

VIRGINIA DEPARTMENT OF TRANSPORTATION

LOCATION AND DESIGN DIVISION

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

GENERAL SUBJECT: VIRGINIA STORMWATER MANAGEMENT PROGRAM	NUMBER: IIM-LD-242.4
SPECIFIC SUBJECT: GENERAL VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) CONSTRUCTION PERMIT	DATE: DRAFT 2/11/13
	SUPERSEDES: IIM-LD-242.3
DIVISION ADMINISTRATOR APPROVAL: State Location and Design Engineer Approved	

CURRENT REVISION

- Revisions have been made throughout this memorandum to update and clarify the VSMP construction permit requirements for routine maintenance activities, emergency activities and onsite and offsite support facilities.

EFFECTIVE DATE

- This memorandum is effective upon receipt.

ACRONYMS

- BMP – Best Management Practice
- DCR – Department of Conservation and Recreation
- ESC – Erosion and Sediment Control
- IIM – Instructional and Informational Memorandum
- IAT – Interagency Transfer
- L&D – Location and Design
- PAC – Pre Advertisement Conference
- RLD – Responsible Land Disturber
- RLDA – Regulated Land Disturbance Activity
- SWM – Stormwater Management
- SWPPP – Stormwater Pollution Prevention Plan
- VDOT – Virginia Department of Transportation
- VSMP – Virginia Stormwater Management Program
- VSWCB – Virginia Soil and Water Conservation Board

1.0 BACKGROUND

- 1.1 Acts of the General Assembly have resulted in the enactment of the Stormwater Management Law (Section 10.1-603.2 et. seq. of the Code of Virginia) and the issuance of the Virginia Stormwater Management Program Permit Regulations (4 VAC 50-60-10 et. seq.) for discharges of stormwater from Regulated Land Disturbing Activities. The law empowered the VSWCB to regulate, permit, and control stormwater runoff in the Commonwealth and authorized the VSWCB to delegate such powers to the DCR.
 - 1, 2 Authorization to discharge under the VSMP Regulations and the Virginia Stormwater Management Act is permitted through the DCR's VSMP General Permit for the Discharge of Stormwater from Construction Activities VAR10 (hereafter referred to as the VSMP Construction Permit). The current permit became effective on July 1, 2009 and will expire on June 30, 2014. Except for emergency related activities, coverage under the VSMP Construction Permit must be obtained prior to beginning any land disturbance on regulated activities.
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2.0 APPLICATION

- 2.1 The VSMP Construction Permit is applicable for all RLDAs undertaken by or for the VDOT including, but not limited to, RAAP, SAPP, Minimum and No Plan, PPTA and Design Build and Capital Outlay projects and non-routine maintenance activities, including those performed by state forces or hired equipment. For the purposes of this IIM, the RLDA is defined as the proposed construction or maintenance related land disturbing project or activity that generates the need for acquiring coverage under the VSMP Construction Permit.
- 2.2 VDOT shall apply for and secure coverage (in accordance with the instructions contained in this document) under the VSMP Construction Permit for all applicable land disturbing activities over which it has contractual control or which are done by state forces. This includes any support facility areas located within VDOT right of way or easement.
- 2.3 It shall be the responsibility of those conducting land disturbing activities on VDOT right of way or easement under agreement and/or a land use permit to secure coverage under the VSMP Construction Permit for their activities (if applicable). This would include, but is not limited to, those land disturbing activities conducted on VDOT right of way or easement by municipalities under the First Cities Program, the Locally Administered Project Program and the Transportation Enhancement Program.
- 2.4 Coverage under the VSMP Construction Permit is required for all land disturbing activities, except those associated with routine maintenance operations, which equal or exceed the following land disturbance threshold amounts:
 - In a Designated Chesapeake Bay Preservation Area – 2,500 square feet

