October 19, 2021

Ms. Melissa Rose, Executive Director
Mr. Nick Woods, Engineer
Southwest Regional Recreation Authority (SRRA)
P.O. Box 1594
Coeburn, VA 24230

Dear Mrs. Rose and Mr. Woods,

The Virginia Department of Environmental Quality’s Southwest Regional Office, along with preliminary input from our Office of Stormwater Management, has completed our review of your submitted Annual Standards and Specification package dated May 27, 2021. Please be advised this is a preliminary review of your draft package and does not constitute our final decision on your submitted package and does not fall under the timeline established in §62.1-44.15:55 D.

In general, there seems to be a misunderstanding about the benefits of becoming an Annual Standard and Specifications operator. Annual Standard and Specification operators develop an internal system to comply with the Erosion and Sediment Control (ESC) and the Virginia Stormwater Management (VSMP) law and regulations. By operating as an Annual Standards and Specifications entity, your organization can operate on your own timetable and not be reliant on DEQ or the local government for plan review and approvals. This gives your organization more ability to plan and complete projects while assuming more responsibility for your own compliance. There are no inherent short-cuts or exemptions included in the Annual Standards and Specifications. Each project meeting the land disturbing activity thresholds and not exempt under the laws and regulations, must be in compliance with both the State Water Control Law, the Virginia Erosion and Sediment Control Regulations, and the Virginia Stormwater Management Program Regulations.

Our office suggests a meeting to discuss the general terms and benefits of being an Annual Standard and Specification holder as well as other information included in the draft package.
More specific feedback on your draft submission includes:

1. Please refer to §62.1-44.15:55 D §62.1-44.15:54 E and 9VAC25-840-30 for the Erosion and Sediment Control (ESC) law and regulatory language which explains the establishment, expectations, and technical criteria for entities operating under approved Annual Standards and Specifications.

2. Please refer to §62.1-44.15:31 and 9VAC25-870-170 for the Stormwater Management Act and regulatory language which explains the establishment, expectations, and technical criteria for entities operating under approved Annual Standards and Specifications.

3. Guidance Memo 15-2003 is repeatedly referred to as an exemption or exception. This is a misinterpretation of the document. GM15-2003 has very strict applications and does not relieve the operator of meeting the conditions of the Construction General Permit (CGP). Each project believed to fall within the descriptions of GM15-2003 must be submitted as a request to DEQ for each instance and a “Decline to Permit” request must be submitted to DEQ for every project. Revise all language referring to GM15-2003. This will also be discussed at our proposed meeting.

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5. Please update all law and regulation citations throughout the document.

6. Include definitions of certified staff and a list of individuals with certification or provisional certification.

7. Include all best management practice (BMP) design specifications including those used presently (i.e. sumps, shifting crowns); this includes any practices used by the U.S. Forest Service, the Virginia Department of Mines, Minerals, and Energy, (now Virginia Energy) and the Virginia Department of Forestry. This is your chance to have these practices accepted as part of your approved program and would be a deviation from the Virginia Erosion and Sediment Control Handbook.

8. Include any variance requests for ESC Minimum Standards for which you cannot comply or intend to use alternative methods of compliance. This may include leaving temporary BMPs permanently with more frequent maintenance or temporary or permanent seeding only outside designated travel lanes.

9. Include inspection reports, checklists, and other tools you intend to use to operate your program. Some of these are referenced in the document and read as though they should be included in the appendices but they are not included in the package.

10. Update DEQ contacts and report submission information. Position titles within DEQ are preferable to actual names as these tend to change.

11. Update Appendices to include those documents referenced throughout but not included.

12. Include a list of projects to be completed during the upcoming year.

13. Remove references to 33 U.S.C. 1342(I) (2) and the Natural Resources Defense Council v. United States Environmental Protection Agency as this is not applicable.

14. Remove all references to FERC and pipeline construction.
15. Revise references and actions to deal with an emergency. SRRA cannot declare an incident an emergency. Beyond a declaration by the Governor or the local government, each incident believed to be an emergency must be approved by DEQ.

These comments are not inclusive of all issues identified but serve as a starting point. We believe a meeting to discuss both general applications and concepts would be more beneficial. I will contact your office very soon to arrange a convenient date and time.

In the meantime, please let me know if you have any questions or concerns.

Sincerely,

Kelly R. Miller
Stormwater & Watershed Planning Manager
DEQ-SWRO

CC: Erin Belt, Manager, Office of Stormwater Management, DEQ-CO
    Nathan Crowther, Annual Standards & Specifications Coordinator, DEQ-CO
    Jeff Hurst, Regional Director, DEQ-SWRO
    Crystal Bazyk, Enforcement Manager, DEQ-SWRO
    Billie Campbell, President, Terra Tech Engineering
§ 62.1-44.15:31. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Annual standards and specifications for state agencies, federal entities, and other specified entities.

A. State entities, including the Department of Transportation, and for linear projects set out in subsection B, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies shall, and federal entities and authorities created pursuant to § 15.2-5102 may, annually submit a single set of standards and specifications for Department approval that describes how land-disturbing activities shall be conducted. Such standards and specifications shall be consistent with the requirements of this article and associated regulations, including the regulations governing the General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities and the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and associated regulations. Each project constructed in accordance with the requirements of this article, its attendant regulations, and where required standards and specifications shall obtain coverage issued under the state general permit prior to land disturbance. The standards and specifications shall include:

1. Technical criteria to meet the requirements of this article and regulations developed under this article;

2. Provisions for the long-term responsibility and maintenance of stormwater management control devices and other techniques specified to manage the quantity and quality of runoff;

3. Provisions for erosion and sediment control and stormwater management program administration, plan design, review and approval, and construction inspection and enforcement;

4. Provisions for ensuring that responsible personnel and contractors obtain certifications or qualifications for erosion and sediment control and stormwater management comparable to those required for local government;

5. Implementation of a project tracking and notification system to the Department of all land-disturbing activities covered under this article; and

6. Requirements for documenting onsite changes as they occur to ensure compliance with the requirements of the article.

B. Linear projects subject to annual standards and specifications include:

1. Construction, installation, or maintenance of electric transmission, natural gas, and telephone utility lines and pipelines, and water and sewer lines; and
2. Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.

Linear projects not included in subdivisions 1 and 2 shall comply with the requirements of the local or state VSMP in the locality within which the project is located.

C. The Department shall perform random site inspections or inspections in response to a complaint to assure compliance with this article, the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), and regulations adopted thereunder. The Department may take enforcement actions in accordance with this article and related regulations.

D. The Department shall assess an administrative charge to cover the costs of services rendered associated with its responsibilities pursuant to this section.

9VAC25-870-170. Requirements for state stormwater management annual standards and specifications.
A. Standards and specifications may, and after June 30, 2014, shall, be submitted to the department by a state agency on an annual basis. Such standards and specifications shall be consistent with the requirements of the Act, this chapter, the General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880), and the Erosion and Sediment Control Law and associated regulations. Each project constructed in accordance with the requirements of the Act, this chapter, and where required standards and specifications shall obtain coverage issued under the state general permit prior to land disturbance. State agency stormwater management standards and specifications describe how land-disturbing activities shall be conducted and shall include, but are not limited to:

1. Technical criteria to meet the requirements of the Act and this chapter;

2. Provisions for the preparation of individual stormwater management and erosion and sediment control plans for each project. In addition, the individual plans, to the maximum extent practicable, shall comply with any locality's VSMP authority's technical requirements adopted pursuant to the Act. It shall be the responsibility of the state agency to demonstrate that the locality's VSMP authority's technical requirements are not practicable for the project under consideration;

3. Provisions for the long-term responsibility and maintenance of stormwater management control devices and other techniques specified to manage the quantity and quality of runoff, including an inspection and maintenance schedule, shall be developed and implemented;

4. Provisions for erosion and sediment control and stormwater management program administration, plan design, review and approval, and construction inspection and enforcement;
5. Provisions for ensuring that responsible personnel and contractors obtain certifications or qualifications for erosion and sediment control and stormwater management comparable to those required for VSMP authorities;

6. Implementation of a project tracking and notification system to the department of all land-disturbing activities covered under the Act and this chapter; and

7. Requirements for documenting on-site changes as they occur to ensure compliance with the requirements of the Act and this chapter.

B. Copies of such stormwater management specifications and standards including, but not limited to, design manuals, technical guides and handbooks, shall be submitted.

ESC
§ 62.1-44.15:54 (For contingent expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Establishment of Virginia Erosion and Sediment Control Program.
A. Counties and cities shall adopt and administer a VESCP.

Any town lying within a county that has adopted its own VESCP may adopt its own program or shall become subject to the county program. If a town lies within the boundaries of more than one county, the town shall be considered for the purposes of this article to be wholly within the county in which the larger portion of the town lies.

B. A VESCP authority may enter into agreements or contracts with soil and water conservation districts, adjacent localities, or other public or private entities to assist with carrying out the provisions of this article, including the review and determination of adequacy of erosion and sediment control plans submitted for land-disturbing activities on a unit or units of land as well as for monitoring, reports, inspections, and enforcement where authorized in this article, of such land-disturbing activities.

C. Any VESCP adopted by a county, city, or town shall be approved by the Board if it establishes by ordinance requirements that are consistent with this article and associated regulations.

D. Each approved VESCP operated by a county, city, or town shall include provisions for the integration of the VESCP with Virginia stormwater management, flood insurance, flood plain management, and other programs requiring compliance prior to authorizing a land-disturbing activity.
in order to make the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities more convenient and efficient both for the local governments and those responsible for compliance with the programs.

E. The Board may approve a state entity, federal entity, or, for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 to operate a VESCP consistent with the requirements of this article and its associated regulations and the VESCP authority's Department-approved annual standards and specifications. For these programs, enforcement shall be administered by the Department and the Board where applicable in accordance with the provisions of this article.

§ 62.1-44.15:55. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Regulated land-disturbing activities; submission and approval of erosion and sediment control plan.
A. Except as provided in § 62.1-44.15:56 for state agency and federal entity land-disturbing activities, no person shall engage in any land-disturbing activity until he has submitted to the VESCP authority an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved. Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VESCP authority shall then be required to obtain evidence of Virginia Stormwater Management Program permit coverage where it is required prior to providing approval to begin land disturbance. Where land-disturbing activities involve lands under the jurisdiction of more than one VESCP, an erosion and sediment control plan may, at the request of one or all of the VESCP authorities, be submitted to the Department for review and approval rather than to each jurisdiction concerned. The Department may charge the jurisdictions requesting the review a fee sufficient to cover the cost associated with conducting the review. A VESCP may enter into an agreement with an adjacent VESCP regarding the administration of multijurisdictional projects whereby the jurisdiction that contains the greater portion of the project shall be responsible for all or part of the administrative procedures. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the VESCP authority.

B. The VESCP authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of this article and the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and shall comply with the
provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence to the VESCP authority, as provided by § 62.1-44.15:52, who will be in charge of and responsible for carrying out the land-disturbing activity. However, any VESCP authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by § 62.1-44.15:52. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify the modifications, terms, and conditions that will permit approval of the plan. If no action is taken by the VESCP authority within the time specified in this subsection, the plan shall be deemed approved and the person authorized to proceed with the proposed activity. The VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.

C. The VESCP authority may require changes to an approved plan in the following cases:

1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations; or

2. Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article and associated regulations, are agreed to by the VESCP authority and the person responsible for carrying out the plan.

D. Electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies shall, and authorities created pursuant to § 15.2-5102 may, file general erosion and sediment control standards and specifications annually with the Department for review and approval. Such standards and specifications shall be consistent with the requirements of this article and associated regulations and the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and associated regulations where applicable. The specifications shall apply to:

1. Construction, installation, or maintenance of electric transmission, natural gas, and telephone utility lines and pipelines, and water and sewer lines; and
2. Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of the railroad company.

