information may include literature studies or local government data and must be representative of the natural turbidity levels of the receiving water.

3. SWPPP Amendments, Modification, and Updates

The operator shall amend the stormwater pollution prevention plan whenever there is a change in design, construction, operation or maintenance that has a significant effect on the discharge of pollutants to surface waters. The SWPPP must also 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. Qualified personnel must be a person knowledgeable in the principles and practices of erosion and sediment and stormwater management controls who possesses the skills to assess conditions at the construction site for the operator that could impact stormwater quality and quantity and to assess the effectiveness of any sediment and erosion control measures or stormwater management facilities selected to control the quality and quantity of stormwater discharges from the construction activity. On or after July 1, 2025, qualified personnel shall hold an unexpired certificate of competence for Project Inspector for Erosion and Sediment Control and an unexpired certificate of competence for Project Inspector for Stormwater Management, both issued by the department, a Construction General Permit Qualified Personnel Certificate issued by the department or the Virginia Department of Transportation, or an equivalent certification provided by EPA (currently titled Construction Inspection Training Course).

Amendments to the SWPPP shall include additional or modified control measures designed and implemented to correct problems identified. In addition, the SWPPP shall be amended to identify any new contractor that will implement and maintain a control measure of the stormwater pollution prevention plan. The SWPPP shall be updated as soon as possible but no later than five business days following any modifications to its implementation, unless approval by a Virginia Erosion and Sediment Control Program (VESCP) authority, VESMP authority, or the department is necessary for the implementation of an additional or modified control measure. If VESCP authority, VESMP authority, or department approval is necessary, the SWPPP shall be updated no later than five business days following approval.

Unless otherwise required above, the operator shall update the SWPPP to include the following:

- (1) a record of dates when major grading activities occur, construction activities temporarily or permanently cause on a portion of the construction site, and stabilization measures are initiated;
- (2) documentation of replaced or modified controls where periodic inspections or other information have indicated that the controls have been used inappropriately or incorrectly and were modified;
- (3) areas that have reached final stabilization and where no further SWPPP or inspection requirements apply;
- (4) 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;
- (5) the date of any prohibited discharge, the discharge volume released, and actions taken to minimize the impact of the release of the release;
- (6) measures taken to prevent the reoccurrence of an prohibited discharge; and
- (7) measures taken to address any inspection deficiencies.

All amendments, modifications, or updates to the SWPPP shall be signed in accordance with Part III K 2 of the general permit and shall include the required certification in accordance with Part III K 4 of the general permit.

4. Public Notification

Upon commencement of construction activities, the operator shall post a copy of the Notice of Coverage letter at a publicly accessible location near the main entrance of the construction site. For linear projects, the operator shall post a copy of the Notice of Coverage letter at a publicly accessible location near an active portion of the construction site (e.g., where a pipeline project crosses a public road). The copy of the Notice of Coverage letter shall be visible such that it can be readily viewed from a public right-of-way. In addition, the operator must maintain the posted information until termination of general permit coverage.

5. SWPPP Availability

The operator with day-to-day operational control over stormwater pollution prevention plan implementation is required to have a copy of the SWPPP available at a central location on-site for use by those identified as having responsibilities under the SWPPP. In addition, the general permit requires the operator to make the SWPPP and all updates available upon request to the department, the VESMP authority, the EPA, the VESCP authority, local government officials, or the operator of a municipal stormwater sewer system (MS4) 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 general permit also requires the operator to make the SWPPP available for public review in an electronic format or in hard copy. Information for public access to the SWPPP is required to be posted and maintained in accordance with the SWPPP public notification requirements, above. If the operator does not provide the SWPPP electronically, then public access to the SWPPP may be arranged upon request at a time (during normal business hours) and at a publicly accessible location convenient to the operator or his designee. Please note that information not required to be contained within the SWPPP by this general permit is not required to be released by the operator.

6. SWPPP Implementation

The operator is required to implement the stormwater pollution prevention plan and subsequent amendments, modifications, and updates from the 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 required site inspections identify control measures that are not operating effectively or needs routine maintenance, corrective actions or routine maintenance shall be performed as soon as practicable, but no later than five business days after discovery or a longer period as established by the VESMP authority, to maintain the continued effectiveness of the control measures. If the operator must make the same repairs more than two times to the same control at the same location, even if the fix can be completed by the close of the next business day, the operator shall either (1) complete work to fix any subsequent repeat occurrences of this same problem under the corrective action procedures outlined in Part II H of the general permit, including keeping any records of the condition and how it was corrected, or (2) document in the inspection report under Part II G of the general permit why the specific reoccurrence of this same problems should still be addressed as a routine maintenance fix.

