



Environmental Permits Holding Up Your Development?

Wondering about the myriad of environmental permits needed to move your development forward?

Well, here are a few bullets on each environmental permit to help you sort them out and better understand the requirements.

Virginia Pollutant Discharge Elimination System (VPDES) Registration Statement, a Virginia DEQ requirement

- Applies to land disturbance of more than 1 acre.
- Registration statement (Form VAR10) is sent to VA DEQ 48 hours before start of work.
- Fee check to Treasurer of Virginia is sent with Registration Statement.
- Stormwater Pollution Prevention Plan (SWPPP) is prepared and kept at the site.
- Registration statement and SWPPP certify that erosion and sedimentation and stormwater management plans are complete.
- Construction is monitored as prescribed in SWPPP.
- Closeout statement in SWPPP is sent to VA DEQ when construction is completed.

Asbestos Inspection Certification, a State and County Building Code Requirement

- Applies to structures built prior to 1986.
- Inspection is done prior to start of work.
- Inspection report describes asbestos containing materials, their condition and sample analyses.
- County Asbestos Inspection Certification form is completed by owner and sent to County with site plan.
- Removal of asbestos containing material must be conducted by a certified firm.

Chesapeake Bay Resource Protection Area (RPA) Delineation, a County Requirement

- Developer delineates RPA or accepts County RPA map (some counties require RPA delineation on each project.)
- Avoidance of RPA is first priority
- Statement is signed that no RPAs are to be affected; or, a request for exemption or exception is submitted.
- Exemptions apply to utilities, roads and water dependent facilities and passive recreation. Some ordinances require that counties approve exemption.
- Facilities that are not exempt require a waiver (exception). A request for exception is submitted to the County along with a water quality impact assessment and mitigation plan. Time from submittal of exception request to construction: 2 weeks to 6 months.

Civil Engineers

Land Planners

Landscape Architects

Wetland Specialists

Environmental Scientists

Surveyors

*Offices in Fairfax and
Leesburg Virginia*

Wetlands Permit, a U.S. Army Corps of Engineers and Virginia DEQ

Requirement

- A wetlands permit is needed for impacts to wetlands and other waters of the U.S.
- Development projects need both VA DEQ and Corps permit.
- “Corps Only” permit can be used if only impact is for utilities (NW 12).
- “DEQ Only” abbreviated permit may be used for impacts below 1/10 acre and less than 300 feet of stream.
- Joint permit process starts with wetland delineation and request for Corps visit.
- Jurisdictional determination of wetland is received from Corps.
- Joint Permit Application (JPA) is submitted to (1) Virginia Marine Resources Commission; (2) VA DEQ; and (3) U.S. Army Corps of Engineers.
- For tidal wetlands only – JPA is also submitted to County.
- Impact analysis, alternatives analysis and mitigation plan are part of JPA.
- Full JPA is required for impacts exceeding 0.1 acre of wetland or more than 300 linear feet of stream.
- Fee check is sent with full JPA. (No fee is needed for abbreviated DEQ or “Corps Only” permit.)
- Permit is received prior to start of work in wetlands or streams.
- Need for public comments or public hearing is decided by VA DEQ.
- Monitoring of impact and mitigation during construction is required.
- Time from submittal of JPA to construction: 8 weeks to 8 months.

Environmental Site Assessment (Phase I) Land Purchasers Option to Remove Liability

- Helps protect purchaser from potential hazardous materials clean-up liability under CERCLA.
- Satisfies “due diligence” review.
- Required by most lenders.
- Assessment report is prepared exclusively for the requester.
- ASTM 1527-00 is used as guideline.
- No submittal to state or county is required.
- Complete Phase I prior to land purchase or financing request.

Subaqueous Crossing Permit - A Virginia Marine Resources Commission (VMRC)

Requirement

- Submitted for structures and utilities above, through or beneath lakes and streams which drain more than 5 square miles.
- Joint Permit Application (JPA) (same form as wetland permit) is sent to VMRC.
- Review fee by VMRC varies.
- VMRC invites public comments and may conduct public hearings.
- Time from submittal to start of work is 2 to 4 months.

Our Team of Professionals...

Ready to Serve You

Paciulli, Simmons & Associates' Environmental and Wetland Services Departmental Staff includes the following people. They work with a team of in-house professional engineers, planners, landscape architects, and land surveyors.

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