



## DEVELOPMENT ADVISORY – 22

June 18, 2014

### **New Stormwater Management Regulations – Effective July 1, 2014**

New State mandated Stormwater Management regulations take effect July 1, 2014. These State mandated regulations require the City to implement new requirements and enforcement measures. Some of the most significant requirements are as follows:

#### **Residential Land Disturbing Requirements**

- Single and multi-family residential construction must comply with the State Construction General Permit (CGP) requirements with some exceptions.
- All land disturbance  $\geq 1$  acre must have a stormwater management plan.
- Stormwater Pollution Prevention Plans (SWPPP) must be on site during construction – Template will be made available on City website.
- Permittee is required to conduct and document periodic self-inspections.
- Permittee will be subject to City enforcement for violations, including notices to comply, stop work orders and civil fines.

#### **Site and Subdivision Land Disturbing Permit Issuance/Enforcement**

- Prior to issuance of City Land Disturbing Permit, the stormwater management plan must be approved and the CGP issued, if required.
- The City will review and submit CGP registrations to DEQ electronically. The Land Disturbing Permit cannot be issued until the DEQ fee is paid by applicant and confirmation of CGP coverage is received by the City. Anticipate delays in state permitting process
- Applicants with existing CGP coverage need to provide proof of coverage prior to application for City permits
- City inspectors will be enforcing all CGP requirements, including SWPPP requirements. Permittee will be subject to City enforcement for violations, including notices to comply, stop work orders and civil fines.
- Construction record drawings will be required for all private BMPs prior to issuance of the Certificate of Occupancy

#### **Site and Subdivision Design Requirements**

- Runoff reduction method and DEQ Best Management Practice Clearinghouse requirements for projects not previously permitted or grandfathered. It is recommended engineers confirm applicable design criteria before commencing design.
- CGP Registration Statement are encouraged to be submitted prior to final plan approval to avoid state permitting delays.
- Maintenance agreements will be required for all private BMPs prior to site plan approval
- Land disturbance less than 1 acre shall adhere to 2010 PFM stormwater criteria.

**Details on attached pages**



## **Residential Land Disturbing Requirements**

Beginning on July 1, 2014, the City of Chesapeake will assume the administration and enforcement of the Virginia Department of Environmental Quality (state) General Permit for Discharges from Land Disturbing Activities also referred to as the state Construction General Permit (CGP). All land disturbing activities which disturb  $\geq 1$  acre are regulated under this program. Residential construction activities (single and multi-family) disturbing  $< 1$  acre are also regulated, with a few exceptions. The CGP program will now be enforced by the City rather than the state. All new requirements listed below become effective on July 1, 2014.

Beginning on July 1, 2014, if required, registration for the state CGP for projects within the City of Chesapeake will be made through the Chesapeake Civil Permits Office of the Department of Development and Permits located on the third floor of City Hall. City staff will electronically submit the application to the State DEQ. The applicant will receive notification from the State via email or USPS of the permit fee and approved methods of payment. The applicant must provide payment to the State DEQ before CGP coverage is provided. If you are required to register, please refer to the [Chesapeake CGP Registration Process](#) document for further details.

### **Who is regulated and what are the requirements?**

- **Single family detached residential land disturbing activities within a common plan of development or subdivision platted after July 1, 2004, where the entire subdivision will collectively disturb  $\geq 1$  acre:**
  1. **NEW** – These projects will receive automatic coverage under the CGP, no registration is required, but the project is required to comply with the terms and conditions of the CGP. A CGP coverage letter will be provided with your Land Disturbing Permit.
  2. **NEW** – These projects will be required to develop a Stormwater Pollution Prevention Plan (SWPPP). The Virginia DEQ has developed a SWPPP template which may be utilized. The template will be available on the City's web page. The SWPPP must contain: the CGP coverage letter; a copy of your Land Disturbing Permit, and a Pollution Prevention Plan. The Pollution Prevention Plan is a plan to control all pollutants on your site including, but not limited to: concrete wastes and washout; paint wash water; fuels; chemicals; trash; and construction debris. You will be required to conduct and document periodic **self-inspections** of your site to demonstrate SWPPP compliance. The SWPPP is required to be updated and made available on site from the commencement of land disturbing until final site stabilization.
  3. These projects must obtain a City Land Disturbing Permit, sign an Agreement in lieu of an Erosion and Sediment Control Plan, and comply with Virginia Minimum Standards for Erosion and Sediment Control and the City's Erosion and Sediment Control Ordinance.