➤ In all other areas – One (1) Acre

- 2.4.1 For construction and maintenance related projects/activities that include non-contiguous land disturbing activities, when such land disturbing activities are one mile or more in distance apart, as measured along the most direct public travelway, they shall be considered separate and individual land disturbing activities for the applicability of the VSMP Construction Permit coverage and requirements.
- 2.4.2 Because the VSMP Construction Permit number assigned by the DCR includes a VDOT Residency identification number, projects/activities that include land disturbing activities in multiple Residencies will require separate VSMP Construction Permit coverage for that portion of the project/activity within each Residency boundary.
- 2.4.3 Each individual construction contract containing land disturbances requiring VSMP Construction Permit coverage shall have only one VSMP Construction Permit number unless the provisions of section 2.4.1 or 2.4.2 of this IIM apply.
- 2.4.4 Applying the provisions of section 2.4.1, 2.4.2 and 2.4.3 of this document could result in one of the following situations:
1. A UPC/project number having more than one VSMP Construction Permit registration number. When this occurs, care should be taken to make sure each individual permitted site included under one UPC/project number has a distinct designation that is clearly identifiable in the construction plans or other such documents and the permit registration packet. Where general ESC Plan information and SWPPP information is the same, it will not be necessary to duplicate such information in the construction plans or other such documents for each individual site. However, where site specific information is required in the ESC Plan and the SWPPP General Information Sheet notes (e.g., project location, land disturbance values, receiving waters, etc.), such information is to be identified for each individual permitted site.
 2. One VSMP Construction Permit registration number applying to multiple UPC/Project numbers. Where multiple UPC/project numbers are to be covered under one permit application, the LD-445 and other applicable forms should list all the UPC/project numbers. The cost of the permit can be allocated to just one of the UPC/project numbers or can be divided among all of the UPC/project numbers, whichever the Project Authority deems most appropriate.
- 2.5 Routine maintenance activities are exempt from the VSMP Construction Permit requirements regardless of the land disturbance value.
- 2.5.1 This exemption is only for those maintenance activities considered routine and only applies to the VSMP Regulations and Construction Permit Program. It does not apply to the ESC Program or to the SWPPP requirements. An ESC Plan (including downstream channel adequacy analysis, as appropriate) and a SWPPP is required for any land disturbing activity that equals or exceeds 10,000 square feet (2,500 square

feet in the area defined as Tidewater, Virginia in the Chesapeake Bay Preservation Act) regardless of any exemption under the VSMP Regulations and Construction Permit Program (see latest version of IIM-LD-11 and 246).

- 2.5.2 Routine maintenance is defined as those activities performed to maintain the original line and grade, hydraulic capacity, or original construction of the facility. Such activities include, but are not limited to, ditch cleaning operations, shoulder grading operations, pipe replacement or rehabilitation operations, pavement milling and/or overlays, bridge deck replacement and the normal operational procedures for maintaining the travel surface of unpaved/gravel roadways (i.e., dragging, blading, grading, etc.) provided the original line and grade, hydraulic capacity and original construction of the project are maintained. When classifying a land disturbance activity as a routine maintenance, consideration should be given to the fact that significant changes to the size, shape, slope and material composition of a drainage feature (i.e., ditch, culvert, etc.) could have the potential to alter the original hydraulic capacity of the facility. It should be noted, however, that the hydraulic capacity of the facility for certain flood events could include conveyance of flow over the roadway section.
- 2.5.3 The paving of an existing road with a compacted or otherwise impervious surface (e.g., gravel) and re-establishment of original ditches and shoulders is considered routine maintenance for the purposes of determining the applicability of the VSMP Construction Permit provided:
1. The proposed paved area will approximate the existing compacted or otherwise impervious area, and
 2. There will be no changes to the existing horizontal or vertical alignment, and
 3. Roadside ditch work will only be performed as necessary to re-establish original line, grade or hydraulic capacity, provide positive drainage or address safety concerns, and
 4. Drainage pipe work will only be performed as necessary to extend existing structures, replace structurally deficient structures or address safety concerns.
- 2.5.4 Offsite facilities that support the routine maintenance activity (e.g., non-commercial/licensed disposal areas for surplus dirt or borrow pits) are not considered a part of the routine maintenance operation and must be evaluated based on their specific site conditions for the applicability of the VSMP Construction Permit coverage and requirements.
- 2.5.5 For any maintenance activity being classified as routine, the activity files shall be thoroughly documented regarding the original and proposed line, grade, hydraulic capacity and construction of the facility.
- 2.5.6 Where there is any question as to the application of the routine maintenance definition to a land disturbing activity, the appropriate District Hydraulics Engineer should be consulted.

