

VIRGINIA DEPARTMENT OF TRANSPORTATION

LOCATION AND DESIGN DIVISION

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

GENERAL SUBJECT: Virginia Stormwater Management Program and VPDES Construction Permit	NUMBER: IIM-LD-242.7
SPECIFIC SUBJECT: VPDES Construction Permit Acquisition and Administration for VDOT Projects	DATE: August 3, 2018
	SUPERSEDES: IIM-LD-242.6
APPROVAL:	Susan H. Keen, P.E. State Location and Design Engineer Approved August 3, 2018

Changes have been shaded

CURRENT REVISION

- Revisions have been made throughout this memorandum to update and clarify the VPDES Construction Permit Acquisition and Administration requirements for VDOT Projects.
 - Refer to VDOT Drainage Manual (Chapter 1) for applicable definitions and abbreviations.
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EFFECTIVE DATE

- Unless identified otherwise within this IIM, the information contained in this IIM is effective upon receipt.
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1.0 BACKGROUND

- 1.1 Acts of the General Assembly have resulted in the enactment of the Stormwater Management Act (Section 62.1-44.15:24 et seq. of the Code of Virginia) and the issuance of the Virginia Stormwater Management Program Regulation (9 VAC 25-870-10 et seq.) for discharges of stormwater from Regulated Land Disturbing Activities. The law empowers the State Water Control Board (SWCB) to regulate, permit, and control stormwater runoff in the Commonwealth and authorizes the SWCB to delegate such powers to DEQ.

- 1.2 Authorization to discharge stormwater from construction activities under the VSMP Regulation and the Virginia Stormwater Management Act is permitted through DEQ's General VPDES Permit for Discharges of Stormwater from Construction Activities VAR10 (hereafter referred to as the VPDES Construction Permit). This IIM addresses the conditions and requirements within the permit that is effective July 1, 2014 to June 30, 2019. Except for emergency related activities, coverage under the VPDES Construction Permit must be obtained prior to beginning any land disturbance on regulated activities.
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2.0 APPLICATION

- 2.1 The VPDES Construction Permit is applicable for all RLDA's undertaken by or for VDOT including projects developed under Design Build process, 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 VPDES Construction Permit.
- 2.2 In accordance with the instructions contained in this document, VDOT shall apply for and secure coverage under the VPDES 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 facilities located within VDOT R/W or easement.
- 2.3 It shall be the responsibility of those conducting land-disturbing activities on VDOT R/W or easement under agreement and/or a land use permit to secure coverage under the VPDES Construction Permit for their activities (if applicable). This includes, but is not limited to, those land-disturbing activities conducted on VDOT R/W or easement by municipalities under the First Cities Program, the Locally Administered Project Program and the Transportation Enhancement Program. Requirements for non-VDOT projects are further addressed in IIM LD-258.
- 2.4 Except for land-disturbing activities associated with routine maintenance operations, coverage under the VPDES Construction Permit is required for all land-disturbing activities that equal or exceed one acre in size.
- 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 between the closest outer limits of each adjacent land-disturbing project/activity and as measured along the most direct public travelway, they may be considered separate and individual land-disturbing activities for the applicability of the VPDES Construction Permit coverage and requirements.
- 2.4.2 Each individual construction contract containing land disturbances requiring VPDES Construction Permit coverage shall have only one VPDES Construction Permit number unless the provisions of section 2.4.1 of this IIM apply.

2.4.3 Applying the provisions of section 2.4.1 and 2.4.2 of this IIM could result in one of the following situations:

1. A UPC/project number having more than one VPDES Construction Permit 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 SWPPP information is the same, it will not be necessary to duplicate such information in SWPPP General Information Sheet notes in the construction plans or other such documents for each individual site.

However, where site specific information is required in 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 site.

2. One VPDES Construction Permit 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 the UPC/project numbers, whichever the Project Authority deems most appropriate.