The Department shall have 60 days in which to approve the standards and specifications. If no action is taken by the Department within 60 days, the standards and specifications shall be deemed approved. Individual approval of separate projects within subdivisions 1 and 2 is not necessary when approved specifications are followed. Projects not included in subdivisions 1 and 2 shall comply with the requirements of the appropriate VESCP. The Board shall have the authority to enforce approved specifications and charge fees equal to the lower of (i) $1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, project inspections, and compliance.

E. Any person engaging, in more than one jurisdiction, in the creation and operation of a wetland mitigation or stream restoration bank or banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of (i) wetlands mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, or (ii) a stream restoration project for purposes of reducing nutrients or sediment entering state waters may, at the option of that person, file general erosion and sediment control standards and specifications for wetland mitigation or stream restoration banks annually with the Department for review and approval consistent with guidelines established by the Board.

The Department shall have 60 days in which to approve the specifications. If no action is taken by the Department within 60 days, the specifications shall be deemed approved. Individual approval of separate projects under this subsection is not necessary when approved specifications are implemented through a project-specific erosion and sediment control plan. Projects not included in this subsection shall comply with the requirements of the appropriate local erosion and sediment control program. The Board shall have the authority to enforce approved specifications and charge fees equal to the lower of (i) $1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, project inspections, and compliance. Approval of general erosion and sediment control specifications by the Department does not relieve the owner or operator from compliance with any other local ordinances and regulations including requirements to submit plans and obtain permits as may be required by such ordinances and regulations.

F. In order to prevent further erosion, a VESCP authority may require approval of an erosion and sediment control plan for any land identified by the VESCP authority as an erosion impact area.

G. For the purposes of subsections A and B, when land-disturbing activity will be required of a contractor performing construction work pursuant to a construction
contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

A. This chapter sets forth minimum standards for the effective control of soil erosion, sediment deposition, and nonagricultural runoff that must be met:

1. In VESCPs adopted under § 62.1-44.15:54 of the Act;

2. In erosion and sediment control plans that may be submitted directly to the department pursuant to § 62.1-44.15:55 A of the Act;

3. In annual general erosion and sediment control standards and specifications that electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies are required to file, and authorities created pursuant to § 15.2-5102 of the Code of Virginia may file with the department pursuant to § 62.1-44.15:55 D of the Act;

4. In erosion and sediment control plans or annual standards and specifications that state agencies are required to file with the department pursuant to § 62.1-44.15:56 of the Act; and

5. In erosion and sediment control plans or annual standards and specifications that federal agencies may submit to the department pursuant to § 62.1-44.15:56 of the Act.

B. The submission of annual standards and specifications to the department does not eliminate the need where applicable for a project specific Erosion and Sediment Control Plan.
Ms. Melissa Rose, Executive Director  
Mr. Nick Woods, Engineer  
Southwest Regional Recreation Authority (SRRA)  
P.O. Box 1594  
Coeburn, VA 24230

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Kelly R. Miller
Stormwater & Watershed Planning Manager
DEQ-SWRO

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Nathan Crowther, Annual Standards & Specifications Coordinator, DEQ-CO
Jeff Hurst, Regional Director, DEQ-SWRO
Crystal Bazyk, Enforcement Manager, DEQ-SWRO
Billie Campbell, President, Terra Tech Engineering
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1. ANNUAL STANDARDS AND SPECIFICATIONS ADMINISTRATION

Southwest Regional Recreation Authority (SRRA) is responsible for administering, implementing and complying with the Annual Standards and Specifications for Erosion and Sediment Control (ESC) and Stormwater Management (SWM) for Recreational Trails and Associated Facility Development. In accordance with Va. Code §§ 62.1-44.15:54.E and 62.1-44.15:27.F, this document serves as the annual submittal to the Virginia Department of Environmental Quality (DEQ) of standards and specifications developed so that SRRA can operate under Annual Standards and Specifications for ESC and SWM. This document addresses stormwater management and ESC and establishes general specifications for the control of erosion and sedimentation and stormwater runoff management as a result of “land-disturbing activities” performed during the construction, operation and maintenance of SRRA’s linear recreational trails and associated support facilities. A “land-disturbing activity” is defined as such:

- Any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting, and filling of land, except that the term shall not include the activities listed in § 62.1-44.15:51 of the Code of Virginia [Virginia E&SC Law]

- A manmade change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation, except that the term shall not include those exemptions specified in § 62.1-44.15:34 of the Code of Virginia [Virginia Stormwater Management Program Regulation]

These Annual Standards and Specifications for ESC and SWM shall be consistent with the requirements of the Virginia Erosion and Sediment Control Law and associated regulations and the Virginia Stormwater Management Act and associated regulations, where applicable, and will comply with the requirements of the local or state authority in the locality in which the project is located.

In accordance with federal law, construction stormwater permits issued under a delegated National Pollutant Discharge Elimination System (NPDES) permit like the one in place in Virginia cannot be required unless there is a triggering event (i.e., the release of a hazardous substance in excess of its reportable quantity or a discharge that contributes to a violation of a water quality standard). See 33 U.S.C. § 1342(l)(2); 40 C.F.R. § 122.26(c)(1)(iii); Natural Resources Defense Council v. United States Environmental Protection Agency, 526 F.3d 591 (9th Cir. 2008) (invalidating EPA’s unconditional exemption in 40 C.F.R. § 122.26(a)(2) and reinstating the conditional exemption). This exemption is embodied in the Virginia Stormwater Management Program (VSMP) Regulation in 9VAC25-870-380A(2) which states: “The board
SRRA intends to follow the provisions outlined in DEQ Guidance Memorandum No. 15-2003 (GM15-2003), when applicable. GM15-2003 provides guidance on stormwater implementation for linear development projects under the Virginia Stormwater Management Program. The guidance document describes general terms and conditions under which linear development projects are expected to operate if they are to maintain exemption from Stormwater Management Plan submission and CGP coverage requirements. The review for initial applicability of GM15-2003 to a specific project will be conducted and documented by SRRA using DEQ-certified Plan Reviewers early in the project planning process. SRRA will then contact DEQ for a preliminary review to determine whether GM15-2003 will be applicable to the project, prior to the development of detailed ESC and SWM plans. The preliminary submission and review must include sufficient information (estimated extent of land disturbance, estimated land cover conditions, anticipated sequence of construction, anticipated drainage features and receiving outfalls, etc.) for DEQ to review applicability under the Guidance Memorandum and notify SRRA if a SWM plan will be required. DEQ has indicated that the review and coordination to determine if a SWM plan waiver will be issued will typically take less than 30 days (typically 7 days for initial review and then subsequent time for revisions, meetings and coordination). DEQ advises that face-to-face project review meetings with the project proponent are often an easy way to secure feedback early in the planning process. If DEQ concurs that the project qualifies under GM15-2003, detailed erosion control plans will be developed (and annotated in accordance with the guidance memorandum), reviewed and approved by SRRA prior to engaging in land disturbance.

SRRA may be required by DEQ to produce additional documentation of water quantity or water quality calculations/analysis to demonstrate the applicability of Guidance Memo No. 15-2003. If GM15-2003 is determined to not be applicable, the stormwater-related technical criteria set forth in the Storm Water Management Plan, Appendix B, must be implemented, unless an exception is secured.

These Annual Standards and Specifications for ESC and SWM must be submitted annually to DEQ for review and approval. SRRA is responsible for ensuring that individual project plans are developed and implemented in compliance with these Annual Standards and Specifications and applicable laws and regulations. As a holder of Annual Standards and Specifications, SRRA ensures compliance with these Annual Standards and Specifications for ESC and SWM for development projects through self-administration of these Standards and Specifications, including plan review, inspections, and overall compliance rather than the individual localities in which the projects are located. SRRA may be required to submit relevant project documentation and plans for covered activities to the DEQ. DEQ receives regular notifications of the work done by SRRA, and provides random site inspections and inspections in response to
complaints to assure compliance. Enforcement shall be administered by the DEQ and the State Water Control Board where applicable. DEQ and the State Water Control Board has the authority to enforce these specifications, to take enforcement actions, and to charge fees for the costs of review and approval of standards and specifications, project inspections and compliance pursuant to § 62.1-44.15:55(D).2.

Approved deviation requests (DEQ approved deviations from guidance documents) and the associated DEQ approval letters will also be appended to these Annual Standards in Appendix H, since these technical modifications to practices may be applied more broadly to many projects.

1.1 PROJECT TRACKING AND REPORTING

SRRA is responsible for providing project tracking and e-notification to DEQ of all regulated land-disturbing activities subject to these Annual Standards and Specifications to comply with applicable ESC requirements pursuant to 9VAC25-840-65 and applicable SWM requirements pursuant to 9VAC25-870-170.

The SRRA project team must electronically notify the DEQ of any project that SRRA intends to construct (excluding general maintenance) in Virginia to start the project permitting process. The following information is required to be included in the e-notification two weeks prior to initiating the regulated land disturbing activity (LDA):

- Project name or project number
- Project location (including nearest intersection, latitude, and longitude)
- On-site project manager name and contact info
- Responsible Land Disturber (RLD) name and contact info
- Project description
- Acreage of disturbance for project
- Project start and finish date
- Any variances/waivers/exceptions associated with the project

Notification must be made electronically kelly.miller@deq.virginia.gov In person questions should be directed to Kelly Miller (276)676-4879 and Jeffery Kite (276) 206-3530.

Under the Construction General Permit (CGP), if applicable, the operator shall post the notice of coverage letter at a publicly accessible location near an active part of the construction project (e.g. at closest trail head or parking area). The operator shall maintain the posted information until the termination of the general permit. The operator will also make the SWPPP available as follows:
1. Operators with day-to-day operational control over SWPPP implementation shall have a copy of the SWPPP available at a central location on-site for use by those identified as having responsibilities under the SWPPP whenever they are on the construction site.

2. The operator shall make the SWPPP and all amendments, modifications, and updates available upon request to the department, the VSMP authority, the EPA, the VESCP authority, local government officials, or the operator of a municipal separate storm sewer system receiving discharges from the construction activity. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the SWPPP's location must be posted near the main entrance of the construction site.

The operator shall make the SWPPP available for public review in an electronic format or in hard copy. Information for public access to the SWPPP shall be posted and maintained in accordance with Part II C. If not provided electronically, public access to the SWPPP may be arranged upon request at a time and at a publicly accessible location convenient to the operator or their designee but shall be no less than once per month and shall be during normal business hours. Information not required to be contained within the SWPPP by this general permit is not required to be released.

1.2 EROSION AND SEDIMENT CONTROL - Quarterly Reports

SRRA will report, on a quarterly basis, a listing of each regulated land-disturbing activity for which an ESC plan (and a SWM plan if applicable) has been approved under these Annual Standards and Specifications for ESC and SWM, and the construction status (construction ongoing, not started, completed during quarter), to DEQ quarterly. The report must include the following:

- Project name or project number
- Project location (including nearest intersection, latitude, and longitude)
- On-site project manager name and contact info (if applicable)
- Responsible Land Disturber (RLD) name and contact info
- Project description
- Acreage of disturbance for project
- Anticipated project start and finish date
- Any approved variances/exceptions associated with the project
1.3 STORMWATER MANAGEMENT – Annual Reports

Stormwater Management Plans will be required for SRRA projects when projects are unable to satisfy the terms and conditions contained in DEQ Guidance Memo No. 15-2003, or are determined not to be exempt from associated requirements of the *General VPDES Permit for Discharges of Stormwater from Construction Activities* (9VAC25-880) (referred to more generally as the construction general permit or CGP). When applicable, SRRA will assure that SWM plans and associated Stormwater Pollutant Prevention Plans (SWPPPs) and CGP registrations statements are prepared, reviewed, and approved prior to initiating regulated land disturbing activities. The technical criteria for SWM are addressed in Appendix B of these Annual Standards and Specifications for ESC and SWM.

