

VIRGINIA DEPARTMENT OF TRANSPORTATION

# LOCATION AND DESIGN DIVISION

## INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

GENERAL SUBJECT: VIRGINIA STORMWATER MANAGEMENT PROGRAM	NUMBER: IIM-LD-242.5
SPECIFIC SUBJECT:  VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES	DATE: OCTOBER 15, 2014
	SUPERSEDES: IIM-LD-242.4
APPROVAL:	B. A. Thrasher, P.E. State Location and Design Engineer Approved October 15, 2014

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### CURRENT REVISION

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- Revisions have been made throughout this memorandum to update and clarify the requirements contained in the VPDES General Permit for Discharges of Stormwater from Construction Activities and the procedures for obtaining permit coverage.
  - Shading has been omitted due to the number of changes.
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### EFFECTIVE DATE

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- The provisions in Section 4.0 of this memorandum are effective for all projects developed/constructed under the provisions of VDOT 2007 Road and Bridge Supplemental Specification SS1D016-0913 et seq.
  - All other sections of this memorandum are effective upon receipt.
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### ACRONYMS

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- BMP – Best Management Practice
  - DCR – (The) Virginia Department of Conservation and Recreation
  - DEQ – (The) Virginia Department of Environmental Quality

- ESC – Erosion and Sediment Control
  - ESCCC – Erosion and Sediment Control Contractor Certification
  - 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
  - SWCB – State Water Control Board
  - SWM – Stormwater Management
  - SWPPP – Stormwater Pollution Prevention Plan
  - VDOT – (The) Virginia Department of Transportation
  - VPDES – Virginia Pollutant Discharge Elimination System
  - VSMP – Virginia Stormwater Management Program
  - VSWCB – Virginia Soil and Water Conservation Board
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## 1.0 BACKGROUND

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- 1.1 Acts of the General Assembly have resulted in the enactment of the Stormwater Management Law (Section 62.1-44.15:24 et seq. of the Code of Virginia) and the issuance of the Virginia Stormwater Management Program Regulations (9 VAC 25-870-10 et seq.) for discharges of stormwater from Regulated Land Disturbing Activities. The law empowers the SWCB to regulate, permit, and control stormwater runoff in the Commonwealth and authorizes the SWCB to delegate such powers to DEQ.
- 1.2 Effective July 1, 2013, the Stormwater Program, including the VPDES General Permit for Discharges of Stormwater from Construction Activities was transferred from DCR to DEQ. The sections of the Code of Virginia and the Virginia Administrative Code (VAC) referenced herein reflect new numbering as a result of the program transfer.
- 1.3 Authorization to discharge stormwater from construction activities under the VSMP Regulations and the Virginia Stormwater Management Act is permitted through DEQ's VPDES General 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

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- 2.1 The VPDES Construction Permit is applicable for all RLDA's undertaken by or for VDOT including projects developed under the PPTA and 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 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 VPDES Construction Permit for their activities (if applicable). This includes, 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 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 shall 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 General Permit number unless the provisions of section 2.4.1 of this IIM apply.
- 2.4.4 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 General 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 permitted site.

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

2.5 Routine maintenance activities are exempt from the VSMP Regulations and VPDES Construction Permit coverage regardless of the amount of land disturbance.

2.5.1 This exemption is only for those maintenance activities considered routine and only applies to the VSMP Regulations and VPDES Construction Permit Program. It does not apply to the ESC Program, other applicable SWPPP components or other policies related to upstream and downstream channel and flood impacts. An ESC Plan (including downstream channel adequacy analysis, as appropriate) and other applicable SWPPP components are 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 VPDES Construction Permit Program (see current version of IIM-LD-11 and 246 for more information on ESC Plan and SWPPP requirements).

