

L. Preston Bryant, Jr.
Secretary of Natural
Resources



Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street, Suite 206

Richmond, Virginia 23219

Phone: (804) 786-2064 Fax: (804) 786-1798

October 1, 2009

Mr. Roy T. Mills
State Hydraulics Engineer
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

Subject: 2009 VDOT Annual Standards and Specifications for Erosion and Sediment Control and Stormwater Management

Dear Mr. Mills:

In accordance with §10.1-564 of the Virginia Erosion and Sediment Control Law and §10.1-603.5 of the Virginia Stormwater Management Law, the Department of Conservation and Recreation (DCR) has completed the review of the 2009 VDOT Annual Standards and Specifications for Erosion & Sediment Control and Stormwater Management and they are conditionally approved. The conditional approval is based on DCR staff review and recommendations. The approval contains the following conditions:

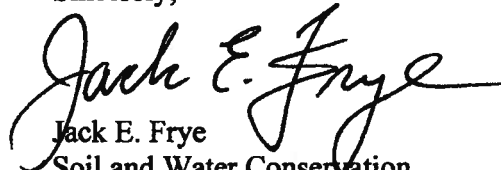
1. Appendix A through C shall be updated with the most current versions of the Virginia Erosion and Sediment Control Law and Regulations and Virginia Stormwater Management Act and Virginia Stormwater Management Program (VSMP) Permit Regulations;
2. Appendix D shall be updated with the General Permit for Discharges of Stormwater from Construction Activities (VAR10);
3. Instruction and informational memorandum IIM-LD-195.5 dated February 12, 2003 shall be revised in consultation with DCR to be consistent with the VSMP Permit Regulations for the 2010 VDOT Annual Standards and Specifications.
4. All VDOT land-disturbing activity requiring a stormwater management plan or General Permit for Discharges of Stormwater from Construction Activities will need to meet the requirements of the VSMP Permit Regulations; and

5. All regulated land disturbing activities undertaken on private and publicly owned lands in Virginia must be conducted in accordance with the approved 2009 VDOT Annual Standard and Specifications. Individual project-specific erosion and sediment control and stormwater management plans must be prepared to ensure proper on site implementation of erosion and sediment control and stormwater management measures. However, these plans need not be submitted to DCR for approval as long as they comply with the approved 2009 VDOT Annual Standard and Specifications; and

To ensure compliance with approved standards and specifications, the Virginia Erosion and Sediment Control Law, and the Stormwater Management Law, staff in DCR regional and central offices will conduct random site inspections, respond to complaints, and provide on site technical assistance with specific erosion and sediment control and stormwater management measures and plan implementation.

Thank you very much for your submission and continued efforts to conserve and protect Virginia's precious natural resources.

Sincerely,


Jack E. Frye
Soil and Water Conservation
Division Director

cc: Stephen D. Kindy, VDOT
John McCutcheon, DCR
Eric R. Capps, DCR



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
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David S. Ekern, P.E.
COMMISSIONER

October 16, 2009

Mr. Jack E. Frye
Soil and Water Conservation
Division Director
Department of Conservation and Recreation
203 Governor Street, Suite 206
Richmond, Virginia 23219

Subject: 2009 VDOT Annual Standards and Specifications for Erosion and Sediment Control and Stormwater Management

Dear Mr. Frye:

Thank you for your letter of October 1, providing conditional approval of the VDOT's 2009 Annual Standards and Specifications for Erosion and Sediment Control (ESC) and Stormwater Management (SWM). I would like to address each the conditions included in your letter in the order that they were presented.

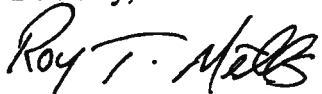
1. Appendix A through C will be updated with the most current versions of the ESC Law and Regulations, the Virginia SWM Act and the Virginia SWM Program (VSMP) Permit Regulations. Because we are near the end of the 2009 approval cycle, these changes will be included in the VDOT's 2010 ESC and SWM Standards and Specifications submittal, which we are now in the process of assembling with an early November submission target date.
2. Appendix D will be updated with the current General Permit for Discharges of Stormwater from Construction Activities. Again, because we are near the end of the 2009 approval cycle, this change will be included in the VDOT's 2010 ESC and SWM Standards and Specifications submittal.
3. A joint meeting between the DCR and the VDOT staff has been scheduled for October 29 to address the issues relative to Instructional and Informational Memorandum (IIM) LD-195.5. We anticipate that any required revisions to IIM LD-195.5 will be included as a part of the VDOT's 2010 ESC and SWM Standards and Specifications submittal.

Mr. Jack E. Frye
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4. All VDOT land disturbing activities requiring a stormwater management plan or coverage under the General Permit for Discharges of Stormwater from Construction Activities are required to meet the conditions of the VSMP Permit Regulations. Guidance on this issue is contained in the latest versions of IIMs LD-242 and 246 and Section 107.16 of the VDOT Road and Bridge Specifications.
5. All regulated land disturbing activities that are undertaken by the VDOT, whether on publicly or privately owned lands, will be conducted in accordance with the VDOT's approved Annual Standards and Specifications for ESC and SWM. Individual project specific ESC and SWM plans will be prepared and implemented in accordance with the approved documents. Guidance on these issues is contained in the latest versions of IIMs LD-11, 242 and 246.

The VDOT appreciates the comments and guidance provided by DCR staff on the VDOT's 2009 Annual Standards and Specifications for Erosion and Sediment Control and Stormwater Management submittal. We look forward to a continued dialogue between our agencies on the VDOT's stormwater program to ensure continued compliance with the Virginia Erosion and Sediment Control and Stormwater Management Program Law and Regulations.

Sincerely,



Roy T. Mills
State Stormwater Program Administrator

CC: Mr. John McCutcheon
Mr. Eric R. Capps
Mr. Mohammad Mirshahi, P.E.
Mr. Stephen D. Kindy, P.E.