2.5 Routine maintenance activities are exempt from the VSMP Regulation and VPDES Construction Permit coverage regardless of the amount of land disturbance. ESC and SWPPP requirements may still apply dependent on the extent of land disturbance. Routine Maintenance is further discussed in Section 3.3 of IIM-LD-195.

3.0 LAND DEVELOPMENT AREA AND LAND DISTURBANCE AREA

3.1 The application for coverage under the VPDES Construction Permit requires the reporting of both the area of land development and the area of land disturbance as outlined in LD-445 form.

3.1.1 The area of land development is the total VDOT owned/controlled area within the project 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 areas for support facilities identified and included as a part of the construction plans or other such documents and the registration information for VPDES Construction Permit coverage for the RLDA.

3.1.2 The area of land disturbance is the total area within the land development area that will be disturbed by the proposed activities. Land disturbance, for the purposes of applicability of the VSMP Regulation and the VPDES 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. The land disturbance area should be determination using the methodology in the VDOT Drainage Manual, and included as a part of the construction plans or other such documents and the registration information for VPDES Construction Permit coverage for the RLDA.

- 3.1.3 Once VPDES Construction Permit coverage has been received, changes to the identified area of land disturbance within the identified area of land development can be made with a permit modification. If the land disturbance extends into a higher permit fee bracket (i.e. goes from less than 5 acres to 5 acres or greater) the difference between the original permit fee and the final permit fee is due. Please see form LD-445 and instructions. Note that all expansions of permit disturbed area require modifications to the ESC Plans, the SWM Plans and the SWPPP, and associated review and approval by VDOT and a Certified Plan Reviewer, inclusive of form LD-445C.
- 3.1.4 Because of the potential need for a permit modification in the event that the disturbed area listed is not sufficient to complete the project as planned and designed, it is recommended that a liberal determination be applied when defining the area of land development and the area of land disturbance for the purposes of VPDES Construction Permit coverage. If a permit modification is required (this will be a hold point on the construction schedule), project construction shall not proceed in areas where the additional land disturbance is needed until such time that permit modification has been reviewed and processed by District staff. Until DEQ approval is obtained, the project must maintain all appropriate documentation in the SWPPP.
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4.0 SUPPORT FACILITIES FOR THE RLDA

4.1 SUPPORT FACILITIES WITHIN VDOT R/W

- 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 VDOT R/W or easement. Use of VDOT R/W outside the project limits and designated land development area for the RLDA must be pre-approved by the Area Construction Engineer or his designee.
- 4.1.2 Onsite support facilities are to be covered under the VPDES Construction Permit for the RLDA unless the support facility is greater than one mile away. In those circumstances, the requirements of Section 2.4.1 apply. The SWPPP for the onsite support facilities shall include, but is not limited to, the ESC Plan, the Pollution Prevention Plan and the post construction SWM Plan (if applicable) and 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 facilities 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 unknown until after the award of the contract for the RLDA and/or after the VPDES Construction Permit registration process for the RLDA has been completed.

4.1.4 For all onsite support facilities requiring coverage under the VPDES Construction Permit which were not identified in the construction plans or other such documents or the registration information submitted for VPDES Construction Permit coverage for the RLDA, the contractor shall develop a SWPPP, which shall include but is not limited to the ESC Plan, the Pollution Prevention Plan and the post construction SWM Plan, for such areas in accordance with the VDOT R&B Standards and Specifications, the instructions in the current version of the VDOT Drainage Manual, IIM-LD-195 and VDOT's Approved ESC and SWM Standards and Specifications. The Contractor shall ensure that ESC and SWM plans and supporting computations are appropriately sealed by a licensed professional. The contractor shall have the ESC Plan and post-construction SWM Plan for the onsite support facilities reviewed and approved by an independent reviewer appropriately certified through DEQ's SWM and/or ESC Plan Reviewer Certification Program. Form LD-445C shall be used to certify the plan review and approval process.

