# INTRODUCTION AND PURPOSE

This manual is intended to orient DEQ staff to the Virginia Water Protection (VWP) Permit Program and to establish standard procedures that will ensure that VWP permit actions are executed in a consistent and legally enforceable manner. See the Disclaimer below.

The various ways in which VWP permits are issued are detailed in Chapters 2 through 6, 8, and 10. Chapters 7 and 9 involve changes to general permit coverage or permits, respectively, once they have been issued. The Water Withdrawal Permitting Program (WWPP-SWP) issues VWP permits for projects that involve surface water withdrawals.

Chapter 11 provides information on permit inspection and compliance procedures. As these aspects will differ from project to project, the information in this chapter outlines the broad issues associated with these post-permitting activities. Coordination of specific inspection and compliance issues with DEQ’s other media division staff is recommended, and in some circumstances, coordination may be required.

This manual contains several tools to assist staff in program administration.

1. VWP permit-specific sample letters to be used as *guidelines* for correspondence.The text in orange font indicates information that may need to be modified to meet specific project needs. Instructions for completing this information are typically indicated by [*italicized, blue font words within brackets*]. VWP staff should delete the instructions, and any non-pertinent information, from the final product. Revisions to the manual and templates occur continuously to meet changing staff and program needs, make changes as a result of legislation or regulatory actions, or update policies and practices.
2. Checklists are provided in several manual chapters and/or appendices to help permit writers track the tasks required to process permits and permit modifications, or review documents required by the permit, such as a compensation plan. New Complete Application checklists were developed in 2023 to assist applicants with providing the necessary and correct information for VWP Permit Program review. The appendices include supplemental information to the manual chapters, such as the laws and regulations pertinent to the VWP Permit Program.
3. Manuals and guides are available on [DEQnet](https://covgov.sharepoint.com/%3Af%3A/r/sites/deqnet/Shared%20Documents/Water%20Division/Water%20Permitting/Wetlands%20%26%20Stream%20Protection%20-%20VWP?csf=1&web=1&e=oAkZ6N) to assist VWP staff on entering permit and compliance data into the Comprehensive Environmental Data System (CEDS), including specific workflows for the Permitting Enhancement and Evaluation Platform ([PEEP](https://www.deq.virginia.gov/get-involved/permitting-enhancement-and-evaluation-platform-peep)).

The VWP Permit and Compliance Manual also serves as a reference tool for the regulated public seeking project authorization under the VWP Permit Program. A new guide, *Environmental Permitting Guide for Economic Development in Virginia,* was published in July 2024 that summarizes key information for several DEQ permit programs, including the VWP Permit Program

(https://www.deq.virginia.gov/home/showpublisheddocument/24595/638568128345100000).

# DISCLAIMER

This document is provided as a tool to assist Virginia Water Protection (VWP) Permit Program staff in conducting agency business and may serve as a tool for the public to aid in understanding the VWP permit process. As such, it sets forth a number of standard operating procedures, examples of specific and hypothetical scenarios, how-to advice, and explanations beyond what is found in the Code of Virginia or Virginia Administrative Code (VAC). It does not replace the Code of Virginia or VAC; it does not provide legal advice or arguments to any party; and it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. Each permitting and compliance situation is different, and case specific factors may necessitate departures from the courses of action outlined in this manual. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical and/or scientific merit and compliance with appropriate laws and regulations.

This manual is subject to update at any time, typically following changes to current laws, regulations, and policies. As circumstances may change rapidly there are no guarantees, expressed or implied, that this manual contains the most recent information or decisions. Reported inconsistencies or errors will be reviewed and corrected if necessary. Users may report issues to brenda.winn@deq.virginia.gov.