4. **NEW** - City Inspectors will be enforcing the state CGP requirements, including review of SWPPPs and logs of your self-inspections, along with the Land Disturbing Permit requirements.
  5. A separate Stormwater Management Plan is not required provided that the stormwater management plan for the larger common plan of development or subdivision provides permanent post-construction control measures encompassing the residential structure(s).
  6. One SWPPP may be developed which encompasses multiple lots or land disturbing activities within a subdivision which are under the control of the same owner.
  7. **NEW** - City Inspectors will be enforcing the state CGP requirements, including review of SWPPPs and logs of your self-inspections, along with the Land Disturbing Permit requirements. Penalties for non-compliance may include Notices to Comply, Stop Work Orders, and Civil Fines.
- **Single family detached residential land disturbing activities disturbing  $\geq 1$  acre and  $< 5$  acres :**
    1. **NEW** – These projects will receive automatic coverage under the state Construction GP, no registration is required, but the project is required to comply with the terms and conditions of the state Construction GP.
    2. **NEW** – These projects will be required to develop a Stormwater Pollution Prevention Plan (SWPPP). The Virginia DEQ has developed a SWPPP template which may be utilized. The template will be available on the City's web page. The SWPPP must contain: the CGP coverage letter; a copy of your Land Disturbing Permit, and a Pollution Prevention Plan. The Pollution Prevention Plan is a plan to control all pollutants on your site including, but not limited to: concrete wastes and washout; paint wash water; fuels; chemicals; trash; and construction debris. You will be required to conduct and document periodic **self-inspections** of your site to demonstrate SWPPP compliance. The SWPPP is required to be updated and made available on site from the commencement of land disturbing until final site stabilization.
    3. **NEW** – These projects may be required to develop a Stormwater Management Plan to demonstrate compliance with the state's revised technical criteria for water quality and water quantity. This Stormwater Management Plan will also become a part of your **SWPPP**.
    4. A separate Stormwater Management Plan is not required provided that the stormwater management plan for the larger common plan of development or subdivision provides permanent post-construction control measures encompassing the residential structure(s).
    5. These projects must obtain a City Land Disturbing Permit, sign an Agreement in lieu of an Erosion and Sediment Control Plan, and comply with Virginia Minimum Standards for Erosion and Sediment Control and the City's Erosion and Sediment Control Ordinance.
    6. **NEW** - City Inspectors will be enforcing the state CGP requirements, including review of SWPPPs and logs of your self-inspections, along with the Land Disturbing Permit requirements Penalties for non-compliance may include Notices to Comply, Stop Work Orders, and Civil Fines.

- Single family detached residential land disturbing activities located within a Chesapeake Bay Preservation Act (CBPA) area which will disturb  $\geq 2500$  square feet, but  $<1$  acre, and which are not located within a **common plan of development or subdivision**:
  1. **NEW** – These projects may be required to develop a Stormwater Management Plan to demonstrate compliance with the state’s revised technical criteria for water quality and water quantity. Anticipate additional review time.
  2. These projects must obtain a City Land Disturbing Permit, sign an Agreement in lieu of an Erosion and Sediment Control Plan, and comply with Virginia Minimum Standards for Erosion and Sediment Control and the City’s Erosion and Sediment Control Ordinance. Penalties for non-compliance may include Notices to Comply, Stop Work Orders, and Civil Fines.
  