After review and approval by DEQ certified individuals as referenced above, the SWPPP, including the LD-445C form and updated forms LD-445 and 445A for the onsite support facilities shall be submitted to the VDOT Project Manager and the RLDA for review and approval. The VDOT Project Manager will coordinate with the District VPDES Permit Coordinator to facilitate the permits through Central Office and DEQ. Construction shall not proceed in areas where the additional land disturbance is needed until such time that permit modification has been reviewed, processed by District. Until DEQ approval is obtained, the project must maintain all appropriate documentation in the SWPPP.

4.1.5 The SWPPP for the RLDA will require modification for the inclusion of the SWPPP for the onsite support facilities once such areas are identified and plans are reviewed and approved by the RLD for the RLDA (see Section 107.16(e) of the 2016 R&B Specifications (as amended) and Chapter 10 of the VDOT Drainage Manual or additional information for modifying the SWPPP, including the approved ESC Plan and post-construction SWM Plan).

4.1.6 The impact of any additional land disturbance area associated with any onsite support facilities identified in 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 SUPPORT FACILITIES OUTSIDE OF VDOT R/W

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 VDOT R/W.

4.2.1 For all offsite support facilities located outside VDOT R/W or easement, it shall be the responsibility of the contractor to develop all necessary plans and documents and secure any necessary VPDES Construction Permit coverage directly from the VSMP Authority for the area (typically the local governing body) in which the support facility is located.

- 4.2.2 Plans and documents for any offsite support facility shall be developed in accordance with the requirements of the VSMP Authority for the area in which the support facility is located.
- 4.2.3 Application for coverage under the VPDES Construction Permit shall be completed in accordance with the requirements of the VSMP Authority for the area in which the support facility is located.
- 4.2.4 The contractor shall be responsible for the installation of temporary ESC measures and the permanent stabilization of all disturbed areas at borrow and soil disposal sites associated with the RLDA regardless of the need for VPDES Construction Permit coverage at those sites. The installation of temporary ESC measures and the permanent stabilization of all disturbed areas at such sites shall be accomplished in accordance with the requirements of the VSMP or ESC Authority for the area in which the support facility is located or the ESC Law and Regulation, whichever is more stringent.
- 4.2.5 Evidence of compliance with this section (e.g. permit coverage documentation) shall be provided to the Area Construction Engineer or designee.
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5.0 RESPONSIBLE PARTIES

5.1 VDOT Project Authority

Responsible for initiating the VPDES Construction Permit Registration application process. This includes, but is not limited to, the following:

- Completing, or coordinating the completion of, all the information on the VPDES Construction Permit Registration Information Form LD-445;
- Attaching the completed ESC & SWM Plan Certification Form LD-445C to the permit application assembly and sending the completed assembly for each RLDA to the District or Central Office (as applicable) VPDES Construction Permit Coordinator; and
- Processing the VPDES Construction Permit registration assembly for the offsite support facilities within VDOT R/W or easement and submitting completed assemblies to the District or Central Office (as applicable) VPDES 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 VDOT 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. This includes, but is not limited to, the following:

- Developing and ensuring that all applicable information is included on the SWPPP General Information Sheets (see Chapter 10 of the VDOT Drainage Manual);
- Assisting the Project Authority in completing the VPDES Construction Permit Registration Information Form LD-445; and
- Ensuring completion of the form by an independent reviewer and submission of the Erosion and Sediment Control and Stormwater Management Plan Certification Form LD-445C to the Project Authority. (Person completing 445C form must be certified as ESC Plan Reviewer and SWM Plan Reviewer by VA DEQ).

5.3 VDOT District VPDES Construction Permit Coordinator

The District VPDES Construction Permit Coordinator is the District Hydraulics Engineer or their designee.

Responsible for coordinating the VPDES Construction Permit Registration application process for the District. This includes, but is not limited to, the following:

- Collecting all the completed VPDES Construction Permit Registration application assemblies (i.e., Forms LD-445 and LD445C) and uploading them to the InsideVDOT VPDES Construction Permit web site;
- Uploading the submitted SWPPP General Information Sheet 1 and the VPDES Construction Permit Termination Notice Forms LD-445D, and the construction record drawings and certifications to the InsideVDOT VPDES Construction Permit web site; and
- Attaching a copy of the VPDES Construction Permit Registration Information Form LD-445 to the applicable VPDES Construction Permit coverage letter received from the Central Office VPDES Construction Permit Coordinator and forwarding both to the RLD for each specific RLDA or offsite support facility area located within VDOT R/W or easement.

