

1. **Question: SWM agreement in lieu of a plan - how will this work? Will each site plan still have to verify compliance with part II B or part IIC, if the CPOD site design did meet the technical criteria requirements for the entire site?**

Answer: If an agreement in lieu of a stormwater management plan was developed and met the applicable technical criteria and provides permanent post construction stormwater controls for the entire Common Plan of Development (CPOD), including single family detached residential structures, subsequent single family detached land disturbance within the CPOD may rely on the stormwater controls provided for the entire CPOD, but would also require Construction GP coverage and have to address erosion & sediment control and pollution prevention requirements of the Stormwater Pollution Prevention Plan (SWPPP). DEQ is in the process of development a SWPPP and Agreement in Lieu of a Stormwater Management Plan template.

2. **Question: For single family residential units in a Common Plan of Development (CPOD), and the CPOD is not compliant with Part II C, but the CPOD operator has finished construction and terminated a permit?**

Answer: Although the CPOD operator is responsible for permit compliance for entire CPOD, all subsequent single family detached land disturbance within the CPOD also require Construction GP Coverage. However, no registration statement is required and the operator of the single family residence land disturbance does not have to pay the state portion of the fee. The operator would have to develop a SWPPP, but may use an agreement in lieu of a stormwater management plan for to address the stormwater components of the SWPPP.

3. **Question: For single family residential units in a CPOD and the CPOD is compliant with Part IIC or Part IIB? Do they simply reference the design of the CPOD?**

Answer: Yes. See response to item 1.

4. **Question: Do single family residential units outside of CPOD, between 1-5 acres have to verify compliance with the Runoff Reduction Method?**

Answer: For single family detached residential structures outside of CPOD greater than an acre, permit coverage required, but neither a registration statement nor the state portion of the fee is required. Central Office staff is now examining this issue and working on a template SWPPP which will explain how such lots will demonstrate compliance.

5. **Question: What are the various possibilities for residential lots: pre 2004 and post 2004 where no water quality measures were provided for a subdivision or common plan of development; where the permit for the common plan is open; where the permit for the common plan permit closed?**

Answer: The guidance we have provided for common plans of development for residential, commercial or industrial site plans or subdivision plans is as follows:

“For the purposes of the VSMP regulations (9VAC25-870), individual lots within existing residential, commercial or industrial site plans and subdivision plans that were platted prior to July 1, 2004 may be considered separate land-disturbing activities. This is the date that provisions for Common Plans of Development (COPD) were first incorporated into the Virginia Stormwater Management Act. Previous to that date, the term was not used or defined. Lots within such platted plans or subdivisions that disturb less than one acre do not have to obtain coverage under 2014 Construction General Permit. Lots within such platted plans or subdivisions that disturb one acre or greater would have to obtain coverage under the 2014 Construction General Permit.”

Examples of how this would apply in the situations you describe above include:

- a) Infill lots being built in residential subdivisions platted prior to 2004 would be considered individual land disturbing activities. Therefore, if the disturbance is greater than an acre the operator would have to obtain coverage under the construction general permit, but would not have to pay the state portion of the fee, nor would they have to submit a registration statement. If the disturbance was less than an acre, the operator would not be required to obtain permit coverage.
- b) For lots being built in residential subdivisions that were platted post 2004, see the response to item 1.
- c) For lots being built in residential subdivisions platted after 2004 but prior to July 1, 2014, for which no water quality treatment was provided, the construction site operator would need to obtain coverage under the Construction GP, but would not have to pay the state portion of the fee, nor would they have to submit a registration statement.

Other Miscellaneous:

1. **Is DEQ is preparing a SWPPP template for an Agreement in lieu of a Stormwater Management Plan?** Yes. This is expected to be available to localities in time for the July 1, 2014 VSMP implementation date.
2. **Is DEQ preparing an example Agreement in lieu of a Stormwater Management Plan?** Yes. This is expected to be available to localities in time for the July 1, 2014 VSMP implementation date.
3. **Will the ordinance checklist and/or the SWM model ordinance be revised to include the provisions in SB423?** No. DEQ sent out a listing of items from SB423 that need to be incorporated into the local ordinances on March 31, 2014.

4. **Is it acceptable to refer in the ordinance to a Design Manual that includes specifics of ordinance such as fees, plan requirements, review schedule, etc.?** Yes.
5. **When will localities be able to access the e-permitting system?** The stormwater construction general permitting system (formerly e-permitting) will be available in time for the July 1, 2014 implementation date. The process for providing access to local VSMP administrators was initiated in early June. An e-mail was sent to VSMP administrators recently that provided details on the permitting system and training on the system has been provided across the State.
6. **Will localities accept a hard copy/ink-signed registration statement, and then enter the same information into e-permitting on behalf of the operator?** An e-mail was sent to VSMP administrators recently that provided details on the permitting system.
7. **For the inspections performed by the local VSMP authority, how often should they be done?** There is no inspection frequency prescribed in the regulations. An inspection program must be developed by the locality and should be part of the VSMP application package.
8. **What does a locality VSMP authority need to submit to DEQ in regard to these inspections?** An inspection program must be developed by the locality and should be part of the VSMP application package.
9. **Will a new fee schedule example be developed by DEQ to reflect the changes from SB423, regarding single family residential?** Yes. DEQ has drafted amendments to the VSMP regulations that will include amended fees for single family residential land disturbance. The regulations are expected to be acted upon by the State Water Control Board on June 26, 2014.
10. **When and how will funds collected for renewed permits be remitted to the local governments for the oversight of projects with prior coverage?** An e-mail was sent to VSMP administrators last week providing details on the permitting system.