



## Virginia Pollutant Discharge Elimination System (VPDES) Permits Have Changed

**"Failure to submit future registration statements in a timely manner may result in further enforcement action, which may include penalties up to \$25,000 per day."**

### The Requirement

This quote from recent DEQ letters on VPDES, illustrates that your construction sites need to comply with Virginia Pollutant discharge Elimination System (VPDES) General Permit for Construction Activities.

If you have a development site that results in disturbance of one acre or more with storm water discharge to surface waters within the Commonwealth of Virginia, you need a VPDES General Permit.

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## U.S. Army Corps of Engineers Issues New State Program General Permit for Wetlands

We want you to be aware that the Corps' new State Program General Permit (SPGP-1) is now in effect. Issued September 25, 2003, it will expire November 1, 2007. Here are some highlights that apply to our most commonly used permit: Residential, Commercial and Institutional Development Activities in (non-tidal) waters.

Under this category, you can save the time and money previously required to schedule and conduct a Corps visit. Also, this is a greatly abbreviated Joint Permit Application. We submit the application directly to the Virginia DEQ with copies to the Corps. The Corps ensures that no threatened and endangered species or historic properties are affected and that the impacts do not exceed 1/10 acre or 300 linear feet. If clean, the Virginia DEQ evaluates the application and issues the permit.

### General Permit, Category A

This permit applies only when losses to wetlands or other waters of the U.S. are no more than 1/10 acre and no more than 300 linear feet of streambed.

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*Civil Engineers*

*Land Planners*

*Landscape Architects*

*Wetland Specialists*

*Environmental Scientists*

*Surveyors*

*Offices in Fairfax and  
Leesburg Virginia*

# Virginia Pollutant Discharge Elimination System (VPDES) Permits Have Changed

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**Construction Site**

## Processing Application

To submit for the VPDES General Permit for Construction Activities, a registration statement and fee form is sent to the Virginia DEQ along with a Storm Water

Pollution Prevention Plan (SWPPP). Many of the items in a SWPPP are included in the approved construction plans for your project, which cover erosion and sedimentation control and stormwater management.

However, the Virginia DEQ requires a site specific SWPPP with the registration statement.

The registration statement for the VPDES General Permit is submitted at least 48 hours prior to start of construction. You need not wait for a response prior to construction, but you need to have the application and approved plans on hand. If you have a project underway which does not have a permit, submit the registration statement now and show the actual date construction started.

During construction be sure to conduct regular inspections, maintenance and reporting to comply with the SWPPP. When the project is complete, submit a Notice of Termination to the Virginia DEQ.

The fee for obtaining a VPDES General Permit for Construction Activities is prorated over the five-year period. The fee at present is \$120, which is submitted with the Registration Statement.

## Recent Changes to the VPDES Permit

- Fee check for VPDES General Permit Registration Statement has increased to \$120.
- Registration Statement Form VAR 10 has replaced VAR 4.
- Project location must be shown on a USGS map with topography. This was not required previously.

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***“The VPDES registration statements apply to sites of one-acre disturbance or larger”***

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- The Permit Application Fee Package is submitted on an unnumbered black and white form. Mailing instructions are on the form. The multi-colored set of blank forms is no longer used.
- The VPDES registration statements apply to sites of one-acre disturbance or larger. This is a change from the previous 5-acre threshold.
- If construction was commenced without a permit under the former 5-acre criteria, a VPDES registration statement should be submitted.

If you need assistance with the VPDES General Permit for Construction Activities, please contact Mr. Erv Bedker, Director of Environmental and Wetland Services, (ebedker@psaltd.com), or Dr. Bill Kirby, Senior Environmental Scientist. ■

# U.S. Army Corps of Engineers Issues New State Program General Permit for Wetlands

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## General Permit, Category B

This permit applies to projects causing loss of no more than ½ acre of wetland and no more than 300 linear feet of streambed. We must submit a full application package including drawings, cross-sections and an avoidance and mitigation plan. The application can only be submitted to VA DEQ after the Corps of Engineers makes a jurisdictional determination. Upon submittal to the Corps and the VA DEQ, The Corps ensures that no endangered species or historic sites are affected and that wetland losses do not exceed the limits. If no such impacts are noted, then the Virginia DEQ may review the application and issue the permit. The DEQ has up to 15 days to respond to the application as to completeness, and if complete, has 45 additional days in which to issue the permit. Compensatory mitigation will be required in accordance with the conditions of the permit.

## General Permit, Category C

This permit applies to projects causing loss of one-acre wetlands or less and no more than 2000 linear feet of streambed. The process is similar to Category B, except that the Corps must conduct an avoidance and minimi-

zation review, confirm that mitigation is appropriate and notify DEQ. Both the Corps and DEQ have 45 days to review an application after it is determined to be complete. If the permit application is not complete, we are notified within 15 days after submittal. The 45 days starts after we have revised and resubmitted a complete application.

## Individual Permit

All fills above one-acre require an individual permit, and include all of the procedures under Category C. In addition, the individual permit is subject to a 30-day public review after the application is published in a local newspaper and may require a public hearing which requires an additional 60 to 90 days.

## Another General Permit Change

We now submit the permit applications simultaneously to the VA DEQ and to the Corps with an information copy to Virginia Marine Resources Commission (VMRC). This is a time saver as compared to sending all copies to VMRC, who previously served as the clearing house and distributed all copies of applications.

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**Mitigation  
Monitoring**

# U.S. Army Corps of Engineers Issues New State Program General Permit for Wetlands

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## Wetland Mitigation Banks

Several new wetland mitigation banks have been approved in the northern Virginia and Fredericksburg area. Thus wetland banks should be more readily available in the future in case purchase of mitigation bank credits is often preferred over on-site mitigation. Please call Paciulli, Simmons & Associates for a list of available banks.

In summary, the state regulatory permit process implemented November 1, 2002 resulted in a complex, costly and time-consuming process. We welcome the September

25, 2003 SPGP because it offers a few ways to streamline permitting, especially on projects where losses to wetlands or streams are small. Please call Erv Bedker or Dr. Bill Kirby, or send an e-mail to [ebedker@psaltd.com](mailto:ebedker@psaltd.com) if you have questions or would like a complete copy of the State Program General Permit.

With offices in Fairfax and Leesburg, Virginia, Paciulli, Simmons & Associates is a multi-discipline engineering firm specializing in civil engineering, land surveying, landscape architecture, land planning, and environmental and wetland services. PSA serves land developers, builders, financial institutions, and government agencies throughout the Mid- Atlantic Region. Established in 1744, Paciulli, Simmons and Associates has been recognized as the oldest firm in the Washington Metropolitan area. ■

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**PSA for you**