



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road
Charlottesville, Virginia 22902

8 July 2014

Open Letter to Development Applicants and Active Projects

On July 1st, the Virginia Department of Environment Quality (DEQ) mandated that Albemarle County become responsible for administering the Virginia Stormwater Management Program, and specifically the General VPDES (Virginia Pollutant Discharge Elimination System) Permit for Discharges of Stormwater from Construction Activities (referred to as a General Permit, Virginia Code 9VAC25-880). Within the County, the Engineering Division is responsible for ensuring that every new and existing project have a General Permit, and be in compliance with the terms of that permit, and with the Virginia code.

If your project was already approved by the County, has obtained a grading permit, and is under construction, you will need to provide a copy of your DEQ General Permit to the county, together with evidence of DEQ approval. The County inspectors will be requesting this of each project within the next couple of months. If your project does not have a General Permit, you will need to obtain one by applying to the County as indicated below. County inspectors will be following up with general inspections of the Stormwater Pollution Prevention Plans (SWPPP). Please be aware that projects that are active without a General Permit will be issued notices and stop work orders after this initial grace period through July and August.

If your project was already approved by the County, and has not yet obtained a grading permit, you will need to provide a copy of your DEQ General Permit to the county, together with evidence of DEQ approval. In this case, the county will already have plans for Erosion and Sediment Control, and for Stormwater Management, which were approved under the previous County criteria. The county will not have on file a copy of the Stormwater Pollution Prevention plans and General Permit documents. You must supply these. If your project does not have a General Permit approved by DEQ, you will need to apply to the county. This will be a new application and fee, with all the plans attached. If allowed by DEQ, the County will honor the previous approvals for Erosion Control and Stormwater, and process the permit through DEQ, enabling DEQ to issue their General Permit. Please note, the county does not issue the permit. It is issued by

DEQ. The county is responsible for review and enforcement, but cannot issue or terminate the permit.

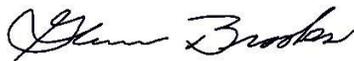
If your project was under review by the County, but not yet approved, you will need to provide a new application. Your application must contain all applicable plans and registration documents, as well as the required fee. If you have already been issued a General Permit by DEQ, include the DEQ approval with your application, which should contain copies of all the required plans and documents, so that the County can administer the permit. The DEQ approval language will tell the County what set of standards are applicable, and if your project is grandfathered under the old standards for stormwater management. If you have not obtained a General Permit by DEQ, the county will process your application as new. (Grandfathering of standards may still be applicable if prior approved site plan or zoning plans meet the criteria of the state code.)

If your project is a new submittal, you will need to provide a new application. Your application must contain all applicable plans and registration documents and fee.

Please be aware the County only administers the state program. The county is responsible for review and enforcement of General Permits. The county does not approve or issue General Permits, or terminate them. The state has retained the sole authority to issue and terminate permits. The County issues a separate grading permit to authorize construction, after all fees are paid, bonds posted, and the General Permit issued by DEQ. There are other important details involved with the new state implementation. Attached please find a flow chart of the process as it is currently envisioned for new applicants. Also attached is an information sheet provided with the request form for grading permits. This briefly states the procedures for stabilization deadlines, overdue fees, and disturbed acreage.

Implementing the state programs is new at the County, so there will be an adjustment period, and we ask for your patience during this transition.

