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2024 Construction General Permit Updates (9VAC25-880)

January 8, 2025

April Rhodes
OSWM Program Manager

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Construction General Permit (CGP) 9VAC25-880 Section Overview Topics:



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What is the CGP?

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

Effective
July 1, 2024



Expires
June 30, 2029

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Summary of Major Changes

- Final Stabilization Definition
- Qualified Personnel
- Construction Dewatering
- New SWPPP subsection for same control at the same location requiring repeated repairs
- Single-family (SF) detached residential construction
 - Small construction activity
 - ≥ 1 acres and < 5 acres or < 1 acre but part of CPOD that is ≥ 1 acres and < 5 acres
 - No registration statement required
 - Large construction activity
 - ≥ 5 acres or < 5 but part of CPOD ≥ 5 acres
 - Registration statement is required

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Section 1 - Definitions



Construction Dewatering

- new definition based on language from EPA's 2022 CGP and TAC



Construction Site

- updated to be consistent with new EPA language and clarify that "construction site" includes off-site support areas



Construction Support Activity

- new definition added based on EPA's definition. Term was previously used, but not defined in Virginia's CGP



Measurable Storm Event

- updated to include snow melt (3.25" or more)



Qualified Personnel

- new definition added to address stormwater team requirements from EPA's 2022 CGP

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Section 1 – Definitions cont.

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



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Stabilization Examples



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Section 30 – Authorization to discharge

- Added language to allow for reporting of new support activities in modified registration statement once the need for the additional support activity is known
- Added language to clarify that off-site construction supporting activities not authorized under the CGP should not be included in the total land area and estimated area to be disturbed in the registration statement

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Section 30 – Authorization to discharge cont.

- Revised for consistency with the authorized non-stormwater discharge sections in other recently issued general permits
- Added requirement that all past due general maintenance fees must be paid prior to continuation of a general permit



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Section 50 – Registration Statement

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- Changed timeline for submitting a completed registration statement from 60 days to 90 days prior to the expiration date of the permit (March 30, 2029)
- Added requirement to include a State Corporation Commission (SCC) entity identification number to ensure consistency with other general permits
- Changed requirement for submitting an 8.5"x11" format site map to the submission of a legible site map
- Added statement that SF detached residential construction is not required to pay department portion of permit fee

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Section 60 – Termination of CGP Coverage

- Changed the timeline for which the termination of authorization to discharge from 60 days to 90 days after receipt of a notice of termination
- Added language to clarify the timeline for the termination of permit coverage does not apply if the operator is notified of an issue by the Virginia Erosion and Stormwater Management Program (VESMP) Authority or the Department



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Section 70 – General Permit

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



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Section 70 – General Permit, Part I A.2.

CONSTRUCTION GENERAL PERMIT (VAR10) REGISTRATION STATEMENT 2024

Section III. Off-site Support Activity Location Information.

List all off-site support activities and excavated material disposal areas being utilized for this project. Include additional areas on a separate page.

Off-site Activity Name:	
Address:	
City or County:	
Off-site Activity Entrance Location (description or street address):	
Latitude and Longitude (6-digit, decimal degrees format, e.g., 37.1234, -78.1234):	
Is this off-site activity an excavated material disposal area?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If this off-site activity is an excavated material disposal area, list the contents of the excavated fill material:	
Will a separate VPDES permit cover this off-site activity?	YES <input type="checkbox"/> Permit # _____ NO <input type="checkbox"/>

Added language to allow for reporting new support activities in a modified registration statement once the need for the additional support activity is known