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.). When classifying a land disturbance activity as a routine maintenance, consideration should be given to the fact that changes to the size, shape, slope and material of a drainage feature (i.e., ditch, culvert, etc.) may alter the conveyance of flow, but may still maintain the original hydraulic capacity of the facility, since for certain flood events, that may 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 Regulations and VPDES Construction Permit coverage provided all of the following conditions are met:

1. The proposed paved area will approximate the existing compacted or otherwise impervious area.

2. There will be no changes to the existing horizontal or vertical alignment.
  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.
  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 Facilities that support the routine maintenance activity (e.g., disposal areas for surplus dirt or borrow pits) are not considered a part of the routine maintenance operation and, therefore, are not covered under the routine maintenance activity exemption. If the support facility does not otherwise have coverage under the VPDES Construction Permit, it must be evaluated for the applicability of VPDES Construction Permit and where found necessary, VPDES Construction Permit coverage must be obtained (either by VDOT or the site owner) prior to any land disturbance activities occurring at the site.
- 2.5.5 For any maintenance activity being classified as routine, the activity files shall be documented regarding the original and proposed line, grade, hydraulic capacity and construction of the facility. Documentation of original conditions can be in the form of old plans, photographs or other such documents depicting the original line and grade, hydraulic capacity, or original construction of the facility. Written and signed statements from those that know the history of the facility can also serve as documentation of the original conditions.
- 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.

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### 3.0 LAND DEVELOPMENT AREA AND LAND DISTURBANCE AREA

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- 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.
- 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 Regulations 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. Typically, the land disturbance area would be the area encompassed by the limits of the construction activity (i.e., the construction limits) for the RLDA plus any additional areas for support facilities if such areas are 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.
- 3.1.3 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 without having to re-permit the project/activity provided the additional land disturbance area, when combined with the originally reported area, does not change the VPDES Construction Permit fee previously paid to DEQ. If the additional land disturbance area does change the VPDES Construction Permit fee previously paid to DEQ, another application for permit coverage must be processed. The existing permit coverage must be terminated once new permit coverage is received.
- 3.1.4 A change in the identified land development area of the project/activity after receipt of VPDES Construction Permit coverage will require the processing of another application for permit coverage. The existing permit coverage must be terminated once the new permit coverage is received.
- 3.1.5 Because of the potential of having to submit the project/activity for new VPDES Construction Permit coverage and having to terminate the existing VPDES Construction Permit coverage when changes occur to the land development and land disturbance area, 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.

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#### 4.0 SUPPORT FACILITIES FOR THE RLDA

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##### 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 project limits and within the designated land development area (VDOT right of way or easement) for the RLDA.
- 4.1.2 Onsite support facilities are to be covered under the VPDES Construction Permit for the RLDA. 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 IIM-LD 11, 195 and 246 and VDOT's Approved ESC and SWM Standards and Specifications (see Section 21.0 in the latest version of IIM-LD-195 for additional information on VDOT's Approved ESC and SWM Standards and Specifications). The contractor shall have the ESC Plan and post construction SWM Plan for the onsite support facilities reviewed and approved by a person appropriately certified through DEQ's SWM and/or ESC Plan Reviewer certification program. The form LD-445C shall be used to certify the plan review and approval process. The SWPPP, including the LD-445C form, for the onsite support facilities shall be submitted to the VDOT RLD for the RLDA for review and approval.
- 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 2007 R&B Specifications (as amended) and the current version of IIM-LD-11 and 246 for 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 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 the project limits/land development area of the RLDA.
- 4.2.2 Offsite support facilities may be located within or outside of VDOT right of way or easement.
- 4.2.3 Offsite support facilities located within VDOT Right of way or easement