On a fiscal year basis (July 1 to June 30), SRRA will report to the department by October 1 of each year in a format provided by DEQ. The information to be provided shall include the following:

1. Information on each permanent stormwater management facility completed during the fiscal year to include type of stormwater management facility, geographic coordinates, acres treated, and the surface waters or karst features into which the stormwater management facility will discharge;

2. Number and type of enforcement actions during the fiscal year; and

3. Number of exceptions granted during the fiscal year.

1.4 RECORDKEEPING

SRRA must keep records in accordance with the following:

- All individual project records, including approved plans, inspection records, documented field changes, and CGP registration statements (if applicable) must be maintained for a period of three years after completion of the project or state permit termination. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to SRRA, or as requested by the State Water Control Board.

- A construction record drawing for all permanent, structural stormwater management facilities (“as-built”) with seal and signature of a Virginia-licensed Professional Engineer must be maintained by SRRA in perpetuity, or until the stormwater facility is removed.

- Stormwater management facility inspection records must be documented and retained for at least five years from the date of inspection.
1.5 PLAN DESIGN, REVIEW, AND APPROVAL

This section outlines requirements for Erosion and Sediment Control and Stormwater Management, along with applicable plan contents for review and approval by DEQ certified personnel (as described in Section 2 of this document) prior to initiating regulated land disturbing activities.

1.5.1 ESC REQUIREMENTS

SRRA follows the policies and procedures described in the Virginia Erosion and Sediment Control Handbook (VESCH). The use of the VESCH, along with accompanying technical documents and guidance, is strongly preferred. SRRA utilizes a comprehensive design, review and approval program that includes review for consistency with both the general specifications for Minimum Standards and Specifications (STDS & SPEC) and the FERC Plan and Procedures. The general specifications for ESC apply to land-disturbing activities and are included in these Annual Standards and Specifications by reference, as follows:

- Virginia Erosion and Sediment Control Law (§62.1-44 et seq. as amended);
- Virginia Erosion and Sediment Control Regulations (9VAC25-840 et seq. as amended);
- Virginia Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850 et seq. as amended);
- Technical Bulletins and Memos, as amended, on the DEQ website.

ESC plans and documents must be submitted to the designated Plan Reviewer (defined in Section 2.2) for review and approval. Plans must be reviewed and approved by DEQ certified personnel (as described in Section 2, Personnel Roles and Responsibilities) to ensure compliance with these Annual Standards and Specifications for ESC and SWM. Any non-VESCH control measures incorporated into plans must include all applicable practical information including definition, purpose, conditions where practice applies, planning considerations, design criteria, construction specifications, design tables and plates and maintenance/inspection requirements. Should non-VESCH control measures fail to effectively control soil erosion, sediment deposition, and non-agricultural runoff, then VESCH control measures shall be utilized. All documents submitted for review must include the appropriate information, as described below (and shown in the flow chart below) in addition to the ESC Plan Checklist (Appendix A).
1.5.2 ESC PLAN CONTENTS

As applicable, ESC drawings must include the following:

a) Minimum standards 1 through 19 as applicable;
b) General Erosion and Sediment Control Notes ES-1 through ES-9 (Appendix E);
c) Total area of disturbance. If the project is phased, the total area of disturbance for each phase must be noted;
d) Pre-development and post-development land cover conditions;
e) Construction sequence of operations with staged implementation of ESC measures for each phase;
f) Existing features that will be demolished or removed that may require ESC measures;
g) Erosion and Sediment Control Critical Areas identification and discussion;
h) Location of various support activities including, but not limited to, areas where wash water may occur; storage area for chemicals, fuels and fertilizers; concrete wash out areas; vehicle fueling and maintenance areas; sanitary waste facilities and construction waste storage; and
i) Information suitable for drainage and ESC review (may include drainage areas, flow paths, points of analysis, outfalls, or other drainage patterns) should be submitted (either on the plans or in supporting documentation).

1.5.3 SWM REQUIREMENTS

Portions of these Annual Standards and Specifications related to Stormwater Management shall apply to regulated land-disturbing activities which are not exempted under GM 15-2003 from SWM plan submission and/or projects which are required to obtain CGP coverage. The following requirements shall apply, when applicable, and are hereby incorporated by reference:

- Virginia Stormwater Management Act (§62.1-44 et seq. as amended);
- Virginia Stormwater Management Permit Regulations (9VAC25-870 et seq. as amended);
- Virginia Stormwater Management Handbook, 1999, as amended; and
- Technical Bulletins and Memos, as amended, on the DEQ website.
- Construction General Permit Regulation 9VAC25-880 et seq.
Off-site credit use should be coordinated with the DEQ Central Office Nutrient Credit Coordinator (Derick Winn, Office of Stormwater Permits: 804-698-4114).

1.5.4 SWM PLAN CONTENTS

ESC and SWM/SWPPP plans and documents must be submitted to the designated Plan Reviewer (certified in accordance with Section 2 of this document) for review and approval. Plans must be reviewed to ensure compliance with these Annual Standards and Specifications for ESC and SWM.

If applicable, the stormwater management plan shall be implemented as approved or modified by SRRA and shall be developed in accordance with the following:

1. A stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria set forth in this part to the entire land-disturbing activity. Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities.

2. A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.

A complete stormwater management plan shall include the following elements:

1. Information on the type of and location of stormwater discharges, information on the features to which stormwater is being discharged including surface waters or karst features if present, and predevelopment and post development drainage areas;

2. Contact information including the name, address, telephone number, and email address of the owner and the tax reference number and parcel number of the property or properties affected;

3. A narrative that includes a description of current site conditions and final site conditions or if allowed by the VSMP authority, the information provided and documented during the review process that addresses the current and final site conditions;

4. A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;

5. Information on the proposed stormwater management facilities, including (i) the type of facilities; (ii) location, including geographic coordinates; (iii) acres treated; and (iv) the
surface waters or karst features into which the facility will discharge;
6. Hydrologic and hydraulic computations, including runoff characteristics;
7. Documentation and calculations verifying compliance with the water quality and quantity requirements of these regulations;
8. A map or maps of the site that depicts the topography of the site and includes:
   a. All contributing drainage areas;
   b. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
   c. Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
   d. Current land use including existing structures, roads, and locations of known utilities and easements;
   e. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
   f. The limits of clearing and grading, and the proposed drainage patterns on the site;
   g. Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
   h. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements;
9. If an operator intends to meet the requirements established in 9VAC25-870-63 or 9VAC25- 870-66 through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included; and
10. If payment of a fee is required with the stormwater management plan submission by the VSMP authority, the fee and the required fee form in accordance with Part XIII (9VAC25- 870-700 et seq.) must have been submitted.

Elements of the stormwater management plans that include activities regulated under Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§
54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

A construction record drawing for permanent stormwater management facilities shall be submitted to the VSMP authority in accordance with 9VAC25-870-108 and 9VAC25-870-112. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan.

SRRA Plan Review personnel (see Section 2.0) will verify whether a SWM plan is required for submission (as outlined above) and will document that the required elements above are included, when applicable. In addition to the above elements, the following documentation will be reviewed and approved prior to initiating the land disturbing activity:

- If applicable, the Stormwater Pollution Prevention Plan (SWPPP), inclusive of registration statement, Pollution Prevention Plan, Erosion and Sediment Control Plan, and Stormwater Management Plan and Calculations;
- If a SWPPP and/or CGP is required for a project, applicable TMDL information and general information shall be included, in addition to the required registration statement.
- Post-construction maintenance requirements of permanent BMPs, if applicable (See Appendix B);
- Manufacturer’s recommended maintenance and inspection of manufactured permanent BMPs (per the BMP Clearinghouse);
- Post-construction inspection requirements for permanent BMPs;
- A map or digital file, including the appropriate base data, delineating the area treated by the BMP;
- A map or digital file, including the appropriate base data, depicting the applicable area used to determine percent impervious cover; and
- SWM Plan Checklist (Appendix B).
1.5.5 REVISIONS

All revisions to the approved Erosion and Sediment Control Plan or the approved Stormwater Management Plan for the project require review and approval by DEQ certified Plan Reviewer for ESC (and SWM, when applicable). Changes shall be documented and dated on the plans.
1.5.6 SRRA PROJECT DETERMINATION FLOWCHART
2. PERSONNEL ROLES AND RESPONSIBILITIES

SRRA will be the plan approval authority and administrator for the SRRA Annual Standards and Specifications for ESC and SWM. A description of the expected administrative roles and associated required certifications is provided below. Note that roles may be combined for staff resource purposes as long as the person responsible for each task is fully qualified for all assigned roles. The ESC plans and SWM plans/SWPPP (where applicable) must be included in all pipeline construction specifications and SRRA must assure that the contractor is aware of their responsibility prior to starting any construction activities by covering this specification during pre-construction training and meetings. SRRA must provide quality assurance for the ESC and SWM plans as well as guidance, as needed, for implementation of ESC and SWM measures on all projects. SRRA may enter into agreements or contracts with contractors to assist with carrying out the certification requirements set forth in the ESC and SWM Law and Regulations.

2.1 PROGRAM ADMINISTRATOR

The Program Administrator will be responsible for the management and coordination of these Annual Standards and Specifications for ESC and SWM. The Program Administrator must be certified as an ESC (and SWM when applicable) Combined Administrator by DEQ or provisionally certified. This role may be conducted by a third party as directed by SRRA.

2.2 PLAN REVIEWER

The Plan Reviewer will be responsible for the review of ESC and SWM portions of project plans for compliance with these Annual Standards and Specifications and applicable laws and regulations. The Plan Reviewer must be certified as an ESC (and SWM when applicable) Plan Reviewer by DEQ or provisionally certified. This role may be conducted by a third party firm preparing the plans as directed by SRRA.

2.3 CONSTRUCTION SITE SUPERVISOR

The Construction Site Supervisor will have direct oversight of all personnel that prepare, construct, maintain and rehabilitate a given project. The Supervisor also has control over site-specific construction plans, including the ability to make modifications to those plans. This person must ensure compliance with ESC, SWPPP, and Virginia Stormwater Management Program (VSMP) requirements as well as compliance with these Annual Standards and Specifications. The Construction Site Supervisor is authorized to direct workers at a site to carry out activities in accordance with these and other permit conditions. The Construction Site Supervisor must be certified as a Responsible Land Disturber (RLD) by DEQ.
2.4 ENVIRONMENTAL INSPECTOR

The Environmental Inspector (EI) will serve as the primary point of contact for on-site environmental compliance. The EI will provide expert technical support on a wide range of environmental issues and is responsible for:

- ESC Plan;
- Verifying that the limits of disturbance (LOD) and locations of access roads are visibly marked before clearing and maintained throughout construction;
- Proper maintenance of environmental records on site;
- Advising the Environmental Construction Coordinator (ECC) on site-specific environmental concerns;
- Educating company inspectors and personnel on site-specific environmental concerns and requirements; and
- Reporting any non-compliance and problem areas.

The EI must be certified as an ESC (and SWM, when applicable) Inspector by DEQ or provisionally certified. This role may be conducted by a certified, third party firm as directed by SRRA.

