



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
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RICHMOND, VIRGINIA 23219-2000

David S. Ekern, P.E.  
COMMISSIONER

October 16, 2009

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

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

Dear Mr. Frye:

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

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

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

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

Sincerely,



Roy T. Mills  
State Stormwater Program Administrator

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