

HYDRAULIC DESIGN ADVISORY

HDA 09-01

Date: February 20, 2009

**SUBJECT: EROSION AND SEDIMENT CONTROL AND
STORMWATER MANAGEMENT STRUCTURES
VARIANCE/EXEMPTION PROCEDURES**

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VDOT submits, annually, its Erosion and Sediment Control (ESC) and Stormwater Management (SWM) Standards and Specifications to the Department of Conservation and Recreation (DCR) for approval. This annual submittal includes all of the ESC and SWM structures and devices detailed in our Road and Bridge (R&B) Standards and Specifications. By obtaining DCR's annual approval, VDOT is allowed to operate its ESC and SWM programs without having to submit the ESC and SWM design for each land disturbing activity to DCR for individual review and approval. Once the DCR annual approval is received, VDOT is required to utilize the approved R&B Standards and Specifications in all of its design and construction activities, including maintenance operations. To use an ESC/SWM standard or specification not included in the VDOT ESC and SWM Standards and Specifications approved by DCR constitutes the use of a non-approved item and would place that specific land disturbing activity into a position of non-compliance. This would be so even if the ESC/SWM item being utilized is included in DCR's ESC or SWM Handbooks.

If the VDOT wishes to use an ESC/SWM item that is not included as a part of its approved annual ESC and SWM Standards and Specifications on a specific land disturbing activity, VDOT must request a project specific variance (for ESC items) or an exemption (for SWM items) from DCR and the request must be approved by DCR before such item(s) are allowed to be utilized or installed. (Note: DCR has indicated that they will not be receptive to the issuance of "after the fact" variances or exemptions). Where the project is being designed in the VDOT District Office, a project specific variance/exemption is to be coordinated between the VDOT's District Hydraulics Engineer and the appropriate DCR Regional Office. Where the project is being designed in the VDOT Central Office, a project specific variance/exemption is to be coordinated between the VDOT's State Hydraulics Engineer and the DCR Central Office. Copies of any variance/exemption requests and subsequent approval letters are to be sent to Mr. Eric R. Capps, Erosion & Sediment Control and Construction Permitting Manager, in the DCR Central Office and Mr. Stephen D. Kindy, State Hydraulics Engineer, in the VDOT Central Office. If the VDOT District Office and the DCR Regional Office can not come to agreement on a specific request, or if additional review is necessary, that request can then be elevated to those persons noted above in the VDOT and DCR Central Offices for resolution.

Any DCR approved variance/exemption must be documented in the construction plans (or other such documents) for the land disturbing activity. The appropriate notes on the

Stormwater Pollution Prevention Plan (SWPPP) General Information Sheets should be utilized for this purpose.

If it is intended that a specific ESC/SWM item be approved for statewide use, then the request for such is to be sent to Mr. Stephen D. Kindy, State Hydraulics Engineer, in the VDOT Central Office. The VDOT Central Office will coordinate with the DCR Central Office for approval of the ESC/SWM item through an amendment to the VDOT's annually approved ESC and SWM Standards and Specifications.