5.4 VDOT Responsible Land Disturber (RLD)

The RLD is the VDOT person so identified on the SWPPP General Information Sheets and satisfies the requirements of DEQ's RLD Certification Program. For VDOT administered projects, the RLD is usually the Area Construction Engineer (ACE) for a construction project; Residency Engineer or Administrator for a Maintenance project or another certified individual delegated by such to serve as the RLD.

This person is responsible for ensuring the implementation of the SWPPP (including the ESC, Pollution Prevention and post-construction SWM Plan) for the RLDA and any onsite and offsite support facilities located within VDOT R/W or easement. This includes, but is not limited to, the following:

- Coordinating the review and approval for the SWPPP for any onsite or offsite support facilities within VDOT R/W or easement not identified in the construction plans or other such documents for the RLDA.
- Submit the LD-445D form, construction record drawings and certifications and the completed SWPPP General Information Sheet 1 to the District VPDES Coordinator for termination.
- Coordinating the submission of information for offsite support facilities located within VDOT R/W or easement that requires VPDES Construction Permit coverage.
- Completing, signing, and forwarding, to the appropriate District VPDES Construction Permit Coordinator, the SWPPP Certification located on SWPPP General Information Sheet 1, 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 activities occurring in those areas identified by such information.
- Completing and forwarding, to the appropriate District VPDES Construction Permit Coordinator, the VPDES Construction Permit Termination Notice Form LD-445D certifying that final stabilization has been achieved on all portions of the RLDA site and/or offsite support facilities within VDOT R/W or easement and (where applicable) that all permanent (post construction) SWM BMPs have been constructed in accordance with their plan design details and that the BMPs have been made operational.
- Coordinating with the appropriate VDOT District Maintenance Infrastructure Manager to obtain a Maintenance ID number for each permanent (post-construction) SWM BMP and reporting such number, along with other applicable information, on the BMP information portion of the VPDES Construction Permit Termination Notice Form LD-445D.
- The certification that the BMP(s) were constructed in accordance with their plan details and that the BMP(s) have been made functional shall be performed by a person registered in the Commonwealth of Virginia as a Professional Architect, Engineer, Land Surveyor or Landscape Architect.

5.5 VDOT Central Office VPDES Construction Permit Coordinator

The Central Office VPDES Construction Permit Coordinator is a designated person in the Central Office Location and Design Division.

Responsible for compiling all VPDES Construction Permit Registration assemblies statewide and applying to DEQ for coverage under the VPDES Construction Permit for the RLDAs or offsite support facilities within VDOT R/W or easement. This includes, but is not limited, to the following:

- Submitting the VPDES Construction Permit Registration and Termination information (spread sheet) and registration fees (in the form of an IAT) to DEQ;
- Forwarding the VPDES Construction Permit coverage letters (including permit number) received from the DEQ to the District VPDES Construction Permit Coordinator;
- Providing specific project information to the Central Office L&D Administrative Section for processing the project charges and the IAT for DEQ;
- Maintaining an online database documenting pertinent information on the RLDAs and offsite support facilities within VDOT R/W or easement submitted for VPDES Construction Permit coverage;
- Compiling SWM BMP data, including record drawings for BMPs and SWMFs, and entering into the BMP and SWMF mapping and tracking database. Permanent SWM BMP data must be submitted with the VPDES Construction Permit Termination Notice Form LD-445D and must be entered into the BMP Database.