3.0 LAND DEVELOPMENT AREA AND LAND DISTURBANCE AREA

- 3.1 The application for coverage under the VSMP Construction Permit requires the reporting of both the area of land development and the area of land disturbance.
- 3.1.1 The area of land development is the total VDOT owned/controlled area within the project/activity limits identified in the construction plans or other such documents for the RLDA. The land development area would, typically, include areas such as the right of way and temporary and permanent easements, including that for any support facilities identified and included as a part of the construction plans or other such documents and the registration information for VSMP Construction Permit coverage for the RLDA.
- 3.1.2 The area of land disturbance is the total area within the identified land development area that will be disturbed by the proposed activities. Land disturbance, for the purposes of applicability of the VSMP Regulations and the VSMP Construction Permit, is defined as any manmade change to the land surface that potentially changes its runoff characteristics **including** any clearing, grading or excavation associated with the proposed activity. Typically, the land disturbance area would be the area encompassed by the limits of construction activity for the RLDA plus any areas for support facilities if such are identified and included as a part of the construction plans or other such documents and the registration information for VSMP Construction Permit coverage for the RLDA.
- 3.1.3 Once permit coverage has been received, minor changes to the identified area of land disturbance within the identified area of land development can be made without having to re-permit the project/activity provided the additional land disturbance area, when combined with the original reported area, does not change the VSMP Construction Permit fee required to be paid to DCR. If the additional land disturbance area does change the VSMP Construction Permit fee previously paid to DCR, the existing permit coverage must be terminated and an application for new permit coverage must be processed.
- 3.1.4 A change in the identified land development area of the project/activity after receipt of VSMP Construction Permit coverage will require termination of the existing permit coverage and the processing of an application for new permit coverage.
- 3.1.5 Because of the potential of having to terminate an existing VSMP Construction Permit coverage and submit the project/activity for new permit coverage when changes occur to the land development and land disturbance area, it is recommended that a liberal determination be applied when identifying the area of land development and the area of land disturbance for the purposes of Construction Permit coverage.

4.0 SUPPORT FACILITIES FOR THE RLDA

4.1 Onsite

- 4.1.1 Onsite support facilities are defined as those facilities such as staging areas, equipment and material storage areas, unsuitable and surplus material disposal areas, borrow areas, etc., which are located within the identified limits of the RLDA and within VDOT right of way or easement.
- 4.1.2 Onsite support facility areas are to be covered under the VSMP Construction Permit for the RLDA. The SWPPP, the ESC Plan and, where applicable, the post construction SWM Plan for the onsite support facility areas shall become a component of the SWPPP for the RLDA.
- 4.1.3 In most instances, the identification of the locations of the onsite support facility areas is the responsibility of the contractor or other such person performing/managing the land disturbing activity and the exact location and size of such areas within the limits of the RLDA are not known until after the award of the contract for the RLDA and/or after the VSMP Construction Permit registration process for the RLDA has been completed.
- 4.1.4 For all onsite support facility areas requiring coverage under the VSMP Construction Permit which were not identified in the construction plans or other such documents or the registration information submitted for VSMP Construction Permit coverage for the RLDA, the contractor shall develop an ESC Plan, a post construction SWM Plan (where applicable) and a SWPPP for such areas in accordance with the VDOT R&B Standards and Specifications, the instructions in the latest version of IIM-LD 11, 195 and 246 and VDOT's Approved ESC and SWM Standards and Specifications. The ESC and post construction SWM Plan (where applicable) for the onsite support facility areas shall be reviewed, approved and certified by a person (other than the plan designer) who qualifies as a DCR ESC Plan Reviewer (see current version of IIM-LD-11). The ESC Plan, a post construction SWM Plan (where applicable) and a SWPPP for the onsite support facility areas shall be submitted for review and approval to the VDOT RLD for the RLDA.
- 4.1.5 The ESC Plan, post construction SWM Plan (if applicable) and SWPPP for the RLDA will require modification for the inclusion of the ESC Plan, post construction SWM Plan (if applicable) and SWPPP for the onsite support facility areas once such areas are identified and plans are reviewed and approved by the RLD for the RLDA (see Section 107.16(e) of the 2007 R&B Specifications and the latest version of IIM-LD-11 and 246 for additional information for modifying the approved ESC Plan, post construction SWM Plan and the SWPPP).

4.1.6 The impact of any additional land development and land disturbance area for any onsite support facilities associated with those identified by Section 4.1.4 of this IIM shall be evaluated with regards to changes in the permitting conditions noted in Section 3.1.3. and 3.1.4 of this IIM.

4.2 Offsite

4.2.1 Offsite support facilities are defined as those facilities such as staging areas, equipment and material storage areas, unsuitable and surplus material disposal areas, borrow areas, etc., which are located outside of the identified limits of the RLDA.