If required site inspections identify existing control measures that need to be modified or if additional or alternative control measures are 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 five business days after discovery or a longer period as established by the VESMP authority.

7. SWPPP Inspections

Diligent site inspections are necessary to ensure adequate implementation of on-site erosion and sediment controls, particularly in the later stages of construction when the volume of runoff is greatest and the storage capacity of sediment basins or sediment traps have been reduced.

Inspection procedures in the stormwater pollution prevention plan must provide that specified areas on the construction site are inspected by qualified personnel identified by the operator a minimum of once every 10 business days and no later than 24 hours following a measurable storm event, or a minimum of once every five business days. Qualified personnel may be a person on the operator's staff, or a third party hired to conduct such inspections. Construction activities that discharge to impaired waters, surface waters with a TMDL approved prior to the term of this general permit, and exceptional waters shall be inspected a minimum of once every five business days and no later than 24 hours following a measurable storm event, or a minimum of once every four business days. 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.

For this general permit a "*measurable storm event*" is defined as a rainfall event producing 0.25 inches of rain or greater over 24 hours or snow melt from a snow event producing 3.25 inches or more of snow within a 24-hour period. EPA believes that storm events with rainfall totals between 0.25 and 0.5 inches or snow melt from a snow event producing 3.25 inches or more of snow have the potential to produce discharges of stormwater that could lead to discharges of pollutants to surface waters, particularly if stormwater controls are not functioning effectively. Furthermore, EPA also believes that storm events in this size range may compromise stormwater controls on the construction site. Readers are referred to EPA's final 2022 CGP Fact Sheet for additional details.

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);
- (4) and the inspection locations are identified in the required inspection report.

Areas of the construction site that must be observed during inspections include, but are not limited to: disturbed areas, areas used for the storage of construction materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the construction site. Disturbed areas and areas used for the storage of construction materials that are exposed to precipitation must be inspected for evidence of, or the potential for, pollutants entering stormwater discharges from the construction site. Erosion and sediment controls and pollution prevention measures identified in the SWPPP must be observed to ensure that they are operating correctly and effectively and do not require maintenance; observations can be made during wet or dry weather conditions. Locations where vehicles enter or exit the construction site must be inspected for evidence of off-site sediment tracking.

SWPPP inspection reports must include the following information:

- (1) the date and time of the inspection and when applicable, the date and rainfall or snowfall amount of the last measurable storm event;
- (2) summarized findings of the inspection;
- (3) the locations, visual quality, and characteristics of all stormwater discharges, when occurring;
- (4) the locations, visual quality, and characteristics of all construction dewatering discharges, if applicable;
- (5) the locations of prohibited discharges;
- (6) the locations of control measures that require routine maintenance;
- (7) the locations of control measures that failed to operate as designed or proved inadequate or inappropriate for a particular location;
- (8) the locations where an erosion and sediment control plan or an agreement in lieu of a plan has not been properly implemented;

- (9) the locations where any additional control measures are needed;
- (10) 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;
- (11) documentation of any corrective action required from a previous inspection that have not been implemented;
- (12) any incidents of noncompliance;
- (13) the required certification in accordance with the general permit; and
- (14) the date and signature of the qualified personnel and operator or the operator's duly authorized representative.

When the 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 the general permit. Inspection report must be signed in accordance with Part III K of the general permit and must be retained for at least three years after the date of general permit expiration or termination of general permit coverage.

Based on the results of a site inspection, corrective action(s) must be taken as soon as practicable. The inspection and SWPPP review process must provide for the timely modification of the stormwater pollution prevention plan no later than five business days following the inspection, or a longer period as approved by the VESMP authority, unless regulatory authority approval of a corrective action is necessary.

If adverse weather causes the safety of the inspection personnel to be in jeopardy, the SWPPP inspection may be delayed until the next business day on which it is safe to perform the inspection. Any time inspections are delayed due to adverse weather conditions, evidence of the adverse weather conditions must be included in the SWPPP with the dates of occurrence.

8. Corrective Actions

The general permit requires the operator to implement any corrective action identified as a result of an inspection as soon as practicable but no later than five business days after discovery or a longer period as approved by the VESMP authority. If approval of a corrective action by a regulatory authority (e.g., VESMP authority, VESCP authority, the department) is necessary, the operator is further required to implement additional control measures 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 general permit requires that the operator 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.