6.0 VPDES CONSTRUCTION PERMIT REGISTRATION PROCEDURE

- 6.1 Except for emergency related work (covered under Form LD-445F), coverage under the VPDES Construction Permit must be obtained prior to any land disturbance occurring on any proposed project/activity or offsite support facilities within VDOT R/W or easement that exceed the land disturbance threshold amount noted in Section 2.4 of this IIM. Once VDOT submits a complete and accurate registration statement (including applicable permit fee) to DEQ, DEQ must issue or deny VPDES Construction Permit coverage within 30 calendar days. The registration statement will be considered submitted once the appropriate registration information and permit fee (in the form of the IAT documentation) have been sent to DEQ by the VDOT Central Office VPDES Construction Permit Coordinator.

Land-disturbing activities requiring VPDES Construction Permit coverage that are conducted in response to a public emergency to avoid imminent endangerment to human health or environment may commence without VPDES Construction Permit coverage provided that both of the following conditions are met:

1. DEQ is advised of the activity within seven (7) calendar days of commencing the land disturbance activity.
2. VPDES Construction Permit coverage (if applicable) is applied for within thirty (30) calendar days of commencing the land disturbance activity.

See Section 6.13 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 VPDES Construction Permit Registration Information Form LD-445, attach the ESC and SWM Plan Certification Form LD-445C and send this assembly to the appropriate VDOT District VPDES Construction Permit Coordinator prior to the 21st day of each month.
 - 6.2.1 For Capital Outlay projects, the VDOT Project Authority shall submit the completed permit registration assembly directly to the VDOT Central Office VPDES Construction Permit Coordinator.
 - 6.2.2 For Design Build (D/B) projects, the VDOT Project Authority shall submit the completed permit registration assembly to either the VDOT District VPDES Construction Permit Coordinator (where the project is being managed in the VDOT District Office) or the VDOT Central Office VPDES Construction Permit Coordinator (where the project is being managed in the VDOT Central Office).
- 6.3 The VDOT District VPDES Construction Permit Coordinator shall review all permit registration assemblies received for completeness and then upload all assemblies found complete to the InsideVDOT VPDES Construction Permit web site on or before the last day of each month. The VDOT District VPDES Construction Permit Coordinator will return all incomplete assemblies to the VDOT Project Authority for completion and resubmission.
- 6.4 The VDOT Central Office VPDES Construction Permit Coordinator shall:
 - Compile all VPDES Construction Permit registration and termination information from registration assemblies and enter appropriate data into the VPDES database;
 - Create the VDOT VPDES Construction Permit Registration Report;
 - Determine the total fee to be paid to the DEQ for registering the RLDAs or offsite support facilities for coverage under the VPDES Construction Permit using the VPDES Construction Permit Fee Summary Report;

- Complete and get authorized an IAT for the fee to be paid to DEQ;
- Complete the DEQ Registration Statement for Construction Permit coverage;
- Complete the cover letter for submitting information to DEQ;
- Submit all VPDES Construction Permit registration information, termination documentation, and construction record drawings for permanent SWMFs to VDOT management for review and signature;
- Develop paper and electronic submittal packages for DEQ;
- Provide electronic copies of the permit coverage letter, LD-445, LD-445H and a copy of the construction permit to the District VPDES Coordinator and/or Project Manager;
- Maintain District project inventory spreadsheets and archive electronic files in Falcon DMS.

- 6.5 Once VDOT management reviews and signs the DEQ submittal package, the VDOT Central Office VPDES Construction Permit Coordinator shall submit the information to DEQ for processing. Based on the various reviews and approvals required, it could take up to fifteen (15) business days for the Central Office VPDES Construction Permit Coordinator to compile and submit the VPDES Construction Permit registration information to DEQ. To facilitate the VPDES Construction Permitting process, the submissions to DEQ will only occur only once a month.
- 6.6 After DEQ receives the VPDES Construction Permit submittal package, DEQ will issue or deny permit coverage for each RLDA or offsite support facility area. **Typical processing times of 30 days or greater should be expected.** For those RLDAs or offsite support facility areas approved for coverage, DEQ will issue a permit coverage letter to the VDOT Central Office VPDES Construction Permit Coordinator with a project specific permit registration number. Where DEQ denies coverage for any RLDA or offsite support facility area, the registration information will be returned to VDOT for revision (as appropriate) and re-submittal.
- 6.7 The VDOT Central Office VPDES Construction Permit Coordinator will forward the RLDA or offsite support facility area permit coverage letters to the appropriate VDOT District VPDES Construction Permit Coordinator or the VDOT Capital Outlay or Design Build Project Authority.
- 6.8 Because of the many steps involved in the VPDES Construction Permit coverage process, a minimum of ninety (90) calendar days should be allotted from the time complete registration information is submitted to the District (or Central Office) VPDES Construction Permit Coordinator to the time the permit coverage letter is forwarded to the District VPDES Construction Permit Coordinator or the VDOT Capital Outlay or Design Build Project Authority.