4.2.2 Offsite support facility areas may be located within or outside of VDOT right of way or easement.

4.2.3 Offsite support facility areas located within VDOT Right of way or easement

4.2.3.1 Offsite support facility areas located within VDOT right of way or easement may be included in the construction plans or other such documents and the VSMP Construction Permit registration information for the RLDA or, more typically, the identification of the location of such areas is the responsibility of the contractor or other such person performing or managing the land disturbing activity.

4.2.3.2 Those offsite support facility areas not included in the construction plans or other such documents and the VSMP Construction Permit registration information for the RLDA will not be included under the VSMP Construction Permit coverage for the RLDA. Instead, such offsite support facility areas exceeding the land disturbance thresholds identified in Section 2.4 of this IIM shall be required to obtain individual coverage under the VSMP Construction Permit.

4.2.3.2.1 Where multiple offsite support facility areas are being utilized, the land disturbance value for all the offsite support facility areas within VDOT right of way or easement for an individual RLDA shall be considered in total for the applicability of the VSMP Construction Permit coverage and requirements unless such activities meet the conditions of Section 2.4.1 of this IIM.

4.2.3.3 For all offsite support facility areas within VDOT right of way or easement requiring individual coverage under the VSMP Construction Permit, the contractor shall development the necessary plans and documents for applying for and obtaining VSMP Construction Permit coverage and VDOT shall process and secure the permit coverage from the DCR.

4.2.3.3.1 The contractor shall develop an ESC Plan, a post construction SWM Plan (where applicable) and a SWPPP for the offsite support facility areas in accordance with the VDOT R&B Standards and Specifications, the instructions in the latest version of IIM-LD 11, 195 and 246 and VDOT's Approved ESC and SWM Standards and Specifications. The ESC and post construction SWM Plan (where applicable) for the offsite support facility areas shall be reviewed, approved and certified by a person (other than the plan designer) who qualifies as a DCR ESC Plan Reviewer (see current version of IIM-LD-11). The ESC Plan, a post construction SWM Plan (where

applicable) and a SWPPP for the offsite support facility areas shall be submitted for review and approval to the VDOT RLD for the RLDA.

- 4.2.3.3.2 The contractor shall complete, and submit to the VDOT RLD, the VSMP Construction Permit Registration Information form (LD-445) and the ESC & SWM Plan Certification form (LD-445C) for use in applying for coverage for the offsite support facility areas under the VSMP Construction Permit. The RLD for the RLDA is to be listed on the LD-445 form as the RLD for the offsite support facility areas.
- 4.2.3.3.3 The VDOT RLD for the RLDA shall review the permit application forms for accuracy and completeness. Forms with incomplete or inaccurate information will be returned to the contractor for corrective action and resubmission.
- 4.2.3.3.4 Once the VDOT RLD receives a complete and accurate LD-445 and LD-445C form, the VDOT RLD shall complete the VSMP Construction Permit Registration Fee form (LD-445B) and then forward all documents to the appropriate District VSMP Construction Permit Coordinator for processing and obtaining VSMP Construction Permit coverage for the offsite support facility areas. The process and time schedule for VDOT to request VSMP Construction Permit coverage from DCR is outlined in Section 6.0 of this IIM.
- 4.2.3.4 Once issued by DCR, the VSMP Construction Permit coverage letter with the permit number will be transmitted to the VDOT RLD in accordance with the procedures noted in Section 6.6 and 6.7 of this IIM. The RLD shall provide the contractor a copy of the VSMP Construction Permit coverage letter and the notice to proceed in the offsite support facility areas. No land disturbance activity can occur at the offsite support facility areas until VSMP Construction Permit coverage for such has been secured and the VDOT RLD has provided the notice to proceed. Depending on the submission date of the registration information, it could take up to 90 days from the time the contractor submits a complete and accurate registration statement to the VDOT RLD and the time the contractor receives the authority to proceed from the VDOT RLD. The VDOT RLD shall also complete and provide the contractor a copy of the VSMP Construction Permit Contact Information form (LD-445A). The contact person for the offsite support facility areas shall be the same as for the RLDA.
- 4.2.3.5 The contractor shall post a copy the VSMP Construction Permit coverage letter with the permit number and the LD-445A at each applicable offsite support facility area in accordance with the instructions contained in the SWPPP General Information Sheets and Section 7.3 of this IIM.
- 4.2.3.6 Once all activity at the offsite support facility areas has been completed and the site stabilized in accordance with the VDOT R&B Specifications, Section 8.1.1 of this IIM and the VSMP Construction Permit requirements, the contractor shall complete and submit the VSMP Construction Permit Termination Notice form (LD-445D) to the VDOT RLD for processing in accordance with Section 8.0 of this IIM.
- 4.2.4 Offsite support facility areas located outside of VDOT right of way or easement.
- 4.2.4.1 It shall be the responsibility of the contractor to develop all necessary plans and

documents and secure any necessary VSMP Construction Permit coverage for all offsite support facility areas located outside VDOT right of way or easement.