2.5 ENVIRONMENTAL CONSTRUCTION COORDINATOR

The Environmental Construction Coordinator (ECC) will serve as part of the environmental team relative to environmental compliance within SRRA. The ECC has the responsibility of ensuring full compliance with applicable laws, environmental rules, regulations, permits, and company policies that pertain to their projects. The ECC’s roles and responsibilities may include:

- Ensure compliance with applicable federal, state, and local environmental regulations, permits, company standards, and procedures, and facility procedures at assigned projects;
- Promote environmental stewardship;
- Coordinate with EI’s and contractors to ensure site environmental compliance;
- Serve as primary site coordinator with SRRA, internal departments, and external agencies regarding environmental issues;
- Serve as contact with community or local public to resolve environmental emergencies, complaints, or problems;
- Maintain environmental permits, plans, and various compliance records; and
2021 Annual Standards and Specifications for Erosion and Sediment Control and Stormwater Management
for Construction and Maintenance of Recreational Trails and Associated Facility Projects in Virginia

- Assist with environmental emergency response activities.

2.6 EROSION AND SEDIMENT CONTROL AND STORMWATER INSPECTOR

The Erosion and Sediment Control Inspector will be responsible for the inspection and compliance with ESC and SWM/SWPPP practices, as applicable, as well as those practices outlined in these Annual Standards and Specifications. These responsibilities will typically be shared between the EI and the ESC/SWM Inspector. The Inspector must be certified as an ESC (and SWM when applicable) Inspector by DEQ or provisionally certified. This role may be conducted by a third-party firm preparing the plans as directed by SRRA. SRRA must ensure that inspection staff is suitable for the size and scope of the project.

3. TECHNICAL CRITERIA

3.1 EROSION AND SEDIMENT CONTROL

SRRA must employ erosion and sediment control measures for all land-disturbing activities associated with the construction and maintenance of trails and associated recreational projects.

The minimum standards set forth in 9 VAC 25-840-40 and the control practices laid out in the Virginia Erosion and Sediment Control Handbook (VESCH) shall be applied to the planning, design, construction, and maintenance of ESC and SWM plans (when applicable).

1. Permanent or temporary soil stabilization shall be applied to denuded areas, except within the main traffic area of an OHV trail, within seven days after final grade is reached on any portion of the site. An OHV trail main traffic area will be considered stabilized upon completion of final grade after grading equipment compacts to necessary trail long-term surface condition. Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 14 days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one year.

2. During construction of the project, soil stock piles and borrow areas shall be stabilized or protected with sediment trapping measures. The applicant is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site.

3. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a
ground cover is achieved that is uniform, mature enough to survive and will inhibit erosion.

4. Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place.

5. Stabilization measures shall be applied to earthen structures such as dams, dikes and diversions immediately after installation.

6. Sediment traps and sediment basins shall be designed and constructed based upon the total drainage area to be served by the trap or basin.

   a. The minimum storage capacity of a sediment trap shall be 134 cubic yards per acre of drainage area and the trap shall only control drainage areas less than three acres.

   b. Surface runoff from disturbed areas that is comprised of flow from drainage areas greater than or equal to three acres shall be controlled by a sediment basin. The minimum storage capacity of a sediment basin shall be 134 cubic yards per acre of drainage area. The outfall system shall, at a minimum, maintain the structural integrity of the basin during a 25-year storm of 24-hour duration. Runoff coefficients used in runoff calculations shall correspond to a bare earth condition or those conditions expected to exist while the sediment basin is utilized.

7. Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Slopes that are found to be eroding excessively within one year of permanent stabilization shall be provided with additional slope stabilizing measures until the problem is corrected.

8. Concentrated runoff shall not flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or slope drain structure.

9. Whenever water seeps from a slope face, adequate drainage or other protection shall be provided.

10. All storm sewer inlets that are made operable during construction shall be protected so that sediment-laden water cannot enter the conveyance system without first being filtered or otherwise treated to remove sediment.

11. Before newly constructed stormwater conveyance channels or pipes are made operational, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel.
12. When work in a live watercourse is performed, precautions shall be taken to minimize encroachment, control sediment transport and stabilize the work area to the greatest extent possible during construction. Nonerodible material shall be used for the construction of causeways and cofferdams. Earthen fill may be used for these structures if armored by nonerodible cover materials.

13. When a live watercourse must be crossed by construction vehicles more than twice in any six-month period, a temporary vehicular stream crossing constructed of nonerodible material shall be provided.

14. All applicable federal, state and local requirements pertaining to working in or crossing live watercourses shall be met.

15. The bed and banks of a watercourse shall be stabilized immediately after work in the watercourse is completed.

16. Underground utility lines shall be installed in accordance with the following standards in addition to other applicable criteria:

   a. No more than 500 linear feet of trench may be opened at one time.

   b. Excavated material shall be placed on the uphill side of trenches.

   c. Effluent from dewatering operations shall be filtered or passed through an approved sediment trapping device, or both, and discharged in a manner that does not adversely affect flowing streams or off-site property.

   d. Material used for backfilling trenches shall be properly compacted in order to minimize erosion and promote stabilization.

   e. Restabilization shall be accomplished in accordance with this chapter.

   f. Applicable safety requirements shall be complied with.

17. Where construction vehicle access routes intersect paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner. This provision shall apply to individual development lots as well as to larger land-disturbing activities.
18. All temporary erosion and sediment control measures shall be removed within 30 days after final site stabilization or after the temporary measures are no longer needed, unless otherwise authorized by the VESCP authority. Trapped sediment and the disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.

19. Properties and waterways downstream from development sites shall be protected from sediment deposition, erosion and damage due to increases in volume, velocity and peak flow rate of stormwater runoff for the stated frequency storm of 24-hour duration in accordance with the following standards and criteria. Stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels:

   a. Concentrated stormwater runoff leaving a development site shall be discharged directly into an adequate natural or man-made receiving channel, pipe or storm sewer system. For those sites where runoff is discharged into a pipe or pipe system, downstream stability analyses at the outfall of the pipe or pipe system shall be performed.

   b. Adequacy of all channels and pipes shall be verified in the following manner:

      (1) The applicant shall demonstrate that the total drainage area to the point of analysis within the channel is one hundred times greater than the contributing drainage area of the project in question; or

      (2) (a) Natural channels shall be analyzed by the use of a two-year storm to verify that stormwater will not overtop channel banks nor cause erosion of channel bed or banks.

      (b) All previously constructed man-made channels shall be analyzed by the use of a ten-year storm to verify that stormwater will not overtop its banks and by the use of a two-year storm to demonstrate that stormwater will not cause erosion of channel bed or banks; and

      (c) Pipes and storm sewer systems shall be analyzed by the use of a ten-year storm to verify that stormwater will be contained within the pipe or system.

   c. If existing natural receiving channels or previously constructed man-made channels or pipes are not adequate, the applicant shall:
(1) Improve the channels to a condition where a ten-year storm will not overtop the banks and a two-year storm will not cause erosion to the channel, the bed, or the banks; or

(2) Improve the pipe or pipe system to a condition where the ten-year storm is contained within the appurtenances;

(3) Develop a site design that will not cause the pre-development peak runoff rate from a two-year storm to increase when runoff outfalls into a natural channel or will not cause the pre-development peak runoff rate from a ten-year storm to increase when runoff outfalls into a man-made channel; or

(4) Provide a combination of channel improvement, stormwater detention or other measures which is satisfactory to the VESCP authority to prevent downstream erosion.

d. The applicant shall provide evidence of permission to make the improvements.

e. All hydrologic analyses shall be based on the existing watershed characteristics and the ultimate development condition of the subject project.

f. If the applicant chooses an option that includes stormwater detention, approval shall be obtained from the VESCP of a plan for maintenance of the detention facilities. The plan shall set forth the maintenance requirements of the facility and the person responsible for performing the maintenance.

g. Outfall from a detention facility shall be discharged to a receiving channel, and energy dissipators shall be placed at the outfall of all detention facilities as necessary to provide a stabilized transition from the facility to the receiving channel.

h. All on-site channels must be verified to be adequate.

i. Increased volumes of sheet flows that may cause erosion or sedimentation on adjacent property shall be diverted to a stable outlet, adequate channel, pipe or pipe system, or to a detention facility.

j. In applying these stormwater management criteria, individual lots or parcels in a residential, commercial or industrial development shall not be considered to be separate development projects. Instead, the development, as a whole, shall be considered to be a single development project. Hydrologic parameters that reflect the
ultimate development condition shall be used in all engineering calculations.

k. All measures used to protect properties and waterways shall be employed in a manner which minimizes impacts on the physical, chemical and biological integrity of rivers, streams and other waters of the state.

l. Any plan approved prior to July 1, 2014, that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to § 62.1-44.15:54 or 62.1-44.15:65 of the Act.

m. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of § 62.1-44.15:52 A of the Act and this subsection shall be satisfied by compliance with water quantity requirements in the Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and attendant regulations, unless such land-disturbing activities are in accordance with 9VAC25-870-48 of the Virginia Stormwater Management Program (VSMP) Regulations.

n. Compliance with the water quantity minimum standards set out in 9VAC25-870-66 of the Virginia Stormwater Management Program (VSMP) Regulations shall be deemed to satisfy the requirements of subdivision 19 of this subsection.

3.2 GENERAL DESCRIPTION OF CONSTRUCTION ACTIVITIES

The stages of construction typically include: survey and planning, mowing, clearing, grubbing, grading and surfacing where applicable. The erosion and sediment control measures to be installed for each of these stages are described below. If any denuded area will remain idle for more than 14 days, temporary stabilization (temporary seed, mulch, additional sediment barriers as directed by the ECC) must be applied within seven (7) days to that area.
3.2.1 CONSTRUCTION WORK AREAS

Construction work areas, also called the LOD, include all parking areas, staging areas, new trail construction, and the construction right-of-way. To the extent possible, the lines and grades of previously disturbed areas (i.e. existing trails, roads, jeep trails and mine benches), will be used to minimize new impacts to any given watershed. Landowner agreement and appropriate permits must be obtained prior to the use of any area for construction activities. Erosion and sediment control plans apply to all new construction work areas.

The construction right-of-way will include the permanent trail right-of-way and temporary right-of-way (20 feet outside of the edge of trail construction) for the length of the development project. Additional workspace may be required in certain areas. The construction right-of-way may be widened (subject to compliance with all applicable survey, plan preparation and approval, and mitigation requirements) in areas such as steep slopes and “switch-back” areas to ensure safe construction.

Following construction, all disturbed areas must be restored with an approved vegetative cover directed by the landowner, permits, and these Annual Standards and Specifications. All temporary work areas must be restored to pre-construction conditions and uses.

SRRA must also obtain the necessary right-of-way permits (i.e. federal, state, stream crossing, wetland crossing, road crossing permits, etc.) for new construction. Permit requirements may be more stringent than the requirements of this plan and, if so, the more restrictive requirements will be implemented.

3.2.2 SURVEY AND PLANNING

In most cases the LOD will be selected in advance and included in all surveys, landowner negotiations and permitting. The location of the approved work areas, boundaries of environmentally sensitive areas, and the location of the facilities must be marked in the field prior to the start of mechanized activities. Changes to the LOD must be denoted/marked up on the ESC plans and recorded in the SWPPP (if applicable). Any changes affecting overall permitted disturbed area or potential affecting compliance with stormwater or ESC criteria must be reviewed and approved in advance in accordance with Section 1.5.5 (Revisions).

Environmentally sensitive areas are those that are more susceptible to serious erosion problems and thus may require enhanced erosion and sediment control measures. Examples of such areas may include steep slopes and sinkholes down-gradient of project activities.
3.2.3 CLEARING AND MOWING

The initial clearing may be performed by either non-mechanized or mechanized means. Non-mechanized methods entail the use of crews accessing the construction work areas on foot and cutting small timber and brush with handheld chainsaws. Erosion and sedimentation control measures must be installed as a first step in any land-disturbing activity after clearing and must be made functional before upslope land disturbance takes place.