- 6.9 The VDOT District VPDES Construction Permit Coordinator or Capital Outlay / Design Build Project Authority shall attach a copy of the VPDES Construction Permit Registration Information Form LD-445 to each applicable RLDA or offsite support facility area VPDES Construction Permit coverage letter received and distribute both to the appropriate VDOT RLD.
- 6.10 The VDOT Central Office VPDES Construction Permit Coordinator shall submit copies of the LD-445 forms to the VDOT Central Office Location and Design Administrative Section in order to debit the appropriate permit registration fee from each specific RLDA.
- 6.11 The VDOT Central Office VPDES Construction Permit Coordinator shall maintain an online database documenting the registered RLDAs and offsite support facilities within VDOT R/W or easement and shall retain, on file, copies of the VPDES Construction Permit Registration Application information for a period of not less than 3 years after completion of the RLDA or offsite support facilities within VDOT R/W or easement and the termination of the VPDES Construction Permit coverage.
- 6.12 The VPDES Construction Permit Registration Application for any RLDA or offsite support facility area located within VDOT R/W or easement missing any of the submission cutoff dates (i.e., to VDOT District or Central Office VPDES Construction Permit Coordinator) will be carried forward to the next month's submission to DEQ.
- 6.13 The following procedures shall be followed for land-disturbing activities related to emergency operations that may require coverage under the VPDES Construction Permit.
 - 6.13.1 The Project Authority shall complete the Notification of Emergency Related Land Disturbing Activities Form LD-445F and submit such to DEQ by mail or electronic transmittal (with copies to the VDOT District and Central Office VPDES Construction Permit Coordinators) no later than seven (7) calendar days after commencement of the land-disturbing activities associated with the emergency operations.
 - 6.13.2 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 et seq. of this IIM for obtaining VPDES Construction Permit coverage except for the following:
 - a. The application for VPDES Construction Permit coverage for the emergency operations shall be submitted to the District VPDES Construction Permit Coordinator no later than fourteen (14) calendar days following commencement the land-disturbing activities associated with the emergency operations;

- b. The application for VPDES Construction Permit coverage for the emergency operations shall be submitted by the District VPDES Construction Permit Coordinator to the Central Office VPDES Construction Permit Coordinator no

later than twenty-one (21) calendar days following commencement the land-disturbing activities associated with the emergency operations; and

- c. The application for VPDES Construction Permit coverage for the emergency operations shall be submitted by the Central Office VPDES Construction Permit Coordinator to the DEQ no later than thirty (30) calendar days following commencement of land-disturbing activities associated with the emergency operations.

7.0 CONDITIONS OF COVERAGE UNDER THE VPDES CONSTRUCTION PERMIT

- 7.1 The SWPPP, along with a copy of the VPDES Construction Permit, the VPDES Construction Permit Registration Information Form LD-445 and the VPDES Construction Permit coverage letter showing the permit registration number, must be retained on the site of the RLDA or the offsite support facility area within VDOT R/W or easement from the commencement of any land disturbance activity to the date of 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 hours. Where the SWPPP documents are not stored at the site of the RLDA or the offsite support facility area within VDOT R/W 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, VDOT ESC Inspector, the contractor's ESCCC person, etc.) whenever they are on site.
- 7.2 The VPDES Construction Permit requires that the SWPPP be made available for review upon the request of DEQ, the EPA, local government officials or the operator of a municipal separate storm sewer system (MS4) receiving discharge from the RLDA or any of the RLDA's support facilities covered under the VPDES Construction Permit for the RLDA.
- 7.3 The VPDES Construction Permit requires that a copy of the 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 VPDES Construction 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 VPDES Construction Permit coverage letter and the LD-445A form are to be posted at a location near the project and maintained with the other SWPPP documents for the land-disturbing activity.