# ACRONYMS AND ABBREVIATIONS

| **VWP Acronyms and Abbreviations** |
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| § | Section |
| § 9 | Section 9 of the Rivers and Harbors Act of 1899 |
| § 10 | Section 10 of the Rivers and Harbors Act of 1899 |
| § 106 | Section 106 of the Historic Preservation Act |
| § 401 | Section 401 of the Clean Water Act |
| § 401 WQC | Section 401 Water Quality Certification |
| § 402 | Section 402 of the Clean Water Act |
| § 404 | Section 404 of the Clean Water Act |
| § 408 | 33 USC 408 |
| AG | Attorney General |
| AJD | Approved Jurisdictional Determination (USACE) |
| A&M | Avoidance and Minimization |
| APA | Virginia Administrative Process Act |
| APO | Adjacent Property Owner |
| BMP | Best Management Practice |
| Board | State Water Control Board |
| BOS | Bill of Sale |
| CAP | Correction Action Plan(s) |
| CBPA | Chesapeake Bay Preservation Act |
| CEDS | Comprehensive Environmental Data System |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CIS | SCC Clerk's Information System |
| CFR | Untied State Federal Code of Regulations |
| CO | Consent Order |
| Code | Code of Virginia |
| CSMP | DEQ Construction Stormwater Management Program |
| CSU | Construction Status Update |
| CWA | Clean Water Act |
| CZMA | Coastal Zone Management Act |
| DEQ | Virginia Department of Environmental Quality |
| DMTF | Drought Monitoring Task Force |
| DOR | Declaration of Restrictions |
| ECM | Enterprise Content Management |
| EIS | Environmental Impact Statement |
| EPA | Untied State Environmental Protection Agency |
| ESC | Erosion and Sediment Control |
| FAC | Facultative |
| FACW | Facultative-Wet |
| FCD | Federal Consistency Determination |
| FERC | Federal Energy Regulatory Commission |
| FOIA | Freedom of Information Act |
| FR | Federal Register |
| FSA | Food, Conservation, and Energy Act of 2008 |
| FW | Farmed Wetland |
| FWPCA | Federal Water Pollution Control Act |
| GA | Virginia General Assembly |
| GP | General Permit |
| GPC | General Permit Coverage |
| GSA | Geographic Service Area |
| HUC | Hydrologic Unit Code |
| IACM | Interagency Coordination Meeting |
| IFF | Information Fact Finding |
| ILF | In-Lieu Fee (Program) |
| IP | Individual Permit |
| IRT | Interagency Review Team |
| IWOMEV | Isolated Wetland of Minimal Ecological Value |
| JD | Jurisdictional Determination |
| JPA | Joint Permit Application |
| LEDPA | Least Environmentally Damaging Practical Alternative |
| LID | Low-impact Development |
| LIS | Virginia Legislative Information System |
| LOA | Letter of Agreement |
| LWB | Local Wetlands Board |
| MBI | Mitigation Banking Instrument |
| MHW | Mean High Water |
| MLW | Mean Low Water |
| MOA | Memorandum of Agreement |
| MOU | Memorandum of Understanding |
| MS4 | VPDES Municipal Separate Storm Sewer System  |
| NLAA | Not Likely to Adversely Affect |
| NOAA | National Oceanic and Atmospheric Association |
| NOPC | Notice of Planned Change |
| NOV | Notice of Violation |
| NPR | No Permit Required |
| NRCS | United States Natural Resources Conservation Service |
| NT | Non-tidal |
| NWI | National Wetlands Inventory |
| NWP | Nationwide Permit |
| NWPR | Navigable Waters Protection Rule |
| OAG | Virginia Office of the Attorney General |
| OBL | Obligate |
| OHW | Ordinary High Water |
| OSWI | DEQ Office of Surface Water Investigations |
| OW | Open Water or Palustrine Open Water |
| PC | Prior-converted (Cropland) |
| PCN | Pre-construction Notification |
| PEEP | Permitting Enhancement and Evaluation Platform |
| PEM | Palustrine Emergent Wetlands |
| PFO | Palustrine Forested Wetlands |
| PGP | Program General Permit |
| PJD | Preliminary Jurisdictional Determination |
| PN | Public Notice |
| PReP | DEQ Pollution Response Program |
| PRM | Permittee Responsible Mitigation |
| PSF | Preliminary Screening Form |
| PSS | Palustrine Scrub-shrub Wetlands |
| RCA | Request for Corrective Action |
| RCRA | Resource Conservation and Recovery Act |
| RFI  | Request for Information |
| RGL | USACE Regulatory Guidance Letter |
| RHA | The Rivers and Harbors Act  |
| RIBITS | Regulatory In lieu Fee and Bank Information Tracking System |
| RIS | Virginia Regulatory Information System |
| RLO | Riparian Landowner |
| RMA | Resource Management Area |
| ROW | Right of way |
| RP | Regional Permit |
| RPA | Resource Protection Area |
| SA | Service Area |
| SAV | Submerged Aquatic Vegetation |
| S&C | Single and Complete |
| SCC | State Corperation Commission |
| SCU | Stream Conservation Unit |
| SDP | Site Development Plan |
| SHPO | State Historic Preservation Office |
| SOP | Standard Operating Procedures |
| SPGP | State Programmatic General Permit |
| SSWD | State Surface Water Determination |
| SWANCC | Solid Waste Agency of Northern Cook County |
| SWCB | State Water Control Board |
| SWCL | State Water Control Law |
| SWM | Storm Water Management |
| T-E | Threatened or Endangered |
| TMDL | Total Maximum Daily Load |
| TNC | The Nature Conservancy |
| TOYR | Time of Year Restriction |
| USACE | United States Army Corps of Engineers (aka Corps) |
| USC | United States Code |
| USDA | United States Department of Agriculture |
| USEPA | United States Environmental Protection Agency |
| USFHA | United States Federal Highway Administration |
| USFWS | United States Fish and Wildlife Service |
| USGS | United States Geological Survey |
| USM | Unified Stream Methodology |
| VA | Virginia |
| VAC | Virginia Administrative Code  |
| VARTF | Virginia Aquatic Resources Trust Fund |
| VDACS | Virginia Department of Agriculture and Consumer Services |
| VDCR | Virginia Department of Conservation and Recreation |
| VDEQ | Virginia Department of Environmental Quality |
| VDH | Virginia Department of Health |
| VDHODW | Virginia Department of Health-Office of Drinking Water |
| VDHR | Virginia Department of Historic Resources |
| VDOF | Virginia Department of Forestry |
| VDOT | Virginia Department of Transportation |
| VDWR | Virginia Department of Wildlife Resources |
| Virginia Energy | Virginia Department of Energy |
| VIMS | Virginia Institute of Marine Science |
| VESCP | Virginia Erosion and Sediment Control Program |
| VMRC | Virginia Marine Resource Commission |
| VPA | Virginia Pollution Abatement Program |
| VPDES | Virginia Pollutant Discharge Elimination System |
| VSMP | Virginia Stormwater Management Program |
| VWP | Virginia Water Protection |
| VWPPP | Virginia Water Protection Permit Program |
| WetCAT | Wetland Condition Assessment Tool |
| WQC | Section 401 Water Quality Certification |
| WL | Warning Letter |
| WOTUS | Waters of the United States |
| WP | Water Permit |
| WWPP-GWP | Water Withdrawal Permitting Program-Groundwater Permit |
| WWPP-SWP | Water Withdrawal Permitting Program-Surface Water Permit |