- Multi-family residential (duplex or townhome) land disturbing activities disturbing  $\geq 1$  acre:
  1. **NEW** – These projects must submit a **registration statement** to the City for CGP coverage and pay a state fee to DEQ. No Land Disturbing Permit will be issued until CGP coverage has been issued.
  2. **NEW** – These projects will be required to develop a Stormwater Pollution Prevention Plan (SWPPP). The Virginia DEQ has developed a SWPPP template which may be utilized. The template will be available on the City’s web page. The SWPPP must contain: the CGP coverage letter; a copy of your Land Disturbing Permit, and a Pollution Prevention Plan. The Pollution Prevention Plan is a plan to control all pollutants on your site including, but not limited to: concrete wastes and washout; paint wash water; fuels; chemicals; trash; and construction debris. You will be required to conduct and document periodic **self-inspections** of your site to demonstrate SWPPP compliance. The SWPPP must be kept updated and made available on site from the commencement of land disturbing until final site stabilization.
  3. **NEW** – These projects will be required to develop a Stormwater Management Plan to demonstrate compliance with the state’s revised technical criteria for water quality and water quantity. This Stormwater Management Plan will also become part of your **SWPPP**.
  4. A separate Stormwater Management Plan is not required provided that the stormwater management plan for the larger common plan of development or subdivision provides permanent post-construction control measures encompassing the residential structure(s).
  5. These projects must obtain a City Land Disturbing Permit, submit an Erosion and Sediment Control Plan or sign an Agreement in lieu of an Erosion and Sediment Control Plan, and comply with Virginia Minimum Standards for Erosion and Sediment Control and the City’s Erosion and Sediment Control Ordinance.
  6. **NEW** - City Inspectors will be enforcing the state CGP requirements, including review of SWPPPs and logs of your self-inspections, along with the Land Disturbing Permit requirements. Penalties for non-compliance may include Notices to Comply, Stop Work Orders, and Civil Fine

- **Multi-family residential (duplex or townhome) land disturbing activities located within a common plan of development or subdivision platted after July 1, 2004, where the subdivision will collectively disturb  $\geq 1$  acre:**

1. **NEW** – These projects must submit a **registration statement** to the City for CGP coverage and pay a state fee to DEQ. No Land Disturbing Permit will be issued until CGP coverage has been issued.
2. **NEW** – These projects will be required to develop a Stormwater Pollution Prevention Plan (SWPPP). The Virginia DEQ has developed a SWPPP template which may be utilized. The template will be available on the City's web page. In addition to a copy of your E&S Plan or Agreement in lieu of an E&S Plan and copy of your Land Disturbing Permit, the SWPPP must contain a Pollution Prevention Plan which is a plan to control all pollutants on your site including, but not limited to: concrete wastes and washout; paint wash water; fuels; chemicals; trash; and construction debris. You will be required to conduct and document periodic **self-inspections** of your site to demonstrate SWPPP compliance. The SWPPP must be kept updated and made available on site from the commencement of land disturbing until final site stabilization.
3. These projects must obtain a City Land Disturbing Permit, sign an Agreement in lieu of an Erosion and Sediment Control Plan, and comply with Virginia Minimum Standards for Erosion and Sediment Control and the City Erosion and Sediment Control Ordinance.
4. **NEW** - City Inspectors will be enforcing the state CGP requirements, including review of SWPPPs and logs of your self-inspections, along with the Land Disturbing Permit requirements.
5. A separate Stormwater Management Plan is not required provided that the stormwater management plan for the larger common plan of development or sale provides permanent post-construction control measures encompassing the residential structure(s).
6. One SWPPP may be developed which encompasses multiple lots or land disturbing activities within a subdivision which are under the control of the same owner.
7. **NEW** - City Inspectors will be enforcing the state CGP requirements, including review of SWPPPs and logs of your self-inspections, along with the Land Disturbing Permit requirements. Penalties for non-compliance may include Notices to Comply, Stop Work Orders, and Civil Fines.

- **In-fill residential construction disturbing  $< 1$  acre, and not located within a CBPA area:**

1. These projects must obtain a City Land Disturbing Permit, sign an Agreement in lieu of an Erosion and Sediment Control Plan, and comply with Virginia Minimum Standards for Erosion and Sediment Control and the City Erosion and Sediment Control Ordinance.
2. Penalties for non-compliance may include Notices to Comply, Stop Work Orders, and Civil Fines.