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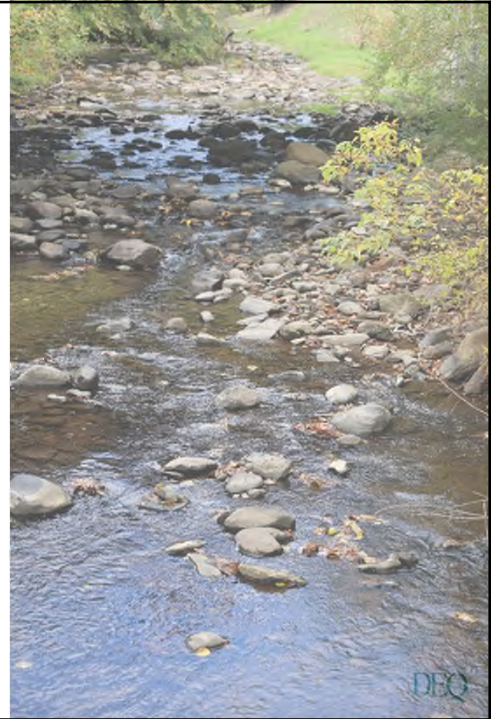
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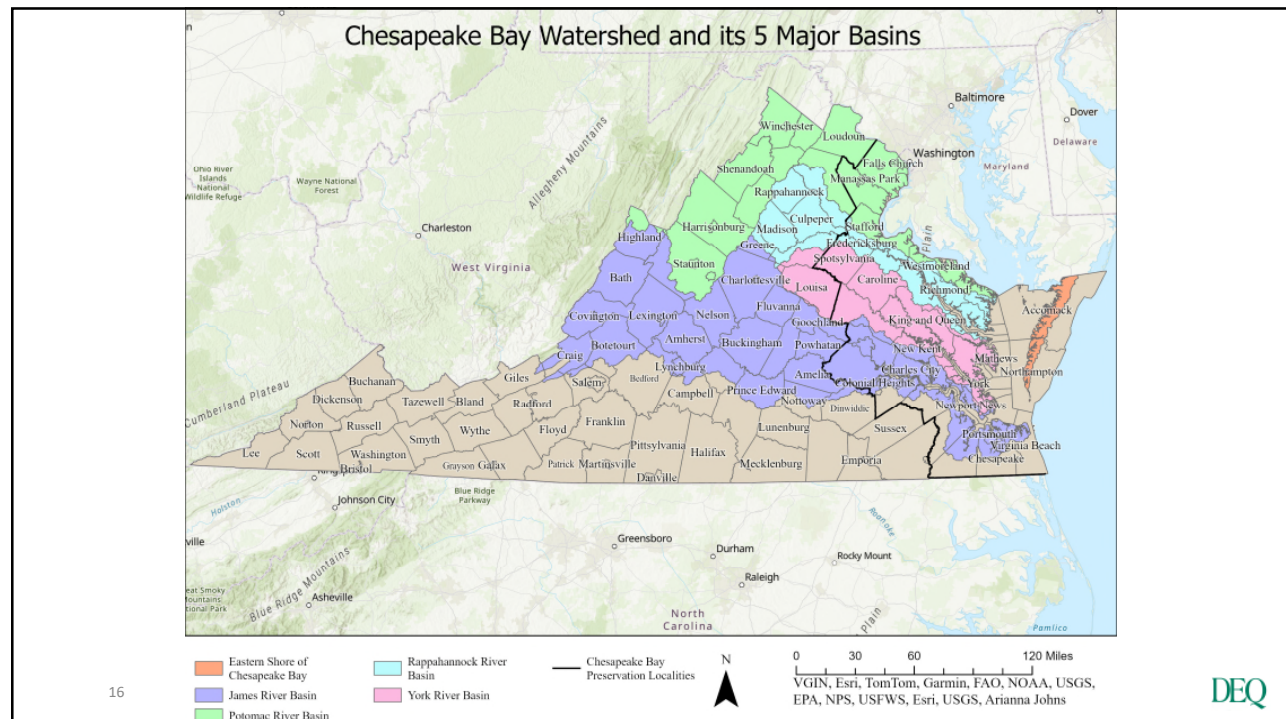
Section 70 – General Permit, Part I

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

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Section 70 – General Permit, Part II

- Part II Stormwater Pollution Prevention Plan (SWPPP)
 - Added language to clarify for a small construction of a SF detached residential structure, a SWPPP shall be developed and implement prior to initiation of the construction activity
- Contents
 - Clarified what must be included in the construction site map
 - Added new language that requires listing the locations of where polymers, flocculants, or other stormwater treatment chemicals are used or stored
 - Clarified the ESC plan, SW plan, and SWPPP are for the construction activity authorized by the general permit
 - Added new language to provide clarification on where directing stormwater to vegetated areas, minimizing soil compaction, and preserving topsoil would be considered infeasible



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Section 70 – General Permit, Part II cont.