- 4.2.4.2 Plans and documents for the offsite facility areas shall be developed in accordance with the requirements of the DCR and/or the locality in which the support facility areas are located.
- 4.2.4.3 Application for coverage under the VSMP Construction Permit shall be completed in accordance with the requirements of the DCR or the locality in which the support facility areas are located, as applicable.

5.0 RESPONSIBLE PARTIES

5.1 VDOT Project Authority

Responsible for initiating the VSMP Construction Permit Registration application process. Completes, or coordinates the completion of, all of the information on the VSMP Construction Permit Registration Information form (LD-445) and the VSMP Construction Permit Fee Registration form (LD-445B), attaches the completed ESC & SWM Plan Certification form (LD-445C) and sends the completed assembly for each RLDA to the applicable District VSMP Construction Permit Coordinator. Processes the VSMP Construction Permit registration assembly for the offsite support facility areas within VDOT right of way or easement and submits completed assemblies to the applicable District VSMP Construction Permit Coordinator.

- 5.1.1 For the purposes of this IIM, the Project Authority for the RLDA prior to award of the construction contract or the commencement of the land disturbing activity is assumed to be that VDOT person with responsibility for oversight of the preliminary engineering aspects of the RLDA such as the Project Manager, the Residency Contract Administrator, or other such person that manages/oversees the pre-construction activities of the proposed land disturbing activity.
- 5.1.2 For the purposes of this IIM, once the construction contract has been awarded or the land disturbing activity has begun, the Project Authority for the RLDA is assumed to be the designated RLD.

5.2 ESC Plan Designer/Hydraulic Engineer

Responsible for preparing the ESC and post construction SWM Plan for the RLDA in accordance with VDOT's Approved ESC and SWM Standards and Specifications. Develops and ensures that all applicable information is included on the SWPPP General information Sheets (see the latest version of IIM-LD-246). Assists the Project Authority in completing the VSMP Construction Permit Registration Information form (LD-445). Submits the completed Erosion and Sediment Control and Stormwater Management Plan Certification form (LD-445C) to the Project Authority.

5.3 VDOT District VSMP Construction Permit Coordinator

Responsible for coordinating the VSMP Construction Permit Registration application process for the District. Collects all of the completed VSMP Construction Permit Registration application assemblies (forms LD-445, LD-445B and LD445C) and submits them to the Central Office VSMP Construction Permit Coordinator. Collects and submits the completed Stormwater Pollution Prevention Plan Certification forms (LD-445E) and the VSMP Construction Permit Termination Notice forms (LD-445D) to the Central Office VSMP Construction Permit Coordinator. Attaches a copy of the VSMP Construction Permit Registration Information form LD-445 to the applicable VSMP Construction Permit coverage letter received from the Central Office VSMP Construction Permit Coordinator and forwards both to the RLD for each specific RLDA or offsite support facility area. Inputs permanent (post construction) SWM BMP data submitted with the VSMP Construction Permit Termination Notice forms (LD-445D) into the L&D Stormwater Database.

5.3.1 The District VSMP Construction Permit Coordinator is the District Drainage Engineer or his/her designee.

5.4 VDOT Responsible Land Disturber (RLD)

Responsible for insuring the implementation of the SWPPP (including the ESC and post construction SWM Plan) for the RLDA and any onsite and offsite support facility areas within VDOT right of way or easement. Coordinates the review and approval for the SWPPP (including the ESC and post construction SWM Plan, if applicable) for any onsite or offsite support facility areas within VDOT right of way or easement not identified in the construction plans or other such documents for the RLDA. Coordinates the submission of information for offsite support facility areas within VDOT right of way or easement requiring VSMP Construction Permit coverage. Completes, signs, and forwards, to the appropriate District VSMP Construction Permit Coordinator, the SWPPP Certification form (LD-445E), certifying that all information noted on the SWPPP General Information Sheets contained in the construction plan set (or other such documents) required to be supplied by the contractor (including that for onsite support facilities) will be received and approved and included with the other SWPPP documents for the proposed RLDA prior to any land disturbance occurring in those areas identified by such information, and the VSMP Construction Permit Termination Notice form (LD-445D), including permanent (post construction) SWM BMP information, certifying that final stabilization has been achieved on all portions of the RLDA site and/or offsite support facility areas within VDOT right of way or easement and that all permanent (post construction) SWM BMPs have been constructed in accordance with their design details and that they have been made operational.