## **Contacts**

Please contact Barbara Brumbaugh in the Public Works Department at 382-6919 or [bbrumba@cityofchesapeake.net](mailto:bbrumba@cityofchesapeake.net) or Dave Dombroski in the Development and Permits Department at 382-6304 or [dombroski@cityofchesapeake.net](mailto:dombroski@cityofchesapeake.net) if you have questions or require additional information.

The Virginia Department of Environmental Quality has posted information and Frequently Asked Questions which can be found here:

<http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPermits/ConstructionGeneralPermit.aspx>

<http://www.deq.virginia.gov/ConnectWithDEQ/TrainingCertification/TrainingCertificationFAQs.aspx>



## Site and Subdivision Land Disturbing Permit Issuance/Enforcement

Beginning on July 1, 2014, the City of Chesapeake will assume the administration and enforcement of the Virginia Department of Environmental Quality (state) General Permit for Discharges from Land Disturbing Activities also referred to as the state Construction General Permit (CGP). All land disturbing activities which disturb  $\geq 1$  acre are regulated under this program. Land disturbing activities in the CBPA overlay district which disturb  $\geq 2,500$  sf are also regulated under this program.

Beginning on July 1, 2014 registration for the state CGP for projects within the City of Chesapeake will be made through the Chesapeake civil permits office of the Department of Development and Permits located on the third floor of City Hall. City staff will electronically submit the application to the State DEQ. The applicant will receive notification from the State via email or USPS of the permit fee and approved methods of payment. The applicant must provide payment to the State DEQ before CGP coverage is provided.

A SWPPP including, but not limited to, erosion and sediment control plan and a storm water management plan must be prepared prior to submitting the Registration Statement. By signing the Registration Statement the operator is certifying that the SWPPP has been prepared. A copy of the SWPPP must remain on-site from the initial land disturbance through final site stabilization.

### **What are the new requirements?**

1. A land disturbing permit may only be issued after evidence of State General Permit coverage has been provided, if applicable.
2. No land disturbing activity may commence until a land disturbing permit and a storm water permit, if applicable, have been obtained.
3. Construction record drawings (CRDs) for private storm water management facilities, sealed by a professional registered with the Commonwealth of Virginia, shall be submitted prior to issuance of a certificate of occupancy. This requirement applies regardless of the size of the private storm water management facility.
4. CRDs for public storm water management facilities, sealed by a professional registered with the Commonwealth of Virginia, shall be submitted prior to termination of the State Permit, CRDs remain a prerequisite to acceptance of Public Facilities. This requirement applies regardless of the size of the public storm water management facility.
5. City Inspectors will be enforcing the state CGP requirements, including review of SWPPPs and logs of your self-inspections, along with the Land Disturbing Permit requirements.
6. The Registration Statement template will be available on the City's website on the land use and development page or you can request an email copy from Dave Dombroski [dombroski@cityofchesapeake.net](mailto:dombroski@cityofchesapeake.net) (757) 382-6304.
7. Detailed procedure for submitting the registration statement is available in the document: "Chesapeake Construction General Permit (CGP) Registration Process".
8. For questions or assistance contact Dave Dombroski (757) 382-6304 [dombroski@cityofchesapeake.net](mailto:dombroski@cityofchesapeake.net).
9. Notice of Termination required to terminate CGP.



## Chesapeake Construction General Permit (CGP) Registration Process

Applicants are encouraged to include sufficient time into their project schedule to obtain CGP coverage. The City recommends that Developers and Operators submit their registration statements to the City as soon as possible after plan approval to minimize delays in commencing land disturbing and construction. Applicants are strongly encouraged to submit a Registration Statement prior to final plan approval to avoid state permitting process delays. Under optimum conditions the permitting process will take 1-2 weeks based on information provided by DEQ.

