



Development Advisory - 47

July 1, 2019

2019 VSMP Guidance on Grandfathering and Continued Use of Old Stormwater Part IIC Criteria:

Prior to July 1, 2014 many operators rushed to obtain 2009 CGP coverage to preserve the ability to utilize Part II C Technical Criteria for their project. The State issued guidance that outlined the expectation that projects would have obtained Erosion and Sediment Control (E&S) plan approval prior to submitting for 2009 CGP coverage and reissuance of the 2014 CGP. Given the amount of permit applications received, the State issued further guidance that permitted projects to submit E&S plans within 60 days of 2014 CGP reissuance. It was the expectation of the State in 2014 that projects would obtain E&S plan approval and E&S plan approval is a requirement to reissue the 2019 CGP.

It has come to light that some projects did not reach E&S plan approval during the 2014 permit cycle and are therefore unable to adequately complete the required information on the 2019 Registration Statement. The City wants to ensure operators have every opportunity to maintain the capability to utilize Part II C Technical Criteria; therefore, operators may follow the process below to maintain CGP permit coverage:

1. Operators must submit a 2019 Registration Statement to DSC for CGP reissuance by July 19, 2019. The E&S approval date will be blank under Section V (B).
2. DSC will notify operators in writing that the Registration Statement is incomplete, and that E&S plan approval must be obtained prior to submitting the Registration Statement to DEQ for reissuance. (Note that DSC staff will enter the Registration Statement information into the DEQ permit database to initiate a permit reissuance record, however reissuance cannot be fully submitted until plan approval is obtained.)
3. Operators must resubmit their E&S plan to DSC for review by Friday, August 30, 2019 (60 days of July 1, 2019), and;
4. Operators must obtain E&S plan approval by Tuesday, December 31, 2019.

If plans are approved by December 31, 2019, the Registration Statement can be completed and submitted to DEQ for reissuance and the project will continue to be eligible to utilize Part IIC Technical Criteria. If plans are not approved by December 31, 2019, the DSC will return the incomplete Registration Statement to the operator notifying them the project is not eligible for permit reissuance. These projects would no longer be eligible to utilize Part II C Technical Criteria for design and must use the new Part II B Criteria that became effective on July 1, 2014 for any future submittals. DSC staff has coordinated this process closely with DEQ staff to ensure projects obtaining E&S approval by the December 31, 2019 deadline will receive state permit coverage. Developers, consultants, and or operators are strongly encouraged to contact the DSC prior to E&S plan resubmittal to coordinate resubmittal requirements

We want to acknowledge and thank the City of Virginia Beach. This material was taken from their Planning

and Community Development Notice #2019-06-20.

Should you have any questions or comments contact Mark Curry at 757-382-6101 or at mcurry@cityofchesapeake.net