Vegetation will be cut at ground level and un-merchantable timber (i.e. brush, stumps, slash, and tree tops) may be disposed of by chipping and distribution along the upland right-of-way or by burning, if allowed. Burning must be avoided if practicable. Merchantable timber will be cut and stacked along the outboard edge of the construction right-of-way in upland areas as directed by the landowner or the Construction Supervisor. If chips are spread along the right-of-way, they must be spread at no more than 1-ton per acre and an additional application of 11 pounds of nitrogen per acre, at least 50% is slow release, must be made to affected areas. If necessary, the desirable trees will be protected by fencing and armoring. If chipping is to serve as “Mulching” for Erosion and Sediment Control purposes, then mulching should be consistent with the application rates from ESC Standard and Specification 3.35.

3.2.4 GRUBBING AND GRADEING

This step involves grubbing stumps, removing and segregating topsoil where applicable, and leveling the construction right-of-way to create a safe operating area for equipment and vehicles. Topsoil and subsoil disturbed during grading operations will not be mixed with foreign material (i.e. stumps and slash). The disposal methods described above for clearing debris also apply to stumps. In addition, stumps may not be buried in the right-of-way in upland, non-agricultural, non-residential areas.

Erosion and sedimentation control measures must be installed as a first step in any land-disturbing activity and must be made functional before upslope land disturbance takes place.
3.3 EROSION AND SEDIMENT CONTROL PRACTICES

Commonly used practices as described in the VESCH and its accompanying technical documents and guidance is strongly preferred for all new construction projects conducted by SRRA. Along with the commonly used VESCH practices, SRRA specific BMP’s and/or landowner specific BMP’s may be utilized for erosion and sediment control for both new construction and routine maintenance of operated facilities. The implementation of these practices will be conducted such that all facilities adhere to the intent set forth in the Virginia Uniform Coding System for Erosion and Sedimentation Control Practices and best fit the conditions specifically encountered in the field.

Details for the commonly used and SRRA specific BMP’s are incorporated for reference into these Annual Standards and Specifications as Appendix A.

3.4 SPECIAL PROCEDURES

The following procedures and practices are sometimes utilized in linear recreational trail construction projects and may have standards established by more than one regulation.

3.4.1 STEEP SLOPE TRAIL CONSTRUCTION

In some circumstance’s steep slopes (>30%) will be utilized in linear recreational trail development. When steep slopes are encountered in construction, water shedding from the trail section will be accomplished using Broad-based Dips (BBD) instead of traditional right-of-way diversion style water bars. The Broad-based Dip (BBD) is more stable over time and are more likely to have functionality preserved during use and maintenance. Details for the Broad-Base Dip (BBD) have been provided in Appendix A.

3.4.2 STREAM CROSSINGS

The preferred method of stream crossing for linear recreational trails would be bridging, where feasible, however in lieu of creating culverted crossings, Stream Fords will be utilized. The location of Stream Fords will be selected in areas where stream banks are stable or can be easily stabilized with onsite durable material. Low gradient (6H:1V) approaches will be created outside of the stream bank which can endure trail traffic and not impact or impede normal stream flow. Details for the Stream Ford have been provided in Appendix A.
3.4.3 POTENTIAL EROSION PROBLEM AREAS/CRITICAL AREAS

Critical Areas, or potential erosion problem areas, as described in VESCH will be protected by project specific BMPs. Special attention will be given to those slopes that are near surface waters. The discharge of soils from failed slopes into surface waters is a serious occurrence and may result in environmental non-compliance. Critical Areas must be identified in the Erosion and Sediment Control narrative and appropriate management measures must be provided. Critical areas are defined as areas on the site which have potentially serious erosion problems (steep slopes, channels, wet weather/underground springs, etc.).

Potential erosion problem areas or critical areas (see slope length and gradient erodibility criteria in VESCH), including but not limited to areas with 30° slopes (58%) or greater, will be protected by Broad-based Dips (BBD). BBD’s will be placed in the appropriate spacing listed in Appendix A of these Standards.

3.4.4 SWPPP APPLICABILITY

Per the request of DEQ, SRRA commits to develop and implement Stormwater Pollution Prevention Plans (SWPPPs) for all projects that equal or exceed 1 acre of disturbance, even if exemptions from a permit are granted (via GM 15-2003). The ESC and SWM Plan requirements are addressed separately in this document. In addition to those requirements, SRRA will include the relevant general information and the SWPPP. The components SRRA to be included in the SWPPP include the following:

SWPPP Contents

1. General Information
2. Erosion and Sediment Control Plan (addressed separately herein)
3. SWM Plan (addressed separately herein, if no SWM Plan waiver secured)
4. Pollution Prevention Plan
5. SWPPP Requirements for Impaired Waters, etc. (if applicable)
6. Qualified Personnel
7. Individuals or positions with delegated authority to sign inspection reports or modify the SWPPP.
8. Certification: "I certify under penalty of the law that I have read and understand this document and that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief,
true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

SWPPP Provisions to be Implemented by SRRA:

1. Provisions for SWPPP Amendments, Modifications, and Updates
2. SWPPP Implementation
3. SWPPP Inspections
4. Corrective Actions

3.5 MAINTENANCE

Maintenance of trail heads, parking lots, and wayfinding signage will occur only on an as-needed basis. This maintenance would involve replenishing crushed stone cover, grading crushed stone pads and replacing signs and post along the trail systems and user areas. Work completed in these areas which are already in-place and in-service will not be considered new construction but maintenance. Should new disturbance of soils greater than 10,000 SF occur, than an E&S plan for such actions would be completed and followed.

Normal everyday trail use creates a “dirt-road” trail traffic area that remains in a constant state of no vegetative stabilization. Maintenance of these trail areas as defined below will not change the state of vegetative cover, lines and grades, nor will it change the existing hydrologic patterns of the drainage area in which the trail exists.

Trails are generally maintained at least quarterly (4 times per year) or immediately after a hazardous condition may arise due to excess storm damage. This maintenance involves fine grading of trail surface within the main trail traffic area, filling of ruts or gullies in trail section by cleaning material from of Broad-based Dips, traps, diversions and other erosion and sediment control structures. Maintenance of trails will not increase the trail width or change the trail from its original lines and grades.

Maintenance of vegetation adjacent to trail areas will be mowed, cut, brush hoggled and/or cleared to a width that allows safe passage of the appropriate trail user. This maintenance will happen more frequently during the spring and summer as vegetation grows into trail right-of-way.

Areas which are outside of the main trail traffic lanes that are incidentally denuded during
maintenance operations will be reseeded immediately with native non-invasive seed mixtures in accordance to the Erosion and Sediment Control measures described in Appendix A.

3.6 EMERGENCY PROVISIONS

In the event of an emergency, SRRA reserves the right to conduct land-disturbing activities in response to a public emergency, to avoid imminent endangerment to human health or the environment in accordance with exemptions cited in Virginia Code §62.1-44.15:34. In such situations, the DEQ shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of these Annual Standards and Specification is required within 30 days of commencing the land-disturbing activity.

3.7 INSPECTIONS

SRRA or its designated representative will continue to be responsible for routine inspections for compliance with the erosion and sediment control and stormwater management (where applicable) regulations. Certified personnel as outlined in Section 2 must conduct all inspections.

For all projects, SRRA or its designated representative will be responsible for periodic inspections in compliance with 9 VAC 25-840-60(B).1. Specifically, SRRA or its designated representative will provide for an inspection during or immediately following initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff producing storm event, and at the completion of the project, or in accordance with an alternate inspection approved by the State Water Control Board.

3.8 ENFORCEMENT

While SRRA continues to hold its employees, consultants and contractors to strict environmental compliance standards, regulatory enforcement will be administered by DEQ. SRRA may be required to submit relevant project documentation and plans for covered activities to the DEQ to ensure consistency with these Annual Standards and Specifications and applicable permit requirements. The State Water Control Board has the authority to enforce approved specifications and charge fees equal to the lower of (i) $1000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, project inspections and compliance. The Virginia DEQ will serve as the VESCP and VSMP.
authority and will perform random site inspections or inspections in response to a complaint to assure compliance with the associated laws/regulations and these Annual Standards and Specifications. Construction contracting firms retained by SRRA must be required to comply with all contractual obligations, and SRRA must enforce their compliance to the extent legally available, as necessary.
APPENDIX A

ESC Plan Checklist

Erosion and Sediment Control Practice Details
The following construction details are taken from the Virginia Erosion and Sediment Control Handbook (VESCH), Third Edition, 1992, as amended. Specific details and guidelines are covered more completely in Chapter 3 of the VESCH. These are the more common practices which will be utilized by SRRA during new construction.

SRRA will go to the VESCH to reference practices that are covered in the specification but not listed below, should other practices need to be implemented.

<table>
<thead>
<tr>
<th>Practice</th>
<th>Title</th>
<th>Key</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.01</td>
<td>Safety Fence</td>
<td>SAF</td>
</tr>
<tr>
<td>3.02</td>
<td>Temporary Stone Construction Entrance</td>
<td>CE</td>
</tr>
<tr>
<td>3.04</td>
<td>Straw Bale Barrier</td>
<td>STB</td>
</tr>
<tr>
<td>3.05</td>
<td>Silt Fence</td>
<td>SF</td>
</tr>
<tr>
<td>3.06</td>
<td>Brush Barrier</td>
<td>BB</td>
</tr>
<tr>
<td>3.07</td>
<td>Storm Drain Inlet Protection</td>
<td>IP</td>
</tr>
<tr>
<td>3.08</td>
<td>Culvert Inlet Protection</td>
<td>CIP</td>
</tr>
<tr>
<td>3.09</td>
<td>Temporary Diversion Dike</td>
<td>DD</td>
</tr>
<tr>
<td>3.10</td>
<td>Temporary Fill Diversion</td>
<td>FD</td>
</tr>
<tr>
<td>3.11</td>
<td>Temporary Right-Of-Way Diversion</td>
<td>RWD</td>
</tr>
<tr>
<td>3.12</td>
<td>Diversion</td>
<td>DV</td>
</tr>
<tr>
<td>3.13</td>
<td>Temporary Sediment Trap</td>
<td>ST</td>
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<tr>
<td>3.18</td>
<td>Outlet Protection</td>
<td>OP</td>
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<tr>
<td>3.19</td>
<td>RipRap</td>
<td>RR</td>
</tr>
<tr>
<td>3.20</td>
<td>Rock Check Dams</td>
<td>CD</td>
</tr>
<tr>
<td>3.21</td>
<td>Level Spreader</td>
<td>LS</td>
</tr>
<tr>
<td>3.23</td>
<td>Log Cribbing</td>
<td>LC</td>
</tr>
<tr>
<td>3.36</td>
<td>Soil Stabilization Blankets &amp; Matting</td>
<td>B/M</td>
</tr>
</tbody>
</table>

The following items are specific to the practices within this document and are not found in the VESCH manual. Details for these items are located at the end of this appendix following the items listed above.

Broad-based Dip                     BBD
SAFETY FENCE

Perspective View

Perspective View
Plastic Fence

Perspective View
Metal Fence

SOURCE: CONWED PLASTICS
VDOT ROAD AND BRIDGE STANDARDS
VA. DSWC
STRAW BALE BARRIER

PROPERLY INSTALLED STRAW BALE (CROSS SECTION)

1. EXCAVATE THE TRENCH.
2. PLACE AND STAKE STRAW BALES.

FLOW

4" BALE WIDTH

3. WEDGE LOOSE STRAW BETWEEN BALES.

ANGLE FIRST STAKE TOWARD PREVIOUSLY LAID BALE

4. BACKFILL AND COMPACT THE EXCAVATED SOIL.

CONSTRUCTION OF STRAW BALE BARRIER

SOURCE: VA. DSWC

PLATE. 3.04-1
CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)

1. SET THE STAKES.

2. EXCAVATE A 4"X 4" TRENCH UPSLOPE ALONG THE LINE OF STAKES.

3. STAPLE FILTER MATERIAL TO STAKES AND EXTEND IT INTO THE TRENCH.

4. BACKFILL AND COMPACT THE EXCAVATED SOIL.

SHEET FLOW INSTALLATION (PERSPECTIVE VIEW)

DRAINAGEWAY INSTALLATION (FRONT ELEVATION)

POINTS A SHOULD BE HIGHER THAN POINT B.

SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, VA. DSWC
Sherwood and Wyant
CONSTRUCTION OF A BRUSH BARRIER COVERED BY FILTER FABRIC

(TREE/RESIDUAL MATERIAL WITH DIAMETER > 6")

1. EXCAVATE A 4"X 4" TRENCH ALONG THE UPHILL EDGE OF THE BRUSH BARRIER.

2. DRAPE FILTER FABRIC OVER THE BRUSH BARRIER AND INTO THE TRENCH. FABRIC SHOULD BE SECURED IN THE TRENCH WITH STAKES SET APPROXIMATELY 36" O.C.

3. BACKFILL AND COMPACT THE EXCAVATED SOIL.

4. SET STAKES ALONG THE DOWN-HILL EDGE OF THE BRUSH BARRIER, AND ANCHOR BY TYING TWINE FROM THE FABRIC TO THE STAKES.

SOURCE: VA. DSWC

PLATE. 3.06-1
SILT FENCE DROP INLET PROTECTION

SPECIFIC APPLICATION

THIS METHOD OF INLET PROTECTION IS APPLICABLE WHERE THE INLET DRAINS A RELATIVELY FLAT AREA (SLOPE NO GREATER THAN 5%) WHERE THE INLET SHEET OR OVERLAND FLOWS (NOT EXCEEDING 1 C.F.S.) ARE TYPICAL. THE METHOD SHALL NOT APPLY TO INLETS RECEIVING CONCENTRATED FLOWS, SUCH AS IN STREET OR HIGHWAY MEDIANs.


PLATE 3.07-1
SILT FENCE CULVERT INLET PROTECTION

* DISTANCE IS 6' MINIMUM IF FLOW IS TOWARD EMBANKMENT

OPTIONAL STONE COMBINATION

* VDOT #3, #357, #5, #56 OR #57 COARSE AGGREGATE TO REPLACE SILT FENCE IN "HORSESHOE" WHEN HIGH VELOCITY OF FLOW IS EXPECTED

SOURCE: ADAPTED from VDOT Standard Sheets and Va. DSWC

PLATE. 3.08-1
TEMPORARY RIGHT-OF-WAY DIVERSIONS

TYPICAL GRAVEL STRUCTURE

TYPICAL EARTHEN STRUCTURE

Source: Va. SWCC

Plate 3.11-1
TEMPORARY SEDIMENT TRAP

Original Ground Elevation

67 CU. YD./ACRE

67 CU. YD./ACRE
(EXCAVATED)

4' MAX.

FILTER CLOTH

COARSE AGGREGATE
CLASS I RIPRAP

1' VARIABLE

1.0' VARIABLE

* SEE PLATE 3.13-1

CROSS SECTION OF OUTLET

CLASS I RIPRAP
OR EQUIVALENT FIELD STONE

LENGTH (IN FEET) =
6 X DRAINAGE AREA
(IN AC.)

DIVERSION DIKE

EXCAVATED AREA

COARSE AGGREGATE

FILTER CLOTH

**COARSE AGGREGATE SHALL BE VDOT #3, #357 OR #5

OUTLET (PERSPECTIVE VIEW)

SOURCE: VA. DSWC

PLATE 3.13-2
PIECE OUTLET CONDITIONS

PLAN VIEW

SECTION A--A
FILTER CLOTH KEY IN 6"--9"; RECOMMENDED FOR ENTIRE PERIMETER

PLATE OUTLET TO FLAT AREA WITH NO DEFINED CHANNEL

PLAN VIEW

SECTION A--A
FILTER CLOTH KEY IN 6"--9"; RECOMMENDED FOR ENTIRE PERIMETER

NOTES: 1. APRON LINING MAY BE RIPRAP, GRouted RIPRAP, GABION BASKET, OR CONCRETE.
2. LA IS THE LENGTH OF THE RIPRAP APRON AS CALCULATED USING PLATES 3.16--3 AND 3.16--A.
3. D = 1.5 TIMES THE MAXIMUM STONE DIAMETER, BUT NOT LESS THAN 6 INCHES.

Source: Va. DSWC Plate 3.18-1
TOE REQUIREMENTS FOR BANK STABILIZATION

FILTER CLOTH UNDERLINER (PREFERRED)

GRANULAR FILTER

SOURCE: Adapted from VDOT Drainage Manual

PLATE. 3.19-1
ROCK CHECK DAM

2 ACRES OR LESS OF DRAINAGE AREA:

FILTER CLOTH
(OPTIONAL)

(DOWNSTREAM VIEW)

VDOT #1
COARSE AGGREGATE
OR EQUIVALENT FIELD STONE

FLOW

2–10 ACRES OF DRAINAGE AREA:

FILTER CLOTH
(OPTIONAL)

(DOWNSTREAM VIEW)

VDOT #1
COARSE AGGREGATE
OR EQUIVALENT FIELD STONE

FLOW

CLASS I RIPRAPH
OR EQUIVALENT FIELD STONE

SOURCE: VA. DSWC

PLATE: 3.20–1
LEVEL SPREADER

NOTE: ALL TEMPORARY BERMS, SWALES AND LEVEL SPREADER DITCH MUST RECEIVE TEMPORARY SEEDING IMMEDIATELY AFTER INSTALLATION

SOURCE: ADAPTED FROM N.C. Erosion and Sediment Control Planning and Design Manual
PLATE: 3.21-1
LOG CRIBBING

NOTE: STRUCTURE IS BUILT TO LEAN INTO THE BANK FOR STABILITY.

ANCHOR STAKE

GALVANIZED WIRE MESH CAPPING (1"x2")

STONE FILL

CROSS LOGS

FLOOR PLANKING (BOTTOM ONLY)

LOG SNUG AGAINST BANK AS MUCH AS POSSIBLE.

ANCHOR ROD 3/4"x 7"

SIDE VIEW

ANCHOR STAKES

GALVANIZED WIRE MESH CAPPING

SCAB LOG (BEHIND JOINT)

3/4"x7" ANCHOR ROD

FLOOR PLANKING

FRONT VIEW

SOURCE: INTRODUCTORY GUIDE TO STREAM IMPROVEMENT

PLATE 3.23-3
TYPICAL ORIENTATION OF TREATMENT – 1
(SOIL STABILIZATION BLANKET)

ON SHALLOW SLOPES, STRIPS OF NETTING PROTECTIVE COVERINGS MAY BE APPLIED ACROSS THE SLOPE.

WHERE THERE IS A BERM AT THE TOP OF THE SLOPE, BRING THE MATERIAL OVER THE BERM AND ANCHOR IT BEHIND THE BERM.

ON STEEP SLOPES, APPLY PROTECTIVE COVERING PARALLEL TO THE DIRECTION OF FLOW AND ANCHOR SECURELY.

BRING MATERIAL DOWN TO A LEVEL AREA BEFORE TERMINATING THE INSTALLATION, TURN THE END UNDER 4" AND STAPLE AT 12" INTERVALS.

IN DITCHES, APPLY PROTECTIVE COVERING PARALLEL TO THE DIRECTION OF FLOW. USE CHECK SLOTS AS REQUIRED, AVOID JOINING MATERIAL IN THE CENTER OF THE DITCH IF AT ALL POSSIBLE.

SOURCE: ADAPTED FROM LUDLOW PRODUCTS BROCHURE
PLATE: 3.36–1
**BROAD-BASED DIPS**

- Broad based dips are SRRA’s preferred practice for water management on steep slope trails.
- These are preferred over water bars as they tend to be more stable since they result in excavation of soil instead of addition of soil.
- As with water bars, routine maintenance is likely required to remove excess sediment that is accumulated over time.

<table>
<thead>
<tr>
<th>Road/Trail Grade (percent)</th>
<th>Spacing Between Broad Based Dips (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>250</td>
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<tr>
<td>5</td>
<td>135</td>
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<tr>
<td>10</td>
<td>80</td>
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<tr>
<td>15</td>
<td>60</td>
</tr>
<tr>
<td>20</td>
<td>45</td>
</tr>
<tr>
<td>30 or greater</td>
<td>35</td>
</tr>
</tbody>
</table>

*NRCS, TN 560 February 2016*

Detail taken from TNC BMP recommendations
APPENDIX B

Stormwater Management

SWM Plan Checklist
1. STORMWATER MANAGEMENT

The intent of the Virginia Stormwater Management Program (VSMP) regulations is to improve water quality through runoff reduction and other stormwater control practices and establish water quantity requirements. The baseline level for the stormwater technical criteria is a forested/open space condition.

Under 9 VAC 25-870, regulated land-disturbing activities are required to meet the stormwater technical criteria for water quality and water quantity metrics as outlined in Part IIIB. The water quality and quantity criterion are largely directed at avoiding, minimizing and mitigating impacts due to changes in hydrology and stormwater pollutant loads associated with changes in land cover. Each project will be reviewed to evaluate consistency with DEQ Guidance Memorandum No. 15-2003. The guidance memorandum stipulates a number of conditions which must be satisfied for linear development projects if a Stormwater Management Plan will not be required. The memorandum defines Linear Development Project with the following:

"Linear development project" means a land-disturbing activity that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; (iii) highway construction projects; (iv) construction of stormwater channels and stream restoration activities; and (v) water and sewer lines. Private subdivision roads or streets shall not be considered linear development projects.”

It should be noted that the definition is not limited to the examples listed above. The nature of linear recreational trail development falls into the category of the above definition being that the development most resembles the examples above. To qualify for GM 15-2003 exemption the following conditions must be satisfied:

- The project does not significantly alter the predevelopment runoff characteristics of the land surface after the completion of construction and final stabilization.
- The project is managed so that less than one (1) acre of land disturbance occurs on a daily basis.
- The disturbed land where work has been completed is adequately stabilized on a daily basis.
- The environment is protected from erosion and sedimentation damage associated with the land-disturbing activity.
- The owner and/or construction activity operator designs, installs, implements and maintains pollution prevention measures to:
Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;

Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on-site to precipitation and to stormwater;

Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures;

Prohibit the discharge of wastewater from the washout of concrete;

Prohibit the discharge of wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials; and

Prohibit the discharge of fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.

SRRA must provide reasonable assurance to DEQ that all of the above conditions will be satisfied. This may be accomplished by incorporating these conditions into an Erosion and Sediment Control Plan developed for the project.

SRRA will submit project information to DEQ for preliminary review of whether a SWM plan is required (see Section 1.0 of Main Document). Department of Environmental Quality (DEQ) Guidance Memo No. 15-2003 (Appendix D) addresses this for linear development projects in stating, “...the construction ........may not result in changes to the predevelopment runoff characteristics of the land surface after the completion of construction and final stabilization.” The guidance memorandum goes on further to state that, “If the project will not result in significant changes to the predevelopment runoff characteristics after the completion of construction and final stabilization...,” the requirement for a CGP permit may be waived. DEQ will review preliminary project information to advise SRRA whether a SWM plan is required.

For projects requesting waiver of Stormwater Plan, DEQ requires information to be submitted that reasonably demonstrates that the project will not significantly change the predevelopment runoff characteristics of the land surface after the completion of construction and final stabilization. Information submitted to DEQ may include:

- Pre- and post-construction drainage areas and land cover conditions.
- Limits of disturbance
- Methodology for the restoration of land cover conditions to predevelopment conditions.
- ESC Plan excluding 9VAC25-840-40.19.m. & n. (The full Erosion and Sediment Control Plan would be available later in the process, after the preliminary review discussed above and in Section 1 of the main document).