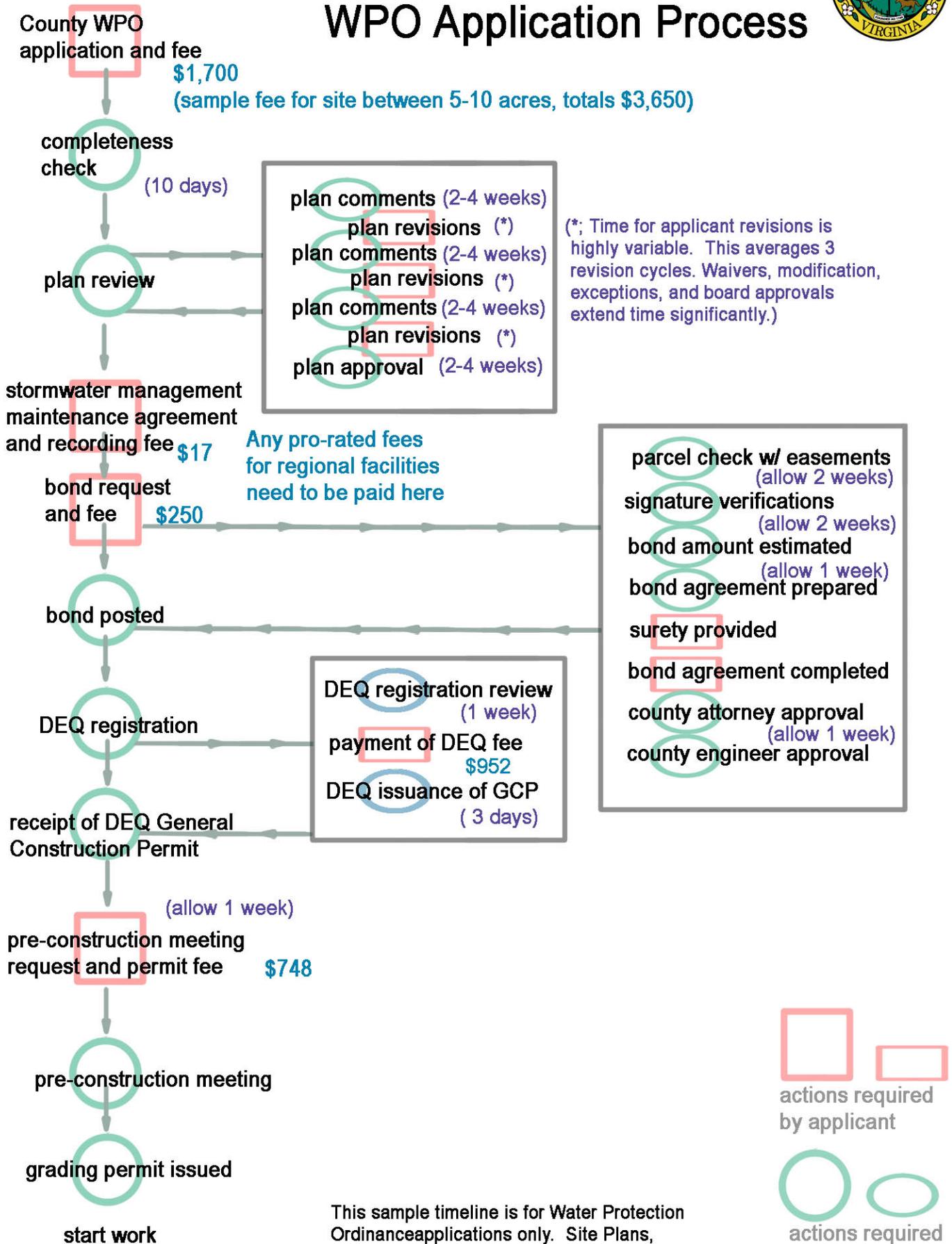
Sincerely,



Glenn Brooks, P.E.
County Engineer

GEB/
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Albemarle County WPO Application Process



This sample timeline is for Water Protection Ordinance applications only. Site Plans, Subdivision Plats, Street Plans, Zoning Map Amendments, Special Use Permits, and other plans and processes which may affect reviews, approvals, or permits are not shown.

Information for Permit applicants;

9-Month Permanent Stabilization Deadline:

Code Sec. 17-808 Duty to stabilize denuded areas with permanent vegetation within nine months after commencing land disturbing activity

- A. *When permanent vegetation required.* The owner shall install on all denuded areas on the site within nine (9) months after the date the land disturbing activity commenced, except for areas that the administrator determines are necessary parts of the construction that are subject to an active building permit and areas where erosion is prevented by a non-erosive surface, including, but not limited to, the following surfaces: (i) roadways and sidewalks covered by gravel, asphalt pavement, or concrete; (ii) trails or paths covered by gravel, stone dust, or mulch; (iii) buildings and other permanent structures; and such other surfaces that the administrator determines would adequately provide a permanent barrier to erosion.

(see code 17-808 for information about possible extensions)

Notice to Comply and Permit Revoked for Overdue Fees

Late fees will incur interest, and enforcement actions per code section 17-210.

- (1) Owners with late payments of fees required by 17-207C6 will be issued a Notice to Comply (NTC). The notice gives 7 days to make payments.
- (2) At the end of the NTC time period, the permit will be revoked, and a Stop Work Order will be issued for working without a current permit.

Disturbed Area Reductions

Acreage for the purpose of fee computations will be the entire permitted acreage. This is the disturbed acreage on approved plans. If fees are to be reduced, an application for plan amendment must be made, and areas reduced by changes in limits of disturbance and appropriate plan changes. Such amendments must be approved prior to the fee due date. Amendments to remove disturbed areas can only be approved when such areas are completely stabilized and all erosion control measures (including traps and basins) removed.

Refunds

The County does not have a refund program. Fees will not be refunded based on completion within the year. Fees will not be pro-rated at payment, other than the first year VSMP fee as indicated in code section 17-209B.

Re-inspection Fees

Re-Inspection Fees will be charged for inspections following a Notice to Comply or a Stop Work Order. Fees are \$250 per inspection, or as given in code sections 17-207 and 17-208.