General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880)

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Construction General Permit (CGP)

- Permit covers the discharge of stormwater from construction activities ≥ 1 acre of land disturbance or <1 acre of land disturbance but part of a larger common plan of development or sale (CPOD)

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Summary of Major Changes

- Final Stabilization Definition
- Qualified Personnel
- Construction Dewatering
- New SWPPP subsection for same control at the same location requiring repeated repairs

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Summary of Major Changes – cont.

- Single-family (SF) detached residential construction
  - Small construction activity
    - ≥ 1 acres and < 5acres or < 1 acre but part of CPOD that is ≥ 1 acres and < 5acres
    - No registration statement required
  - Large construction activity
    - ≥ 5 acres or < 5 but part of CPOD ≥ 5 acres
    - Registration statement is required

DEQ

Section 1 – Definitions

- “Construction dewatering” – new definition based on language from EPA’s 2022 CGP and TAC
- “Construction site” – updated to be consistent with new EPA language and clarify that “construction site” includes off-site support areas
- “Construction support activity” – new definition added based on EPA’s definition. Term was previously used, but not defined in Virginia’s CGP
- “Measurable storm event” – updated to include snow melt (3.25“ or more)
- “Qualified personnel” – new definition added to address stormwater team requirements from EPA’s 2022 CGP

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Section 1 – Definitions cont.

- “Final Stabilization” – Added language clarifying the required minimum percentage of vegetative cover and allowable bare area size to be classified as uniform for the purposes of final stabilization
  - “ ..75 percent or more vegetative cover with no significant bare areas..”

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Section 70 – General Permit

- Added language to include stormwater discharge associated with a small construction activity of a SF detached residential structure, within or outside of a common plan of development or sale, as an authorized discharge under the permit
  - No RS required
  - Must comply with permit

DEQ

Section 70 – General Permit

- Added language to allow for reporting new support activities in a modified registration statement once the need for the additional support activity is known
- Changed the timeline for submitting a completed registration statement from 60 days to 90 days prior to the expiration date of the permit
- Added language to clarify the timeline for the termination of permit coverage does not apply if the operator is notified of an issue by the VESMP authority or the department

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Section 70 – General Permit, Part I

- Nutrient and sediment impaired waters
  - Surface waters identified as impaired in the 2022 § 305(b)/303(d) Water Quality Assessment Integrated Report for Benthic Macroinvertebrates Bioassessments or for which a TMDL wasteload allocation has been established and approved prior to the term of this general permit for
    - (i) sediment or a sediment-related parameter (i.e., total suspended solids or turbidity) or
    - (ii) nutrients (i.e., nitrogen or phosphorus), including all surface waters within the Chesapeake Bay Watershed
- PCB impaired waters
- Exceptional waters

DEQ

Section 70 – General Permit, Part II

- Part II Stormwater Pollution Prevention Plan (SWPPP)
  - Added language to clarify for a small construction of a SF detached residential structure, a SWPPP shall be developed and implemented prior to initiation of the construction activity
- Contents
  - Added new language that requires listing the locations of where polymers, flocculants, or other stormwater treatment chemicals are used or stored

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Section 70 – General Permit, Part II cont.

- Contents – cont.
  - Added new language to provide clarification on where directing stormwater to vegetated areas, minimizing soil compaction, and preserving topsoil would be considered infeasible
  - Added language clarifying SWPPP must contain signature and certification
  - Added language to clarify qualified personnel may be person on operator's staff or third party hired to conduct inspections
  - New language that adds more detail around when inspection must take place in event of measurable storm event

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Section 70 – General Permit, Part II cont.

- Concrete wash water:
  - New language added in pollution prevention plan section requiring that concrete wash water cannot be "…disposed of through infiltration or otherwise disposed of on the ground.."

DEQ

Section 70 – General Permit, Part II cont.

- Construction dewatering requirements
  - Added a new section to the stormwater pollution prevention plan contents containing requirements for monitoring and documenting dewatering discharge controls in the SWPPP
  - New section meant to address EPA's new turbidity benchmark for dewatering discharges

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Section 70 – General Permit, Part II cont.

- Benchmark threshold acts as a warning sign to the operator
- Ongoing exceedance of benchmark does not constitute a permit violation
- Failure to verify controls or perform routine maintenance would constitute a permit violation
- Dewatering discharges of uncontaminated stormwater or groundwater from footers or foundations of a single-family detached residential structure are exempt, provided the discharges are not directly to surface waters

Section 70 – General Permit, Part II cont.

- Construction dewatering requirements
  - Option 1 – 50 NTU/FTU over receiving stream measurement
  - Option 2 – 150 NTU/FTU
  - Option 3 – EPA method: 50 NTU/FTU, based on weekly average
  - Option 4 – Alternative benchmark option

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Construction Dewatering – How to Implement!