If DEQ determines that the project meets the criteria for granting a waiver, then DEQ will waive the requirement for the preparation and implementation of a stormwater management plan. This waiver allows the recipient to exclude the following regulatory sections:

- SWM Quality – 9VAC25-870-63 and -65
- SWM Quantity – 9VAC25-870-66
- ESC MS-19 – 9VAC25-840-40.19.m. & n.

Information shall be submitted to DEQ Central Office for review with a transmittal letter specifically requesting a SWM Plan waiver. DEQ, as the VSMP Authority, will evaluate each project on an individual basis.

If DEQ waives the requirement for a SWM plan, SRRA will utilize the DEQ linear projects guidance and will incorporate the conditions stipulated in GM 15-2003 into the Erosion and Sediment Control plan for the project.

Each project must be reviewed by a certified SWM Plan Reviewer (qualifications described in Section 2 of the main document) to verify exemption. In certain instances, a project may have an element which does result in significant change to predevelopment runoff characteristics after the land-disturbing activity is completed. In those instances, (generally where the addition of impervious surfaces are expected to cause significant changes in predevelopment runoff characteristics), a SWM plan must be prepared, reviewed, approved, and implemented in accordance with 9VAC25-870 and 9VAC25-880 (if applicable).

SRRA trails will be grouped into four categories based on the extent of improvements required to prepare the trail for use. Depending on the improvements, the impact on stormwater runoff characteristics will range from no expected impact to a material impact. Specifically, the four categories are defined below; all trails will be assigned a category that is depicted on the corresponding alignment sheet and trail plans.

1. Existing trail with no improvements proposed – includes those existing trails that are in a condition such that no improvements are needed for safe operation or to prepare the trail for use to support the project (e.g., presently used outlaw trails, previous mine and gas well roads).
2. Existing trail with minor improvements proposed – includes those existing trails that contain either a compacted earth and are at needed lines and grades and will not need expansion of width or geometry. (i.e., no additional impervious surface). May require drainage controls to be constructed. (e.g., existing logging roads, skids and mineral exploration roads which are wide enough for proposed project use).

3. Existing trails with major improvements proposed – includes those existing trails that will receive an expanded footprint (i.e., the impervious surface post-construction may exceed that existing preconstruction) in order to prepare the trail for use to support the project. (e.g., narrow logging skids which require widening for safe trail use)

4. New trail – includes trails which need new lines and grades to support functionality.

Trails in categories 2, 3 and 4 will involve varying degrees of land disturbance, and thus appropriate erosion and sediment controls (e.g., sediment barriers) will be identified and depicted on the plans. No Post-construction stormwater management criteria will apply to categories 1 & 2 because the trails are existing and there is no additional impervious surface. Trails in categories 3 and 4 may also require drainage improvements (e.g., road side ditches and ditch relief culverts). The general approach to locating sediment barriers along access roads will be to provide sediment barriers when a resource (e.g., wetland, waterbody) is downgradient of and within 200 feet of a trail.

Trails in categories 3 and 4 involve improvements that are expected to result in a material change to the existing stormwater runoff characteristics as a result of the addition of impervious surface. These trails must meet the Stormwater management requirements for quality and quantity.

DEQ will scrutinize each exception request, so early coordination is advised.

2. TECHNICAL REQUIREMENTS

2.1 WATER QUALITY

Part IIB of the stormwater regulations states that the total phosphorous load will not exceed 0.41-pound per acre per year (lb./ac/yr.) for new development activities. The Land Cover Guidance for the VRRM defines provides for certain areas (including “Utility rights-of-way that will be left in a natural vegetated state”) under certain operational conditions to be considered forested/open space and not as managed turf for the
purposes of stormwater quality and quantity compliance. In accordance with the above, SRRA will coordinate with DEQ on the applicability of GM15-2003 and whether a SWM plan is required. If a SWM plan is required (e.g. due to significant changes to predevelopment runoff characteristics, or other requirements which trigger the need for CGP coverage or post-construction SWM), SRRA must develop and implement a SWM plan consistent with the applicable requirements of 9VAC25-870 and 9VAC25-880. The VRRM Spreadsheet is a tool which regulated entities may use to document general water quality planning and consistency with the technical requirements of 9VAC25-870 (et seq).

2.2 WATER QUANTITY

As identified in the VSMP regulations, the technical criteria for water quantity are designed to ensure the protection of State waters from the potential harm of unmanaged stormwater runoff. This is generally achieved through the incorporation of techniques to address localized flooding and the protection of downstream channels. The specific technical criteria to be applied for water quantity analysis and compliance are contained in 9VAC25-870-66.

2.2.3 PRIOR DEVELOPED LANDS

As noted previously, SRRA will provide for an initial evaluation of each project to ascertain whether the project may be exempt from CGP permit coverage and whether there is a significant change in predevelopment runoff characteristics that might trigger the need for a Stormwater Management Plan and associated controls (pursuant to GM15-2003). SRRA will obtain concurrence from DEQ early in the process if a SWM plan is not required pursuant to GM15-2003. Permanent facilities with significant impervious cover (such as parking lots, graveled trail heads) are expected to provide for a stormwater management plan and associated controls if needed, even though these facilities may remain exempt from permit coverage. As discussed earlier, DEQ will review the overall project (at an early stage), to identify whether SWM plan preparation is waived for these activities.

Where predevelopment land cover conditions are changed significantly triggering requirements for post construction stormwater quality and quantity requirements, post-construction Best Management Practices (BMPs) may be required to comply with water quality and water quantity criteria and MS-19 of the Erosion and Sediment Control Regulations. In such instances, the outfall within the project must comply with Part IIB or Part IIC (where applicable) of the stormwater regulations to assess
compliance. This may include the “Energy Balance” method described by item B.3.a of 9VAC25-870-66. In these instances, water quantity criteria for flood control and channel protection must be addressed and managed through the preparation of a SWM plan consistent with 9VAC25-870 and 9VAC25-880.

3. STORMWATER MANAGEMENT BMPS

Stormwater Management BMPs used for consistency with these specifications should be approved by DEQ and contained in the Virginia Stormwater BMP Clearinghouse. For projects requiring post-construction SWM BMPs, SRRA must report the following annually each year to DEQ:

- Number and types of SWM BMPs installed; Geographic coordinates of each BMP;
- Drainage area or watershed size served; and Receiving stream or hydrologic unit.

4. STORMWATER MAINTENANCE

Each project plan must be reviewed by certified personnel described in Section 2 (main document) to ascertain whether the specific project is exempt from post-construction stormwater quality and quantity requirement, or whether SWM planning is required (with DEQ concurrence). If post-construction SWM is required, non-structural BMPs allowed by the permit will be the preferred option. A maintenance plan for both the non-structural and any additional structural BMPs must be developed to ensure compliance with requirements for routine inspection or reporting in the Virginia Stormwater BMP Clearinghouse specifications. Maintenance requirements for non-structural BMPs must be identified and incorporated into inspection documentation during routine patrolling of the right-of-way by certified personnel. Any structural BMPs would require a more formal inspection. Each stormwater management facility will be inspected by SRRA, as the owner of the facility, at least once every five years; and all inspections will be documented. Corrective measures must be carried out as soon as practicably feasible
when needed. Long-term maintenance of structural SWM facilities must be conducted in accordance with 9VAC25-870-112. To be consistent with the provisions of 9VAC25-870-112, maintenance plans for the stormwater facilities must be prepared by SRRA prior to initiating the land disturbing activity, made available to DEQ upon request, and must provide for inspections and maintenance and the submission of inspection and maintenance reports to the DEQ.

5. INSPECTIONS FOR STORMWATER MANAGEMENT

SRRA or its designated representative will continue to be responsible for periodic inspections for compliance with the CGP, if required, erosion and sediment control regulations. Certified personnel, as outlined in Section 2 of the main document, must conduct all inspections.

Inspections for compliance with the SWPPP (and relevant SWM and ESC elements) must occur in accordance with the following:

Inspections must be conducted at the following frequency:

(1) At least once every five business days; or

(2) At least once every 10 business days and no later than 48 hours following a measurable storm event. In the event that a measurable storm event occurs when there are more than 48 hours between business days, the inspection must be conducted no later than the next business day.

A measurable storm event means a rainfall event producing 0.25 inches of rain or greater over 24 hours. Where areas have been temporarily stabilized or land-disturbing activities will be suspended due to continuous frozen ground conditions and stormwater discharges are unlikely, the inspection frequency may be reduced to once per month. If weather conditions (such as above freezing temperatures or rain or snow events) make discharges likely, the operator must immediately resume the regular inspection frequency.

SRRA’s SWPPP inspections will be conducted by Certified Personnel as identified in Section 2 and will serve also as the periodic inspections.
APPENDIX C

General Notes
### TABLE 6-1

**GENERAL EROSION AND SEDIMENT CONTROL NOTES**

**ES-1:** Unless otherwise indicated, all vegetative and structural erosion and sediment control practices will be constructed and maintained according to minimum standards and specifications of the *Virginia Erosion and Sediment Control Handbook* and Virginia Regulations 4VAC50-30 Erosion and Sediment Control Regulations.

**ES-2:** The plan approving authority must be notified one week prior to the pre-construction conference, one week prior to the commencement of land disturbing activity, and one week prior to the final inspection.

**ES-3:** All erosion and sediment control measures are to be placed prior to or as the first step in clearing.

**ES-4:** A copy of the approved erosion and sediment control plan shall be maintained on the site at all times.

**ES-5:** Prior to commencing land disturbing activities in areas other than indicated on these plans (including, but not limited to, off-site borrow or waste areas), the contractor shall submit a supplementary erosion control plan to the owner for review and approval by the plan approving authority.

**ES-6:** The contractor is responsible for installation of any additional erosion control measures necessary to prevent erosion and sedimentation as determined by the plan approving authority.

**ES-7:** All disturbed areas are to drain to approved sediment control measures at all times during land disturbing activities and during site development until final stabilization is achieved.

**ES-8:** During dewatering operations, water will be pumped into an approved filtering device.

**ES-9:** The contractor shall inspect all erosion control measures periodically and after each runoff-producing rainfall event. Any necessary repairs or cleanup to maintain the effectiveness of the erosion control devices shall be made immediately.

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**NOTE:** General Notes incorporated into plans must use the current regulatory reference to 9VAC25-840 (and not 4VAC50-30, as cited above).
The following additional notes may be required by DEQ if a SWM Plan Waiver or CGP waiver is granted.

**Additional Notes:**

- *The project may not significantly alter the predevelopment runoff characteristics of the land surface after completion of construction and final stabilization;*

- The project may not significantly alter the predevelopment runoff characteristics of the land surface after the completion of construction and final stabilization.

- The project will be managed so that less than one (1) acre of new land disturbance occurs on a daily basis.

- The disturbed land where work has been completed is adequately stabilized on a daily basis.

- The environment must be protected from erosion and sedimentation damage associated with the land-disturbing activity.

- SRRA and/or the construction activity operator must design, install, implement and maintain pollution prevention measures to:
  
  - Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;
  
  - Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on-site to precipitation and to stormwater;
  
  - Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures;
  
  - Prohibit the discharge of wastewater from the washout of concrete;
  
  - Prohibit the discharge of wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials; and
  
  - Prohibit the discharge of fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.