- 4.2.3.1 Offsite support facilities located within VDOT right of way or easement may be identified and included in the construction plans or other such documents and the VPDES Construction Permit registration information for the RLDA. 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 and such areas are not included in the registration information submitted to DEQ to acquire VPDES Construction Permit coverage for the RLDA.
- 4.2.3.2 Those offsite support facilities not included in the construction plans or other such documents and the VPDES Construction Permit registration information for the RLDA will not be included under the VPDES Construction Permit coverage for the RLDA. Instead, such offsite support facilities exceeding the land disturbance thresholds identified in Section 2.4 of this IIM shall be required to obtain individual coverage under the VPDES Construction Permit.
- 4.2.3.2.1 Where multiple areas are being utilized for offsite support facilities, the land disturbance value for all the offsite support facilities located within VDOT right of way or easement for an individual RLDA shall be considered in total for the applicability of the VPDES 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 facilities located within VDOT right of way or easement requiring individual coverage under the VPDES Construction Permit, the contractor shall develop the necessary plans and documents for applying for VPDES Construction Permit coverage and VDOT shall secure the permit coverage.
- 4.2.3.3.1 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 IIM-LD 11, 195 and 246 and VDOT's Approved ESC and SWM Standards and Specifications. The contractor shall have the ESC Plan and post construction SWM Plan for the offsite support facilities reviewed and approved by a person appropriately certified through DEQ's SWM and/or ESC Plan Reviewer certification program. The form LD-445C shall be used to certify the plan review and approval process. The SWPPP, including the LD-445C form, for the offsite support facilities shall be submitted to the VDOT RLD for the RLDA for review and approval
- 4.2.3.3.2 The contractor shall complete, and submit to the VDOT RLD, the VPDES 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 facilities under the VPDES Construction Permit. The RLD for the RLDA is to be listed on the LD-445 form as the RLD for the offsite support facility.



- 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 from the contractor, the VDOT RLD shall complete the VPDES Construction Permit Registration Fee form LD-445B and then forward all documents to the appropriate District VPDES Construction Permit Coordinator for processing and obtaining VPDES Construction Permit coverage for the offsite support facilities. The process and time schedule for VDOT to request VSMP Construction Permit coverage from the DEQ is outlined in Section 6.0 of this IIM.
- 4.2.3.4 Once issued by DEQ, the VPDES Construction Permit coverage letter with the permit registration number will be transmitted to the VDOT RLD in accordance with the procedures noted in Section 6.7 and 6.9 of this IIM. The RLD shall provide the contractor a copy of the VPDES Construction Permit coverage letter and the notice to proceed in the offsite support facility area(s). No land disturbance activity can occur at the offsite support facility area(s) until the VPDES Construction Permit coverage for such has been secured and the VDOT RLD has provided the notice to proceed. Depending upon the submission date, it could take a maximum of 90 days from the time the contractor submits complete and accurate registration information to the VDOT RLD to 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 VPDES Construction Permit Contact Information form LD-445A. The contact person for the offsite support facility area shall be the same as for the RLDA.
- 4.2.3.5 The contractor shall post a copy the VPDES Construction Permit coverage letter with the permit registration number and the LD-445A form 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 area has been completed and the site stabilized in accordance with the VDOT R&B Specifications and Section 8.1.1 of this IIM, the contractor shall complete and submit the VPDES Construction Permit Termination Notice form LD-445D to the designated VDOT RLD for processing in accordance with Section 8.0 et seq. of this IIM.
- 4.2.3.7 For offsite support facilities not requiring coverage under the VPDES Construction permit but disturbing 10,000 square feet or greater (2,500 square feet or greater in the Tidewater area – see the current version of IIM-LD-11 for the definition of Tidewater area), the contractor shall develop and have approved a SWPPP (which shall include but is not limited to an ESC Plan, a Pollution Prevention Plan and, when applicable, a post construction SWM Plan) in accordance with Section 4.2.3.3.1 of this IIM.
- 4.2.4 Offsite support facilities located outside of VDOT right of way or easement.

- 4.2.4.1 For all offsite support facilities located outside VDOT right of way 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 in which the support facility is located.
- 4.2.4.2 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.
- 4.2.4.3 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.
- 4.2.4.4 The contractor shall be responsible for the installation of temporary erosion and sediment control 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 erosion and sediment control 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 Regulations, whichever is more stringent.

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## 5.0 RESPONSIBLE PARTIES

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### 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 of the information on the VPDES Construction Permit Registration Information form LD-445 and the VPDES Construction Permit Fee Registration form LD-445B.
  - 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.
  - Processing the VPDES Construction Permit registration assembly for the offsite support facilities within VDOT right of way 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 the current version of IIM-LD-246).
- Assisting the Project Authority in completing the VPDES Construction Permit Registration Information form LD-445.
- Completing and submitting the Erosion and Sediment Control and Stormwater Management Plan Certification form LD-445C to the Project Authority.

