



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

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May 17, 2011

**Table 1: Amendments Made to the Regulations Based on Public Comments Received
(March 28, 2011 and April 27, 2011)**

(NOTE: For further explanation of these changes, please refer to the “Responses to 30-day Public Comment Period (March 28, 2011 through April 27, 2011) on Draft Final Stormwater Management Regulations” document.)

(Line numbering based on version of the regulation with strike-throughs and underlines.)

Lines 150, 158, and 167 Inserted after the word “100-year” the words “flood or”.

Line 151 Inserted after the word “flood” the words “or floodway”.

Line 184: Struck after the words “means a” the word “manmade” from the definition of “Impervious cover”.

Line 372 Struck the word “and” and inserted the words “based on” in the definition on “Natural channel design concepts”.

Line 457 Struck the definition of “Planning area” and moved it into Part II C in a new definitions section.

Line 495 Struck after the word “site” the words “or tract of land” in the definition on “Postdevelopment”.

Line 519 Amended the definition of “Qualified personnel” to track the federal definition of the term.

Line 556 Amended the definition of “Runoff characteristics” to include “maximum velocity”.

Line 559 Struck after the word “site” the words “of a land disturbing activity” from the definition of “Runoff volume”.

Line 582 Amended the definition of “Site” to more closely track the federal definition of the term.

Line 668 Struck the words “pollutants in” from the definition of “Stormwater discharge associated with construction activity”.

Line 687 Struck the word “device” and inserted the words “control measure” in the definition on “Stormwater management facility”.

Line 691 Struck the words “how existing runoff characteristics will be maintained by a land disturbing activity and” from the definition of “Stormwater management plan”.

Line 702 Struck the words “or its associated land disturbing activities” from the definition of “Stormwater Pollution Prevention Plan”.

Line 838 Inserted after the words “procedures for” the word “approving” in 4VAC50-60-20.

Line 844 and 869 Struck the word “from” and replaced it with the word “for” in 4VAC50-60-20 and in 4VAC50-60-40 respectively.

Line 905 Created a new section numbered 4VAC50-60-47.1 that broke out the language establishing two additional permit cycle limits on applicability of approved design criteria from the grandfathering language in 4VAC50-60-48 (formerly subsection A).

Line 916 Eliminated the language moved to 4VAC50-60-47.1 (above), adjusted subsection numbers accordingly, and added a new subsection C that specifies that “[f]or land-disturbing activities grandfathered under subsections A and B above, construction must be completed by June 30, 2019 or portions of the project not under construction shall become subject to the technical criteria of Part II B”.

Line 1052 Struck the words “of a land disturbing activity” in 4VAC50-60-51 E.

Line 1071 Struck the word “content” and inserted the word “requirements” in the title for 4VAC50-60-54.

Line 1074 Inserted after the word “activities” the words “, and a description of any additional control measures necessary to address a TMDL pursuant to subsection E” in 4VAC50-60-54 A.

Line 1089 Inserted language in 4VAC50-60-54 E. that reads, ” [i]n addition to the above requirements, if a specific WLA for a pollutant has been established in a TMDL and is assigned to stormwater discharges from a construction activity, additional control measures must be identified and implemented by the operator so that discharges are consistent with the assumptions and requirements of the WLA in a State Water Control Board approved TMDL”. This represents language that has been moved to this location and amended from 4VAC50-60-63 C (see also Line 1355). This move functionally moves this language from post-construction requirements to construction requirements.

Line 1121 Inserted a new subsection 4VAC50-60-54 G that reads, “[t]he SWPPP shall be amended whenever there is a change in design, construction, operation, or maintenance that has a

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significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the SWPPP. The SWPPP must be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site”.

Line 1152 Inserted after “computations” the words “, including runoff characteristics” in 4VAC50-60-55 B. 6.

Line 1157 Inserted after “bodies” the words “and floodplains” in 4VAC50-60-55 B. 8. b.

Line 1177 Inserted after “plans” the words “that include activities regulated under Chapter 4 of Title 54.1” in 4VAC50-60-55 C.

Line 1182 Inserted after “authority” the words “in accordance with 4VAC50-60-108 and 4VAC50-60-112” in 4VAC50-60-55 D.