- Inspect SWPPP for the following if dewatering is occurring or evidence it has occurred:
  - Procedures for dewatering inspection, maintenance and corrective action
  - Turbidity results
  - Corrective action log

Sample Inspection Report

2022 Construction General Permit Dewatering Inspection Report

Project Name: _____
NPDES ID Number: _____

Section A – Dewatering Discharges (CGP Part 4.6.3) Complete this section within 24 hours of completing the inspection. (If necessary, complete additional inspection reports for each separate inspection location.)	
Inspector Information	
Inspector Name:	**Title:**
Company Name:	**Email:**
Address:	**Phone Number:**
Inspection Details	
Inspection Date:	**Inspection Location:**
Discharge Start Time:	**Discharge End Time:**
Rate of Discharge (gallons per day):	**Corrective Action Required?**[1] ☐ Yes ☐ No
Describe Indicators of Pollutant Discharge at Point of Dewatering Discharge:[1]	
Attach Photographs of: 1. Dewatering water prior to treatment by a dewatering control(s) and the final discharge after treatment; and 2. Dewatering control(s); and 3. Point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features, storm drain inlets, and other conveyances to receiving waters.	

[1] If you observe any of the following indicators of pollutant discharge, you are required to take corrective action under Part 5.1.5.b:

- a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; or
- a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water.

Source: EPA Construction General Permit Resources, Tools, and Templates
https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates#discharge

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Turbidity Meters

- Part III A 2:

  "Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this general permit. Analyses performed according to test procedures approved under 40 CFR Part 136 shall be performed by an environmental laboratory certified under regulations adopted by the Department of General Services (1VAC30-45 or 1VAC30-46)."

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Turbidity Meters – cont.

- Only use turbidity meter that conforms with an EPA-approved method 40 CFR Part 136 (e.g., EPA Method 180.1)
- This information should be readily available from the manufacturer or retailer

Source: Henrico County WRF, CEL

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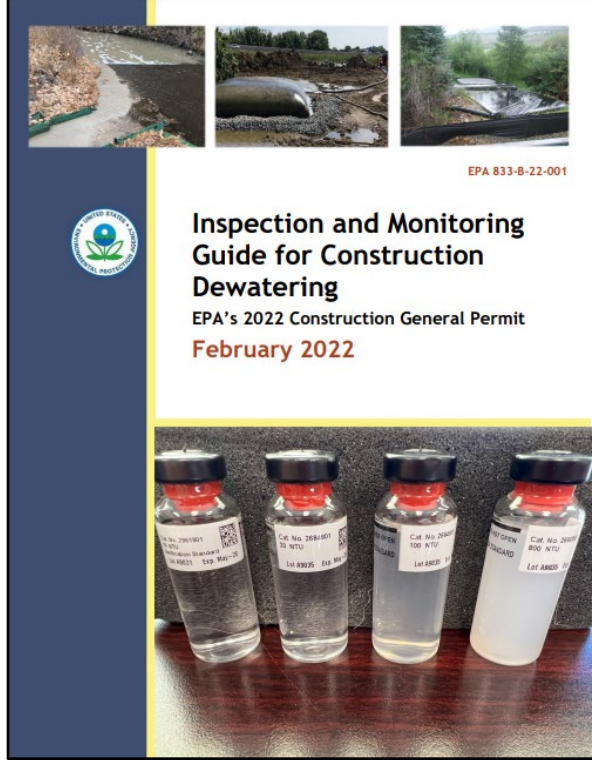
Sampling Process for Operators

- Determine if you have a discharge
- Collect sample
- Take measurement using EPA-approved turbidity meter
- Perform corrective actions as necessary
- Document results in SWPPP
- Resource:
  - EPA Inspection and Monitoring Guide for Construction Dewatering, dated February 2022
  - https://www.epa.gov/system/files/documents/2022-01/cgp-inspection-and-monitoring-guide-for-dewatering.pdf



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Section 70 – General Permit, Part II cont.

- Part II.F.3
  - Added language requiring corrective action for controls requiring repeated repairs:
    - Same repairs more than two times to the same control at the same location
      - Complete work to fix any subsequent repeat occurrences of the same problem, including keeping any records of the condition and how it was corrected

      OR

      - Document in the inspection report why the specific reoccurrence of this same problem should be addressed as a routine maintenance fix

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Section 70 – General Permit, Part II cont.

- Part II.H.2
  - Corrective actions for construction dewatering turbidity
    - Immediately cease construction dewatering activity at the location that exceeds the turbidity benchmark OR visual monitoring indicates a change in the characterization of effluent discharge;
    - Determine whether construction dewatering controls are operating effectively or need routine maintenance or additional control measure(s); and
    - Make necessary adjustments, additions, repairs, etc.
  - Once completed, resume dewatering discharge and sample within 15 minutes
  - No additional correction actions required beyond recording results in the SWPPP

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Questions?