## 5.3 VDOT District VPDES Construction Permit Coordinator

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

- Collecting all of the completed VPDES Construction Permit Registration application assemblies (i.e., forms LD-445, LD-445B and LD445C) and uploading them to the InsideVDOT VPDES Construction Permit web site.
- Collecting and uploading the completed Stormwater Pollution Prevention Plan Certification forms LD-445E and the VPDES Construction Permit Termination Notice forms LD-445D to the InsideVDOT VPDES Construction Permit web site.
- 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 right of way or easement.

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

## 5.4 VDOT Responsible Land Disturber (RLD)

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 right of way 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 right of way or easement not identified in the construction plans or other such documents for the RLDA.

- Coordinating the submission of information for offsite support facilities located within VDOT right of way or easement that require VPDES Construction Permit coverage.
- Completing, signing, and forwarding, to the appropriate District VPDES 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 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 right of way 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.

5.4.1 The RLD is the VDOT person so identified on the SWPPP General Information Sheets and satisfies the requirements of DEQ's RLD Certification Program. 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

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 right of way 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 RLDA's and offsite support facilities within VDOT right of way or easement submitted for VPDES Construction Permit coverage.
- Inputting permanent SWM BMP data submitted with the VPDES Construction Permit Termination Notice form LD-445D into the L&D BMP Design Database.

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

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## 6.0 VPDES CONSTRUCTION PERMIT REGISTRATION PROCEDURE

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6.1 Except for emergency related work, 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 right of way 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.

6.1.1 Land disturbing activities requiring VPDES Construction Permit coverage which 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 calendar days of commencing the land disturbance activity.
2. VPDES Construction Permit coverage (if applicable) is applied for within 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 and the VPDES 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 VPDES Construction Permit Coordinator prior to the 21<sup>st</sup> 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 Public/Private Transportation Act (PPTA) and Design Build (DB) 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 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 RLDA's 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 to VDOT management for review and signature.
- 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 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 Within 30 calendar days after DEQ receives the VPDES Construction Permit submittal package, DEQ will issue or deny permit coverage for each RLDA or offsite support facility area. For those RLDA's 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, PPTA or Design Build Project Authority.
- 6.8 Because of the many steps involved in the VPDES Construction Permit coverage process, a minimum of 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, PPTA or Design Build Project Authority.
- 6.9 The VDOT District VPDES Construction Permit Coordinator or Capital Outlay/PPTA/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-445B 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 RLDA's and offsite support facilities within VDOT right of way 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 right of way 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 right of way 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 fax (with copies to the VDOT District and Central Office VPDES Construction Permit Coordinators) no later than seven 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 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 21 calendar days following commencement the land disturbing activities associated with the emergency operations.
- 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 30 calendar days following commencement of land disturbing activities associated with the emergency operations.

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## 7.0 CONDITIONS OF COVERAGE UNDER THE VPDES CONSTRUCTION PERMIT

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- 7.1 The SWPPP (see the current version of IIM-LD-246), along with a copy of the VPDES General 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 right of way 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 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, 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 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 current version of IIM-LD-11 and IIM-LD-246.

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## 8.0 PROCEDURE FOR TERMINATING COVERAGE UNDER VPDES 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 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. 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 21<sup>st</sup> day of the month. A copy of the LD-445D form (including all permanent BMP information) is to be sent to the VDOT District Maintenance Engineer and the Central Office Maintenance Division Administrator.
  - 8.1.1 Since VDOT has the responsibility to maintain all of the properties it owns or operates (e.g., roadway rights of way and easements, facility properties, etc.) and since such responsibilities include maintaining land surfaces to prevent/control erosion, for the purposes of VPDES Construction Permit termination for the VDOT RLDA or offsite support areas located within VDOT right of way or easement, 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 VPDES Construction Permit Coordinator shall upload all LD-445D forms (including the permanent BMP information) 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.

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## 9.0 FORMS

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LD-445	VPDES Construction Permit Registration Information
LD-445A	VPDES Construction Permit Contact Information
LD-445B	VPDES Construction Permit Fee Registration
LD-445C	ESC and SWM Plan Certification
LD-445D	VPDES 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/>