5.4.1 The RLD is the VDOT person so identified on form LD-445 and the SWPPP General Information Sheets and satisfies the requirements of DCR's RLD Certification Program. See the latest version of IIM-LD-11 for additional information on DCR's RLD Certification Program.

5.5 VDOT Central Office VSMP Construction Permit Coordinator

Responsible for compiling all VSMP Construction Permit Registration assemblies statewide and applying to the DCR for coverage under the VSMP General Construction Permit for the RLDAs or offsite support facility areas within VDOT right of way or easement. Submits the VSMP Construction Permit Registration information,

registration fees (in the form of an IAT), the VSMP Construction Permit Termination Notice forms (LD-445D) and the SWPPP Certification forms (LD-445E) to DCR. Forwards the VSMP Construction Permit coverage letters (including permit number) received from the DCR to the District VSMP Construction Permit Coordinator. Maintains an online database documenting pertinent information on the RLDA's and offsite support facility areas within VDOT right of way or easement submitted for VSMP Construction Permit coverage.

- 5.5.1 The Central Office VSMP Construction Permit Coordinator is a designated person in the Central Office Hydraulics Section.
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6.0 VSMP CONSTRUCTION PERMIT REGISTRATION PROCEDURE

6.1 Except for emergency related work, coverage under the VSMP Construction Permit must be obtained prior to any land disturbance occurring on any proposed project/activity or offsite support facility areas within VDOT right of way or easement that exceed the land disturbance threshold amounts noted in Section 2.4 of this IIM. The land disturbance activity is considered covered by the VSMP Construction Permit 15 business days following the submission of a complete and accurate registration statement (including applicable permit fee) to the DCR unless notification of such coverage is issued earlier by the DCR. The registration statement will be considered submitted once the appropriate information and permit fee (in the form of the IAT documentation) have been sent to the DCR by the VDOT Central Office VSMP Construction Permit Coordinator.

6.1.1 Land disturbing activities requiring VSMP Construction Permit coverage which are conducted in response to a public emergency to avoid imminent endangerment to human health or environment may commence without VSMP Construction Permit coverage provided:

1. The DCR is advised of the activity within seven calendar days of commencing the land disturbance activity, and
2. VSMP Construction Permit coverage is applied for within 30 calendar days of commencing the land disturbance activity

See Section 6.11 of this IIM for additional information related to the permitting process for emergency work.

6.2 On or before the initiation of the PAC process for a RLDA (or other appropriate stage for those activities that do not go through a formal PAC process), the VDOT Project Authority shall complete, or have the appropriate person complete, the applicable sections of the VSMP Construction Permit Registration Information form (LD-445) and the VSMP Construction Permit Fee Registration form (LD-445B), attach the ESC and SWM Plan Certification form (LD-445C) and send this assembly to the appropriate VDOT District VSMP Construction Permit Coordinator prior to the 21st day of each month (for information regarding the process for completing the LD-445C form see the latest version of IIM-LD-11).