- SRRA must provide reasonable assurance to DEQ that all of the above conditions will be satisfied. This may be accomplished by incorporating these conditions into an Erosion and Sediment Control Plan developed for the project.
APPENDIX D

Linear Development Projects Guidance
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION

Subject: Guidance Memo No. 15-2003

To: Regional Directors and Local VSMP Administrators

From: Melanie D. Davenport, Director

Date: April 23, 2015

Copies: James Golden, Jeff Steers, Fred Cunningham, Joan Salvati, Allan Brockenbrough, Jerome Brooks, Regional Stormwater Compliance Managers

Summary:

Section 76 (Linear Development Projects) of the Virginia Stormwater Management Program (VSMP) Regulation, 9VAC25-870, sets forth the postdevelopment stormwater management requirements for linear development projects. The purpose of this guidance document is to clarify the implementation of Section 76 with regards to the construction of linear utilities (e.g., waterlines, sewer lines, electric lines, telephone lines, oil and gas distribution pipelines, etc.) and was developed for use by the Department and local VSMP Authorities.

Electronic Copy:


Contact Information:

Please contact Drew Hammond, Office of Stormwater Management, at (804) 698-4037 or Andrew.Hammond@deq.virginia.gov with any questions regarding the application of this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.
Postdevelopment Stormwater Management Implementation Guidance
for Linear Utility Projects under the
Virginia Stormwater Management Program Regulation, 9VAC25-870

Definitions:

"Land disturbance" or "land-disturbing activity" means a manmade change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation, except that the term shall not include those exemptions specified in § 62.1-44.15:34 of the Code of Virginia.

"Linear development project" means a land-disturbing activity that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; (iii) highway construction projects; (iv) construction of stormwater channels and stream restoration activities; and (v) water and sewer lines. Private subdivision roads or streets shall not be considered linear development projects.

"Postdevelopment" refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site.

"Predevelopment" refers to the conditions that exist at the time that plans for the land development of a tract of land are submitted to the VSMP authority. Where phased development or plan approval occurs (preliminary grading, demolition of existing structures, roads and utilities, etc.), the existing conditions at the time prior to the first item being submitted shall establish predevelopment conditions.

"Stabilized" means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

"Stormwater management plan" means a document(s) containing material for describing methods for complying with the requirements of the VSMP Regulation, 9VAC25-870.

“Virginia Stormwater Management Program (VSMP) authority” means an authority approved by the Board after September 13, 2011 to operate a Virginia Stormwater Management Program or the Department.

Regulatory Text:

9VAC25-870-76. Linear development projects.

Linear development projects shall control postdevelopment stormwater runoff in accordance with a site-specific stormwater management plan or a comprehensive watershed stormwater management plan developed in accordance with these regulations.
Guidance:

Section 76 of the VSMP Regulation, 9VAC25-870, establishes the requirement that linear development projects control postdevelopment stormwater runoff in accordance with a site-specific stormwater management plan or a comprehensive watershed stormwater management plan. The purpose of this guidance document is to clarify the implementation of Section 76 with regard to the construction of linear utilities (e.g., waterlines, sewer lines, electric lines, telephone lines, oil and gas distribution pipelines, etc.) and was developed for use by the Department and local VSMP Authorities.

The VSMP Regulation does not distinguish between various types of linear development projects such as aboveground or underground utilities, highway construction, rights-of-way, bridges, tracks and related structures of a railroad company. The Department of Environmental Quality (DEQ) recognizes that the construction of aboveground or underground linear utilities may not result in changes to the predevelopment runoff characteristics of the land surface after the completion of construction and final stabilization. Also, the application of the postdevelopment water quantity and water quality controls to these types of projects and the preparation and implementation of a stormwater management plan may provide minimum water quality benefit. Examples of such projects include:

- The installation of underground utilities (e.g., waterlines, sewer lines, oil and gas distribution pipelines) beneath existing impervious cover (e.g., asphalt pavement, concrete pavement) that will be returned to its predevelopment condition after the completion of construction and final stabilization;
- The installation of underground utilities (e.g., waterlines, sewer lines, oil and gas distribution pipelines) beneath existing pervious cover (e.g., forest/open space, managed turf) that will be returned to its predevelopment condition after the completion of construction and final stabilization; or
- The installation of aboveground (i.e., overhead) utility lines.

DEQ staff or the local VSMP authority should utilize their best professional judgment when evaluating aboveground or underground linear utility projects. If the project will not result in significant changes to the predevelopment runoff characteristics of the land surface after the completion of construction and final stabilization, then DEQ or the local VSMP authority, at their discretion, may waive the requirement for the preparation and implementation of a stormwater management plan. DEQ recognizes that on a site specific basis a stormwater management plan may be required especially if the linear utility project will significantly alter the predevelopment runoff characteristics of the land surface.

In addition, the construction of aboveground or underground linear utilities may be conducted without requiring coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (Construction General Permit) provided that:

- The project does not significantly alter the predevelopment runoff characteristics of the land surface after the completion of construction and final stabilization;
- The project is managed so that less than one (1) acre of land disturbance occurs on a daily basis;
- The disturbed land where work has been completed is adequately stabilized on a daily basis;
- The environment is protected from erosion and sedimentation damage associated with the land-disturbing activity;
• The owner and/or construction activity operator designs, installs, implements, and maintains pollution prevention measures to:
  
  ➢ Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;
  
  ➢ Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on-site to precipitation and to stormwater;
  
  ➢ Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures;
  
  ➢ Prohibit the discharge of wastewater from the washout of concrete;
  
  ➢ Prohibit the discharge of wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials; and
  
  ➢ Prohibit the discharge of fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.

• The owner and/or construction activity operator provides reasonable assurance to DEQ or the local VSMP Authority that all of the above conditions will be satisfied. This may be accomplished by incorporating these conditions into an erosion and sediment control plan developed for the project.

As previously noted, DEQ staff or the local VSMP authority should utilize their best professional judgment when evaluating aboveground or underground linear utility projects. If the owner and/or construction activity operator provides reasonable assurance to DEQ or the local VSMP Authority that all of the aforementioned conditions will be satisfied, then the linear utility project may be conducted without requiring coverage under the Construction General Permit. Please note that this does not relieve the owner and/or construction activity operator from complying with any and all other applicable federal, state, and local requirements. DEQ or the local VSMP Authority reserves the right to require a registration statement for Construction General Permit coverage if the aforementioned conditions are not satisfied.

If the linear utility project will significantly alter the predevelopment runoff characteristics of the land surface requiring postdevelopment stormwater management or if other site specific conditions warrant Construction General Permit coverage, DEQ or the local VSMP authority may require a registration statement for permit coverage.
APPENDIX E

Approved Deviations

Deviations from technical guidance documents that have been approved by DEQ for alterations to existing practices or additional practices should be catalogued with these annual standards and be incorporated into future revisions to the Standards and Specifications, if applicable. Both the deviation request and the approval letter should be inserted in this appendix upon approval.
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<th>Request Date</th>
<th>Std &amp; Spec.</th>
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APPENDIX F

Maintenance Report Form
# Maintenance Report Form

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**Description of maintenance:**

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**For VESCP use:**

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October 19, 2021

Ms. Melissa Rose, Executive Director  
Mr. Nick Woods, Engineer  
Southwest Regional Recreation Authority (SRRA)  
P.O. Box 1594  
Coeburn, VA 24230  

Dear Mrs. Rose and Mr. Woods,

The Virginia Department of Environmental Quality’s Southwest Regional Office, along with preliminary input from our Office of Stormwater Management, has completed our review of your submitted Annual Standards and Specification package dated May 27, 2021. Please be advised this is a preliminary review of your draft package and does not constitute our final decision on your submitted package and does not fall under the timeline established in §62.1-44.15:55 D.

In general, there seems to be a misunderstanding about the benefits of becoming an Annual Standard and Specifications operator. Annual Standard and Specification operators develop an internal system to comply with the Erosion and Sediment Control (ESC) and the Virginia Stormwater Management (VSMP) law and regulations. By operating as an Annual Standards and Specifications entity, your organization can operate on your own timetable and not be reliant on DEQ or the local government for plan review and approvals. This gives your organization more ability to plan and complete projects while assuming more responsibility for your own compliance. There are no inherent short-cuts or exemptions included in the Annual Standards and Specifications. Each project meeting the land disturbing activity thresholds and not exempt under the laws and regulations, must be in compliance with both the State Water Control Law, the Virginia Erosion and Sediment Control Regulations, and the Virginia Stormwater Management Program Regulations.

Our office suggests a meeting to discuss the general terms and benefits of being an Annual Standard and Specification holder as well as other information included in the draft package.
More specific feedback on your draft submission includes:

1. Please refer to §62.1-44.15:55 D §62.1-44.15:54 E and 9VAC25-840-30 for the Erosion and Sediment Control (ESC) law and regulatory language which explains the establishment, expectations, and technical criteria for entities operating under approved Annual Standards and Specifications.

2. Please refer to §62.1-44.15:31 and 9VAC25-870-170 for the Stormwater Management Act and regulatory language which explains the establishment, expectations, and technical criteria for entities operating under approved Annual Standards and Specifications.

3. Guidance Memo 15-2003 is repeatedly referred to as an exemption or exception. This is a misinterpretation of the document. GM15-2003 has very strict applications and does not relieve the operator of meeting the conditions of the Construction General Permit (CGP). Each project believed to fall within the descriptions of GM15-2003 must be submitted as a request to DEQ for each instance and a “Decline to Permit” request must be submitted to DEQ for every project. Revise all language referring to GM15-2003. This will also be discussed at our proposed meeting.

4. Revise language to clarify “routine maintenance” and how it will be applied. Routine maintenance is not exempt under the ESC law and regulations and therefore must be covered. Routine maintenance is an exemption under the Stormwater Management Act, but the application of the exemption must be verified by DEQ for each project.

5. Please update all law and regulation citations throughout the document.

6. Include definitions of certified staff and a list of individuals with certification or provisional certification.

7. Include all best management practice (BMP) design specifications including those used presently (i.e. sumps, shifting crowns); this includes any practices used by the U.S. Forest Service, the Virginia Department of Mines, Minerals, and Energy, (now the Virginia Department of Energy) and the Virginia Department of Forestry. This is your chance to have these practices accepted as part of your approved program and would be a deviation from the Virginia Erosion and Sediment Control Handbook.

8. Include any variance requests for ESC Minimum Standards for which you cannot comply or intend to use alternative methods of compliance. This may include leaving temporary BMPs permanently with more frequent maintenance or temporary or permanent seeding only outside designated travel lanes.

9. Include inspection reports, checklists, and other tools you intend to use to operate your program. Some of these are referenced in the document and read as though they should be included in the appendices but they are not included in the package.

10. Update DEQ contacts and report submission information. Position titles within DEQ are preferable to actual names as these tend to change.

11. Update Appendices to include those documents referenced throughout but not included.

12. Include a list of projects to be completed during the upcoming year.

13. Remove references to 33 U.S.C. 1342(I) (2) and the Natural Resources Defense Council v. United States Environmental Protection Agency as this is not applicable.

14. Remove all references to FERC and pipeline construction.
15. Revise references and actions to deal with an emergency. SRRA cannot declare an incident an emergency. Beyond a declaration by the Governor or the local government, each incident believed to be an emergency must be approved by DEQ.

These comments are not inclusive of all issues identified but serve as a starting point. We believe a meeting to discuss both general applications and concepts would be more beneficial. I will contact your office very soon to arrange a convenient date and time.

In the meantime, please let me know if you have any questions or concerns.

Sincerely,

Kelly R. Miller
Stormwater & Watershed Planning Manager
DEQ-SWRO

CC: Erin Belt, Manager, Office of Stormwater Management, DEQ-CO
Nathan Crowther, Annual Standards & Specifications Coordinator, DEQ-CO
Jeff Hurst, Regional Director, DEQ-SWRO
Crystal Bazyk, Enforcement Manager, DEQ-SWRO
Billie Campbell, President, Terra Tech Engineering