1. Using the City's Development Advisory documents, determine whether you are required to register your land disturbing activity for coverage under the state CGP. CGP coverage must be obtained prior to issuance of a City Land Disturbing Permit.
2. Complete the 2014 CGP Registration Statement, available on the Virginia Department of Environmental Quality (DEQ) web page at: <http://www.deq.virginia.gov/Portals/0/DEQ/Water/Publications/CGPRegistrationStatement2014.pdf> or at the Development and Permits Civil Permits Office on the 3rd floor of Chesapeake City Hall at 306 Cedar Road. The Registration Statement will also be made available on the City's site on the Land Use and Development page. The submitted Registration Statement must include an ink signature.
3. The registration statement must be submitted through the Chesapeake Civil Permits Office within the Department of Development and Permits located on the 3<sup>rd</sup> floor of Chesapeake City Hall at 306 Cedar Road. Providing an e-mail address on your registration statement will expedite the permitting process.
4. City staff will enter and submit the CGP registration statement into the state DEQ Permit System. If you select the option to receive correspondence electronically (via e-mail), your wait time for permit processing will be reduced. The SWPPP must be prepared prior to final submission of the registration statement to the DEQ Permit System.
5. The DEQ Permit System will generate an invoice to the applicant showing the state fee which is due. The DEQ fee table will be made available on the City's web page. Payments may be made to DEQ via check or credit card, and payments made electronically will reduce wait times for permit processing.
6. Once your payment has been processed by DEQ, DEQ will send your CGP coverage letter, either electronically via e-mail, or via U.S. Mail depending on the option you select on your registration statement. DEQ will also notify the City electronically that CGP coverage has been issued. The City cannot issue a Land Disturbing Permit until confirmation of CGP coverage is received.
7. Once plans are approved, the CGP Registration Statement is submitted, and CGP coverage is confirmed; the applicant may apply for and receive a City Land Disturbing permit. Once the Land Disturbing Permit is issued by the City, the owner/operator is authorized to begin land disturbing activities.





## Chesapeake Construction General Permit (CGP) Termination Process

1. The following conditions must be met, if applicable, in order to terminate CGP coverage:
  - a) Necessary permanent control measures included in the SWPPP for the site are in place and functioning effectively and final stabilization has been achieved on all portions of the site for which the operator is responsible. When applicable, maintenance agreements for permanent control measures shall be recorded in the local land records prior to the submission of a notice of termination;
  - b) Another operator has assumed control over all areas of the site that have not been finally stabilized and obtained coverage for the ongoing discharge;
  - c) Coverage under an alternative VPDES or state permit has been obtained; or
  - d) For residential construction only, temporary soil stabilization has been completed and the residence has been transferred to the homeowner.
2. For projects which were required to register for CGP coverage; until CGP coverage is terminated, all conditions of the CGP will be enforced, including required SWPPP availability, updates, and self-inspections.
3. The Notice of Termination should be submitted to the City of Chesapeake Civil Permits Office no later than 30 days after one of the above conditions are met. The City will have up to 60 days to act upon the Notice of Termination.
4. The Notice of Termination form along with instructions can be found on the DEQ web page at: <http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPPermits/ConstructionGeneralPermit.aspx> or at the Development and Permits Civil Permits Office on the 3<sup>rd</sup> floor of Chesapeake City Hall at 306 Cedar Road. The Notice of Termination form will also be made available on the City's site on the Land Use and Development page. The Notice of Termination form must include an ink signature.
5. The Notice of Termination form can be submitted by mail or in person to:

City of Chesapeake Department of Development and Permits  
Civil Permits Office  
Chesapeake City Hall, 3<sup>rd</sup> Floor  
306 Cedar Road  
Chesapeake, Virginia 23322

## Virginia Department of Environmental Quality (DEQ)

### Construction General Permit Fee Structure

Fee Type	DEQ Permit Fee – to be paid directly to DEQ
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit Coverage; sites within designated areas of CBPA localities with land-disturbance acreage equal to or greater than 2500 square feet and less than 1 acre)	\$0
General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than 1 acre, except for single-family detached residential structures)	\$81
General/Stormwater Management- Small Construction Activity/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than 5 acres)	\$0
General/Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 acres)	\$756
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$952
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$1260
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$1708
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	\$2688
Individual Permit for Discharges of Stormwater from Construction Activities (This will be administered by the DEQ)	\$15,000