- 6.2.1 For Capital Outlay projects, the VDOT Project Authority shall submit the completed permit registration assembly directly to the VDOT Central Office VSMP Construction Permit Coordinator in the Central Office Hydraulics Section.
- 6.2.2 For PPTA and Design Build projects, the VDOT Project Authority shall submit the completed permit registration assembly to either the VDOT District VSMP Construction Permit Coordinator (where the project is being managed in the VDOT District Office) or the VDOT Central Office VSMP Construction Permit Coordinator (where the project is being managed in the VDOT Central Office).
- 6.3 The VDOT District VSMP Construction Permit Coordinator shall review all permit registration assemblies for completeness and then forward all assemblies found complete to the VDOT Central Office VSMP Construction Permit Coordinator on or before the last day of each month. The VDOT District VSMP Construction Permit Coordinator will return all incomplete assemblies to the VDOT Project Authority for completion and resubmission.
- 6.4 The VDOT Central Office VSMP Construction Permit Coordinator shall compile all VSMP Construction Permit registration form assemblies received and determine the total fee to be paid to DCR for registering the RLDA's or offsite support facilities within VDOT right of way or easement.
- 6.5 The VDOT Central Office VSMP Construction Permit Coordinator shall, by the 7th day of each month, submit the VSMP Construction Permit Registration Application information for all proposed activities to DCR, including the IAT documentation for the combined permit registration fees. At the request of DCR, these transactions will only occur on a once a month basis.
- 6.6 Once DCR receives the registration application information and appropriate IAT documentation for the permit fees, they will issue a registration letter to the VDOT Central Office VSMP Construction Permit Coordinator with a project specific permit number for each RLDA or offsite support facility area within VDOT right of way or easement. The VDOT Central Office VSMP Construction Permit Coordinator will forward the RLDA or offsite support facility area registration letters to the appropriate VDOT District VSMP Construction Permit Coordinator or VDOT Capital Outlay/PPTA/Design Build Project Authority
- 6.7 The VDOT District VSMP Construction Permit Coordinator or Capital Outlay/PPTA/Design Build Project Authority shall attach a copy of the VSMP Construction Permit Registration Information form LD-445 to each applicable RLDA or offsite support facility area registration letter received and distribute both to the appropriate VDOT RLD.
- 6.7.1 The VDOT Central Office VSMP Construction Permit Coordinator shall submit copies of the LD-445B forms to the VDOT Central Office Location and Design Administrative Section in order to debit the appropriate permit registration fee from each specific project/activity budget.
- 6.9 The VDOT Central Office VSMP Construction Permit Coordinator shall maintain an

online database documenting the registered RLDA and offsite support facility areas within VDOT right of way or easement and shall retain, on file, copies of the VSMP Construction Permit Registration Application information for a period of not less than 3 years after the completion of the RLDA or offsite support facility areas within VDOT right of way or easement and the termination of the VSMP Construction Permit coverage.

- 6.10 The VSMP Construction Permit Registration Application for any RLDA or offsite support facility area within VDOT right of way or easement missing any of the submission cutoff dates (i.e., to VDOT District or Central Office VSMP Construction Permit Coordinator) will be carried over to the next month's submission to DCR.
- 6.11 The following procedures shall be followed for land disturbing activities related to emergency operations that potentially may require coverage under the VSMP Construction Permit.
 - 6.11.1 The Project Authority shall complete the Notification of Emergency Related Land Disturbing Activities form (LD-445F) and submit such to DCR by mail or fax (with copies to the VDOT District and Central Office VSMP Construction Permit Coordinators) no later than seven calendar days after commencement of the land disturbing activities associated with the emergency operations.
 - 6.11.2 Once a determination is made as to the actual land disturbance area associated with the emergency operations, those operations exceeding the land disturbance thresholds identified in Section 2.4 of this IIM shall follow the procedures in Section 6.0 of this IIM for obtaining VSMP Construction Permit coverage except for the following:
 - a. The application for VSMP Construction Permit coverage for the emergency operations shall be submitted to the District VSMP Construction Permit Coordinator no later than 14 calendar days following commencement the land disturbing activities associated with the emergency operations.
 - b. The application for VSMP Construction Permit coverage for the emergency operations shall be submitted by the District VSMP Construction Permit Coordinator to the Central Office District VSMP Construction Permit Coordinator no later than 21 calendar days following commencement the land disturbing activities associated with the emergency operations.
 - c. The application for VSMP Construction Permit coverage for the emergency operations shall be submitted by the Central Office VSMP Construction Permit Coordinator to the DCR no later than 30 calendar days following commencement the land disturbing activities associated with the emergency operations.

7.0 CONDITIONS OF COVERAGE UNDER THE VSMP CONSTRUCTION PERMIT

- 7.1 The SWPPP (see the latest version of IIM-LD-246), along with a copy of the VSMP

General Construction Permit, the VSMP Construction Permit Registration Information form LD-445 and the VSMP Construction Permit registration statement showing the permit number, must be retained on the site of the RLDA or the offsite support facility area within VDOT right of way or easement from the commencement of any land disturbance activity to the date of final stabilization and permit coverage termination. Where no facilities are available at the activity site to maintain these documents, they are to be kept by or with the designated VDOT RLD at a location convenient to the activity site where they would be readily available for review upon request during normal business working hours. Where the SWPPP documents are not stored at the site of the RLDA or the offsite support facility area within VDOT right of way or easement, a copy of such documents, except for the ESC and SWM engineering calculations and documentation, shall be in the possession of those with day to day operational control over the implementation of the SWPPP (e.g. the VDOT RLD, ESC Inspector, etc.) whenever they are on site. A copy of the VSMP General Construction Permit may be obtained from the DCR website at http://www.dcr.virginia.gov/soil_and_water/documents/vsmpgenpermvar10.pdf