For construction dewatering discharges, when any construction dewatering discharge turbidity measurement exceeds the turbidity benchmark or where visual monitoring indicates a change in the characterization of effluent discharge, the operator shall:

- (1) immediately cease the construction dewatering discharge at the location that exceeds upstream grab sample or where visual monitoring indicates a change in the characterization of effluent discharge;
- (2) determine whether the construction dewatering controls are operating effectively, need routine maintenance, or if an additional or alternate control measure is necessary; and
- (3) make any necessary adjustments, additions, repairs, or replacements to the construction dewatering controls.

Once these corrective action steps are completed and any necessary adjustments, additions, repairs, or replacements are made, the operator may resume its construction dewatering discharge and shall sample for turbidity within 15 minutes of the construction dewatering discharge commencing. No additional correction action items are required beyond recording the results in the SWPPP.

Numeric Effluent Limitations and Monitoring Requirements

As previously noted, on November 5, 2010, EPA finalized a stay (75 FR 68215), effective January 4, 2011, for 40 CFR Parts 450.22 (a) and (b). EPA published amendments to the C&D Rule (79 CFR 12661) on March 6, 2014, and May 4, 2014 (80 CFR 25235) with an effective date of May 5, 2014, that lifted the

indefinite stay and withdrew the numeric effluent limitation. Therefore, the numeric effluent limitations for turbidity have not been incorporated into the general permit for stormwater discharges from construction activities. Requirements in this general permit include the development of a stormwater pollution prevention plan. Discharge sampling information does not provide a direct link to compliance with this permit condition as it does with numeric effluent limitations. Where permits require the implementation of stormwater pollution prevention measures and do not establish numeric effluent limitations, conducting inspections to identify sources of pollution and to evaluate whether the pollution prevention measures required by the permit are being effectively implemented and are in compliance with the terms of the permit will provide a better indication than discharge sampling of whether a construction activity is complying with the general permit. This will also reduce discharge sampling burdens on the operator. Also, due to the changing nature of the activity at a construction site, monitoring stormwater from this type of site would have limited usefulness. The operator is also required to maintain records summarizing the results of an inspection as well as certify that the construction activity is in compliance with the general permit. The requirement for adequate documentation of an inspection is particularly important given the lack of requirements to collect discharge monitoring data under the general permit and the importance placed on using site inspections to ensure the effective implementation of stormwater pollution prevention plans.

The areas of the construction site that must be observed during operator or qualified personnel inspections include, but are not limited to the following: disturbed areas, areas used for the storage of construction materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the construction site. At a minimum, these inspections shall be conducted at least once every 10 business days and no later than 24 hours following a measurable storm event. Records of these inspections are to be retained as part of the stormwater pollution prevention plan. In establishing the minimum monitoring and reporting requirements for stormwater discharges from construction activities, the Board determined that frequent and thorough inspections would allow for the identification of areas contributing to a stormwater discharge and the evaluation of whether measures to minimize pollutant loadings identified in the stormwater pollution prevention plan are adequate and properly implemented in accordance with the terms of the general permit or whether additional control measures are needed.

Because construction activities can be complex, transient operations, frequent inspections are necessary to ensure that new pollutant sources are identified, control measures are implemented for new activities at the site, and existing control measures are kept operational. Control measures to minimize pollutants in stormwater discharges must be properly maintained in order to be effective. Often, these types of controls may become altered by construction activities or by storm events such that their ability to remove pollutants is limited. Frequent inspections for construction activities are appropriate and necessary for successful program implementation.

Chesapeake Bay Total Maximum Daily Load

This general permit includes the construction and development point source category effluent limitation guidelines and new source performance standards established in 40 CFR Part 450. Readers are referred to 74 FR 62996, 75 FR 68215, 79 FR 12661, and 80 FR 25235 for additional details. In addition, this general permit requires construction activity operators to develop a SWPPP which includes an approved stormwater management plan or a stormwater management plan prepared in accordance with department-approved standards and specifications for new construction activities. As of July 1, 2014, these stormwater management plans must comply with the Commonwealth's new stormwater management technical criteria, including newly revamped water quantity and water quality requirements. These new technical criteria have been developed in order to offset future growth in Virginia resulting from the development of agricultural and forest lands into residential and commercial uses.