- Added language clarifying SWPPP must contain signature and certification
- Added language to provisions in permit detailing signature and certification requirements
- Revised and added new language to clarify where a notice of coverage letter must be posted
- Replaced “seven days” with “five business days” to create consistency throughout permit
- Added language to clarify qualified personnel may be person on operator’s staff or third party hired to conduct inspections
- New language that adds more detail around when inspection must take place in event of measurable storm event



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Section 70 – General Permit, Part II cont.

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

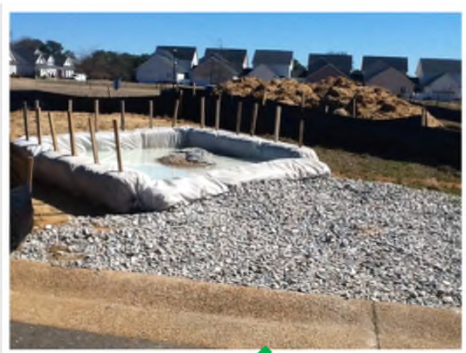


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Concrete Wash Water Example



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Section 70 – General Permit, Part II cont.

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



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Dewatering examples



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Section 70 – General Permit, Part II cont.



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

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Construction Dewatering – How to Implement!



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

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Section 70 – General Permit, Part II cont.

- Construction dewatering requirements
 - Option 1 – 50 NTU/FTU over receiving stream measurement
 - Testing of the receiving stream upstream of the dewatering discharge and point of discharge
 - Option 2 – 150 NTU/FTU
 - Only requires testing at the point of discharge
 - Option 3 – EPA method: 50 NTU/FTU, based on weekly average
 - Only requires testing at the point of discharge
 - Option 4 – Alternative benchmark option
 - Requires DEQ approval



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Turbidity Meters

• Part III A 2:

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

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Turbidity Meters – cont.

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



Source: Henrico County WRF, CEL

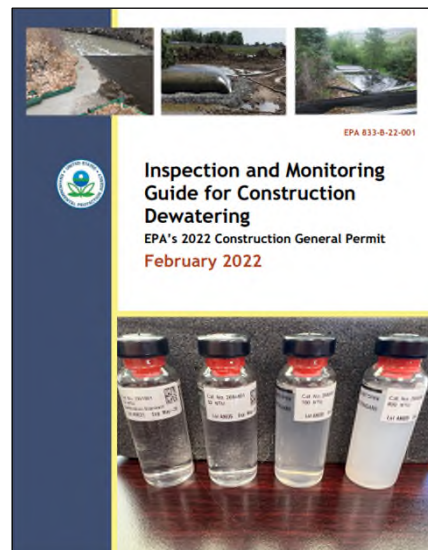
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Sampling Process for Operators

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



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Sample Inspection Report

2022 Construction General Permit Dewatering Inspection Report

Project Name: _____
NPDES ID Number: _____

Section A – Dewatering Discharges (CGP Part 4.6.3)	
Complete this section within 24 hours of completing the inspection. (If necessary, complete additional inspection reports for each separate inspection location.)	
Inspector Information	
Inspector Name:	Title:
Company Name:	Email:
Address:	Phone Number:
Inspection Details	
Inspection Date:	Inspection Location:
Discharge Start Time:	Discharge End Time:
Rate of Discharge (gallons per day):	Corrective Action Required? ¹ <input type="checkbox"/> Yes <input type="checkbox"/> No
Describe Indicators of Pollutant Discharge at Point of Dewatering Discharge: ¹	
Attach Photographs of: 1. Dewatering water prior to treatment by a dewatering control(s) and the final discharge after treatment; and 2. Dewatering control(s); and 3. Point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features, storm drain inlets, and other conveyances to receiving waters.	
<small>¹ If you observe any of the following indicators of pollutant discharge, you are required to take corrective action under Part 5.1.5.b:</small> • a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; or • a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water.	

