Translating the 2014 General Permit for Discharges of Stormwater from Construction Activities (VAR10)

Rappahannock-Rapidan Regional Commission
Land Use and Environment Committee
May 30, 2013

Construction General Permit
Regulatory Action to Amend, Modify & Reissue

- NOIRA Comment Period ended June 20, 2012
- Comments Received
  - VAMSA
  - Chesapeake Bay Foundation
  - James River Association
  - Culpeper Soil & Water Conservation District
  - Wetlands Studies & Solutions, Inc.
- Regulatory Advisory Panel Input
Construction General Permit
Authorized Activities

• Stormwater Discharges from Large Construction Activities
  – Land Disturbance ≥ 5 acres unless Part of a Common Plan of Development

• Stormwater Discharges from Small Construction Activities
  – Land Disturbance < 5 acres and ≥ 1 acre unless Part of a Common Plan of Development
  – No longer includes Chesapeake Bay Land Disturbing Activities

Construction General Permit
Authorized Activities cont.

• Stormwater discharges from Emergency-Related Construction Activities
  – Necessary to avoid endangerment to human health, public safety, or the environment

• Stormwater discharges from Onsite or Offsite Support Activities
  – Concrete & Asphalt Batch Plants
  – Equipment Staging Yards
  – Borrow Areas, etc.
Construction General Permit
How to Obtain Permit Coverage

• Submit Registration Statement
  – Online Permitting Application (e-permitting)
  – Reissuance: 90 Days Prior to July 1, 2014

• Submit Registration Fee
  – New Fee Schedule beginning July 1, 2014

• Operators must prepare a Stormwater Pollution Prevention Plan (SWPPP)
  – Prepared prior to Land Disturbance

Construction General Permit
Duration of Permit Coverage

- Red Bar indicates the timeframe of CGP coverage
- CGP provides authorization to discharge during construction activities
- CGP governs the Operator of the construction activity
- CGP coverage is Statewide
Construction General Permit
Permit Requirements

• Technology-Based Narrative Limitations
  – Federal Effluent Limitation Guidelines (ELGs)
    o 40 CFR Part 450 – Construction & Development Point Source Category
    o Promulgated December 1, 2009
    o Effective February 1, 2010
  – “Minimize” or “Prohibit” the discharge of pollutants
  – Utilized ESC Minimum Standards to address ELGs where applicable

Construction General Permit
Permit Requirements cont.

• Water Quality-Based Narrative Limitations
  – Develop, implement & maintain a Stormwater Pollution Prevention Plan (SWPPP) to address:
    o Applicable TMDL Wasteload Allocations
    o Discharges to Nutrient & Sediment Impaired Waters
    o Discharges to Exceptional Waters
  – Select, implement & maintain BMPs to ensure that any applicable Water Quality Standard is not exceeded
Construction General Permit
Permit Requirements cont.

• Stormwater Pollution Prevention Plan (SWPPP)
  – Operators must prepare a SWPPP prior to Land Disturbance
  – SWPP Contents:
    o Approved Erosion & Sediment Control Plan
    o Approved Stormwater Management Plan
    o Pollution Prevention Plan
    o SWPPP Modification Documentation
    o Operator’s Site Inspection Reports
    o Corrective Action Documentation

Construction General Permit
Notable Changes from 2009 CGP

• Inclusion of Federal ELGs
  – Utilized ESC Minimum Standards to address ELGs where applicable

• Discharges to Impaired Waters and Exceptional Waters; TMDL Wasteload Allocations
  – Increased Inspection Frequencies
  – More Aggressive Soil Stabilization Schedule
  – Nutrient Application Restrictions

• SWPPP Availability
  – Previous Language Removed from Permit
Construction General Permit
Pathway Forward

• 60 Day Public Comment Period
  – April 8, 2013 through June 7, 2013
• 3 Public Hearings Held
  – Richmond → May 13, 2013
  – Spotsylvania → May 16, 2013
  – Roanoke → May 20, 2013
• Address EPA & Public Comments
• Regulations adopted by SWCB
  – Effective date: July 1, 2014

Question and Answer

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