Line 1194 Struck after “implementing” the word “stormwater” and inserted after “implemented” the words “and updated as necessary” in 4VAC50-60-56 A.

Line 1290 Struck after “site” the words “of a land disturbing activity” in 4VAC50-60-63 A.

Line 1337 Inserted after “For” the words “regulated” in 4VAC50-60-63 A. 2. b.

Line 1346 Struck after “lands” the word “may” and replaced with the word “shall” in 4VAC50-60-63 A. 2. d.

Line 1346 Inserted after the word “20%” the words “below the predevelopment total phosphorus load” in 4VAC50-60-63 A. 2. d.

Line 1355 As mentioned above in the note for line 1089, struck the language in 4VAC50-60-63 C. related to TMDLs in and moved the language to 4VAC50-60-54 E. Re-lettered former subsections D. and E. to C. and D.

Line 1401 Struck after “E.” “[w]here the land-disturbing activity only occurs on a portion of the site, the local program may review the stormwater management plan based upon the portion of the site that is proposed to be developed, provided that the local program has established guidance for such a review. Such portion shall be deemed to include any area left undeveloped pursuant to any local requirement or proffer accepted by a locality. Any such guidance shall be provided to the department” in former 4VAC50-60-65 E. This language was found to be unnecessary after the term “site” was redefined. All following subsections were re-lettered.

Line 1634 Struck after the word “runoff” the words “from prior developed sites” in 4VAC50-60-66 E.

Line 1666 Inserted after the word “1.” the words “Offsite controls utilized in accordance with” in 4VAC50-60-69 A. 1.

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Line 1778 Inserted after the words “subsection A,” the words “and pursuant to §10.1-603.8:1,” in 4VAC50-60-69 B.

Line 1803 Struck after the word “separate” the word “stormwater” and replaced with “storm” in 4VAC50-60-69 C. 2.

Line 1803 Inserted after the word “sewer” the word “system” in 4VAC50-60-69 C. 2.

Line 1846 Restructured 4VAC50-60-72 D. into a subsection D. and E. This did not alter the content of the section and was done for clarity purposes.

Line 1857 Struck the words “regulatory authorities” and replaced with “regulations” in 4VAC50-60-74.

Line 1927 Struck after the word “contributing” the words “land-disturbing” in 4VAC50-60-92 A. 1.

Line 1936 Struck after the words “amendments to the” the word “board” and replaced with “department” in 4VAC50-60-92 A. 2.

Line 1952 Inserted after the word “Projects” the words “and Projects Subject to the Provisions of 4VAC50-60-47.1”.

Line 1954 Created a new section numbered 4VAC50-60-93.1 entitled “Definitions” that contains a number of definitions that previously were in 4VAC50-60-10. It was found that while these sections should be stricken from 4VAC50-60-10 as they are no longer relevant to Part II A or B, they should be added to Part II C in order to help clarify the grandfathering provisions that they previously were associated with.

Line 2236 Inserted after the word “A3” the words “and A4” in 4VAC50-60-103 A. 3. d.

Line 2364 Inserted after the word “15” the word “calendar” in 4VAC50-60-108 B. 1. a.

Line 2416 Corrected the regulatory cross-reference to be “4VAC50-60-112” in 4VAC50-60-108 E.

Line 2498 Inserted a new subdivision A.4. that reads “4. Development and implementation of any additional control measures necessary to address a TMDL.” in 4VAC50-60-114 A.

Line 2524 Inserted after the word ”reports” the words “of the owner of a stormwater management facility” in 4VAC50-60-114 C.

Line 2528 Inserted after the words “Title 54.1” the words “, a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor” in 4VAC50-60-114 C.

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Line 2601 Struck after the word “not” the words “on site” and replaced with the words “available for review” in 4VAC50-60-116 C.

Line 2663 Struck after the word “denied” the word “to” and replaced with “in” in 4VAC50-60-122.

Line 3160 Struck the reference to the “Technical Memorandum”.

Line 3165 Inserted a reference to the “Virginia Runoff Reduction Method: Instructions & Documentation, March 28, 2011”.