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

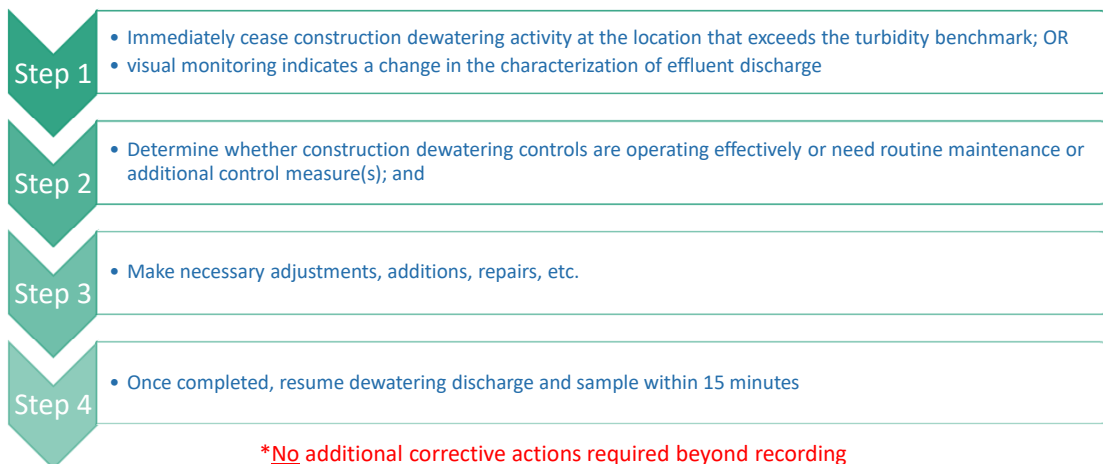
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Section 70 – General Permit, Part II.H.2

Corrective Actions for construction dewatering turbidity



No additional corrective actions required beyond recording results in the SWPPP

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Section 70 – General Permit, Part II cont.

• Part II.F.3

- Added language requiring corrective action for controls requiring repeated repairs:
 - Same repairs more than two times to the same control at the same location
 - Complete work to fix any subsequent repeat occurrences of the same problem, including keeping any records of the condition and how it was corrected
 - OR
 - Document in the inspection report why the specific reoccurrence of this same problem should be addressed as a routine maintenance fix

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Resources:

[DEQ Construction Webpage](#)

Permits » Water »

Stormwater - Construction

Construction General Permit Fees & Forms

Construction General Permit Forms

- [2024 General VPDES Permit](#) for Discharges of Stormwater from Construction Activities
- [Registration Statement](#) and instructions
- [EPA Stormwater Pollution Prevention Plan \(SWPPP\) Template](#)
- [Fact Sheet](#)
- [Notice of Termination](#) and instructions
- [Engineer's Certification Statement](#)
- [BMP Maintenance Agreement](#)
- [Forest/Open Space Maintenance Agreement](#)
- [Transfer of Ownership Agreement](#)
- [Standards and Specifications Entity Information Form](#)
- [Withdrawal Form](#) for Permit Registration and/or SWM/ESC Plan Review



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Section 70 – General Permit, Part III

- Part III Conditions applicable to all Virginia Pollutant Discharge Elimination System (VPDES) permits
 - Replaced “seven days” with “five business days” to create consistency throughout permit
 - Updated to ensure consistency with other recently reissued general permits in Virginia
 - Clarified if an operator proceeds with unapproved construction activities while plans are being reviewed, it is at their own risk
 - Revision made to add notices of termination to the types of documents requiring signatures
 - Changed the timeline for submitting a completed registration statement from 60 days to 90 days prior to the expiration date of the permit

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Sections 10 – 20

- Section 10 – Purpose.
 - Existing language has been removed and replaced with new language to improve the clarity and readability of this section
- Section 15 – Applicability of incorporated by references based on the dates that they became effective
 - Updated the reference to the Code of Federal Regulations (CFR) to its most current version
- Section 20 – Effective date of general permit.
 - Updated the dates that the general permit is effective to reflect the July 1, 2024 to June 30, 2029 permit term



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