- 7.2 The VSMP General Construction Permit requires that the SWPPP be made available for review upon the request of the DCR, the EPA, local government officials or the operator of a municipal separate storm sewer system (MS4) receiving discharge from the RLDA or its support facilities.
- 7.3 The VSMP General Construction Permit requires that a copy of the General Permit Coverage letter and the name and contact information for the VDOT person responsible for the land disturbing activity and the SWPPP be posted at a publicly accessible location at the activity site. The LD-445A form is to be used to identify the name and contact information for the VDOT responsible person (typically the designated RLD for the activity). A copy of the General Permit coverage letter and the LD-445A form are to be posted outside the project's construction office along with other Federal and State mandated information. Where there is no construction office (e.g., a maintenance activity or an offsite support facility), a copy of the General Permit coverage letter and LD-445A form are to be maintained with the other SWPPP documents for the land disturbing activity.
- 7.4 For those land disturbing activities requiring coverage under the VSMP General Construction Permit on or after July 1, 2009, and which have not been previously covered by a VSMP General Construction Permit, the VSMP Construction Permit requires that the SWPPP be made available for review by the public upon request. Such reviews shall be at a time and publicly accessible location convenient to the VDOT and shall be scheduled during normal business hours and no less than once a month.
- 7.5 Any modifications to the approved SWPPP (including the ESC and post construction SWM Plan) must be implemented in accordance with Section 107.16(e) of the 2007 VDOT R&B Specifications, the VDOT's Approved ESC and SWM Standards and Specifications, and the procedures outlined in the latest version of IIM-LD-11 and IIM-LD-246.

8.0 PROCEDURE FOR TERMINATING COVERAGE UNDER THE VSMP CONSTRUCTION PERMIT

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- 8.1 Upon completion of land disturbance activities at the RLDA or offsite support facility area within VDOT right of way or easement (i.e., all areas are stabilized and all permanent (post construction) SWM BMPs are operational), the VDOT RLD shall add the Maintenance Division "ID Number" and the "In Service Date" for each BMP listed in the Permanent SWM BMP table in Section VI of the SWPPP General Information Sheets for the land disturbing activity and complete and sign the VSMP Construction Permit Termination Notice form (LD-445D). The LD-445D form along with a copy of the Permanent SWM BMP table (with Maintenance ID and In Service Date shown) is to be submitted to the appropriate VDOT District VSMP Construction Permit Coordinator prior to the 21st day of the month.
- 8.1.1 For the purposes of permit termination, the area is considered stable when all land disturbing activities have been completed and all disturbed areas not covered with a non-erodible surface have been limed, fertilized, seeded and mulched in accordance with an approved nutrient management plan.
- 8.2 The VDOT District VSMP Construction Permit Coordinator shall enter the permanent (post construction) SWM BMP information into the L&D Stormwater Data Base and then sign and forward all original LD-445D forms and copies of the permanent (post construction) SWM BMP information to the Central Office VSMP Construction Permit Coordinator on or before the last day of each month. The VDOT District Maintenance Engineer and the Central Office Maintenance Division Administrator shall be copied on all such information.
- 8.3 The VDOT Central Office VSMP Construction Permit Coordinator shall compile all LD-445D forms received and forward the VSMP Construction Permit termination information and permanent (post construction) SWM BMP information to the DCR by the 7th day of each month.
- 8.4 The VDOT Central Office VSMP Construction Permit Coordinator shall record the effective termination date in the VSMP Construction Permit online database and retain a copy of the permit termination information on file for a period of not less than 3 years after the termination date.

9.0 FORMS

LD-445	VSMP Construction Permit Registration Information
LD-445A	VSMP Construction Permit Contact Information
LD-445B	VSMP Construction Permit Fee Registration
LD-445C	ESC and SWM Plan Certification
LD-445D	VSMP Construction Permit Termination Notice
LD-445E	Stormwater Pollution Prevention Plan (SWPPP) Certification

LD-445F Notification of Emergency Related Land Disturbing Activities

L&D forms are available through the VDOT website and can be downloaded at the following link: <http://vdotforms.vdot.virginia.gov/>