- 7.4 The VPDES 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 (i.e., at least once a month).
- 7.5 Any modifications to the approved SWPPP must be implemented in accordance with Section 107.16(e) (as amended) of the VDOT R&B Specifications, the VDOT's Approved ESC and SWM Standards and Specifications, and the procedures outlined in the VDOT Drainage Manual and relevant IIMs.

8.0 PROCEDURE FOR TERMINATING COVERAGE UNDER VPDES CONSTRUCTION PERMIT

- 8.1 Upon completion of land disturbance activities at the RLDA or offsite support facility area within VDOT R/W or easement (i.e., all areas are stabilized and all permanent SWM BMPs are operational), the VDOT RLD shall coordinate with the appropriate District Maintenance Infrastructure Manager to secure a VDOT Maintenance ID Number for each BMP listed in the Permanent BMP Table A in Section VI of the SWPPP General Information Sheets for the land disturbing activity. Final Inspection, review and acceptance of BMPs is covered in IIM LD-195. After the final inspection has been completed and any needed corrective actions are completed, the VDOT RLD shall complete and sign the VPDES Construction Permit Termination Notice form LD-445D. The LD-445D form (including all permanent BMP information) is to be submitted to the appropriate VDOT District VPDES Construction Permit Coordinator prior to the 21st day of the month. A copy of the LD-445D form (including all permanent BMP information) is to be sent to the VDOT District Infrastructure Manager or designee, State Infrastructure Manager or designee and the District NPDES Coordinator.

For the purpose of VPDES Construction Permit termination for the VDOT RLDAs or offsite support areas located within VDOT R/W or easement, an area is considered stable when permanent vegetative cover has been established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform, mature enough to survive and will inhibit erosion. In some instances, termination may be allowed without final stabilization if another operator has assumed control and provides permit coverage, or if the activity is covered under an alternative VPDES or state permit.

- 8.2 The VDOT District VPDES Construction Permit Coordinator shall upload all LD-445D forms (including the permanent BMP information, construction record drawings and certifications) received to the InsideVDOT VPDES Construction Permit web site on or before the last day of each month.
- 8.3 The VDOT Central Office VPDES Construction Permit Coordinator shall compile all VPDES Construction Permit termination information and enter the appropriate data into the VPDES database. The VDOT Central Office VPDES Construction Permit Coordinator shall generate a VPDES Construction Permit Termination Report from the VPDES data base. The permanent BMP information is to be added to the VPDES Construction Permit Termination Report and all information is to be sent to DEQ along with the monthly VPDES Construction Permit Registration Report.
- 8.4 The VDOT Central Office VPDES Construction Permit Coordinator shall retain a copy of the permit termination information on file for a period of not less than 3 years after the termination date. The VDOT Central Office VPDES Construction Permit Coordinator shall also enter the permanent BMP information into the L&D BMP Design Data Base.

9.0 FORMS

LD-445	VPDES Construction Permit Registration Information
LD-445A	VPDES Construction Permit Contact Information
LD-445B	VPDES Construction Permit Fee Registration (Voided)
LD-445C	ESC and SWM Plan Certification
LD-445D	VPDES Construction Permit Termination Notice
LD-445E	Stormwater Pollution Prevention Plan (SWPPP) Certification (Voided)
LD-445F	Notification of Emergency Related Land Disturbing Activities
LD-445G	Stormwater Technical Criteria Exception Request
LD-445H	Delegation of Authority
LD-445I	Annual Standards and Specifications Entity Form

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