

CHAPTER 12

GENERAL CONSTRUCTION PERMIT

12.1 INTRODUCTION

Stormwater discharges from construction activities (such as clearing, grading, excavating, and stockpiling) that result in an acre or more of land disturbance or smaller sites that are part of a larger common plan of development or sale are regulated by the National Pollutant Discharge Elimination System (NPDES) stormwater program. In Virginia, EPA has delegated authority for this program to the Department of Environmental Quality and the requirements are administered through the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities. This permit is also known as the General Construction Permit (GCP) and will be referred to as the GCP throughout this Manual.

Although the GCP is issued by DEQ, Henrico County administers and enforces the requirements of the GCP. These requirements involve conditions for issuance, implementation, maintenance, modification, transfer, and termination of the GCP. When applicable, evidence of coverage under the GCP must be provided prior to commencement of the land-disturbing activity.

12.2 APPLICABILITY

In accordance with Sec. 10-42 of the Henrico County Code, the GCP is required for all VSMP land-disturbing activities as described in Chapter 3. For assistance in determining whether the proposed development is a VSMP land-disturbing activity, refer to Chapter 3.

12.3 ONLINE PERMITTING SYSTEM

The issuance, maintenance, modification, transfer, and termination of the GCP is accomplished through the State's online permitting system. The system provides for administration of the permit requirements (i.e., registration statements, coverage letters, annual permit maintenance, modification and/or transfer of permits, and termination). The system is available only to DEQ and VSMP authorities, not permit applicants, and all required information is entered in the permitting system by the Administrator even though the GCP is issued by DEQ.

12.4 APPLICATION / REGISTRATION STATEMENT

A draft Registration Statement must be submitted for all proposed VSMP land-disturbing activities as specified in Chapter 3 as part of the plan submittal and review process (See Chapters 19 and 23). A copy of this form can be found in Appendix D of this Manual and is also located at:

<http://www.deq.virginia.gov/Portals/0/DEQ/Water/Publications/CGPRegistrationStatement2014.pdf>

During the review process, comments will be provided concerning the content of the registration statement. Once all necessary corrections have been made and reviews are complete, a final copy of the Registration Statement with the required signature must be submitted by the applicant. Upon the Administrator's receipt of the signed final copy and required permit fee, and once the SWPPP has been approved (when the DPW Review Engineer has signed the plans), the Administrator will enter the information in the State's online permitting system, establishing the project as a proposed VSMP land-disturbing activity. Under no circumstances can the Administrator grant an exception to the requirements to obtain GCP coverage.

A Registration Statement is not required for stormwater discharges associated with the construction of single-family residences that:

1. are separately built;
2. disturb less than one acre;
3. are part of a larger plan of development or sale; and
4. are included in the stormwater management plan for the larger common plan of development or sale that provides permanent stormwater management facilities.

These stormwater discharges are authorized to discharge under the GCP without submitting a registration statement. Please note that although a registration statement is not required, these activities are subject to the conditions of the GCP.

12.5 PERMIT ISSUANCE FEES

The entire permit fee must be submitted to Henrico County prior to GCP issuance. Please note that the permit issuance fees are based on the amount of land-disturbance proposed as a result of the permitted activity as described in Tables 12.1 and 12.2. Therefore, payment of the fee should be made only after the limits of disturbance have been finalized.

As shown in Table 12.2, a portion of the required permit issuance fee is to be remitted to the State. However, to avoid mailing and/or delivery delays, the total fee (the County portion and the State portion) must be submitted to the Administrator. The Administrator processes and documents payment of the fee in the State's permitting system and transfers the appropriate amount to DEQ.

HENRICO COUNTY ENVIRONMENTAL COMPLIANCE MANUAL

Table 12.1- Permit Issuance for Single Family Home (*not entire subdivision*)

Permitted Activity	Permit Issuance Fee		
	State Portion	County Portion	Total
Projects within common plans of development or sale with land-disturbance less than one acre and not in a CBPA	\$0	\$209	\$209
Projects with land-disturbance equal to or greater than one acre but less than five acres	\$0	\$209	\$209
Projects with land-disturbance equal to or greater than five acres but less than ten acres	\$0	\$2,448	\$2,448
Projects with land-disturbance equal to or greater than ten acres but less than fifty acres	\$0	\$3,240	\$3,240
Projects with land-disturbance equal to or greater than fifty acres but less than one hundred acres	\$0	\$4,392	\$4,392
Projects with land-disturbance equal to or greater than one hundred acres	\$0	\$6,912	\$6,912

Table 12.2 – Permit Issuance for Non-Single-Family Home Development (*includes Subdivisions*)

Permitted Activity	Permit Issuance Fee		
	State Portion	County Portion	Total
Projects within common plans of development or sale with land-disturbance less than one acre and not in a CBPA	\$81	\$209	\$290
Projects with land-disturbance equal to or greater than one acre but less than five acres	\$756	\$1,944	\$2,700
Projects with land-disturbance equal to or greater than five acres but less than ten acres	\$952	\$2,448	\$3,400
Projects with land-disturbance equal to or greater than ten acres but less than fifty acres	\$1,260	\$3,240	\$4,500
Projects with land-disturbance equal to or greater than fifty acres but less than one hundred acres	\$1,708	\$4,392	\$6,100
Projects with land-disturbance equal to or greater than one hundred acres	\$2,688	\$6,912	\$9,600

12.6 NOTICE OF COVERAGE LETTER

Once all appropriate permit requirements have been satisfied by the applicant and documented in the State’s permitting system by the Administrator, a Permit Coverage Letter is generated and distributed to the applicant and the Administrator by the State’s permitting system. **Please note that receipt of the Notice of Coverage Letter does not authorize commencement of land-disturbance.** Land-disturbance is authorized only after the approved Environmental Compliance Plan is distributed at a preconstruction meeting as explained in Chapter 17.

12.7 PERMIT MAINTENANCE

Once the GCP is issued, the permit must be “renewed” each year until the GCP is terminated and this “renewal” is subject to an annual maintenance fee (see table below). Failure to maintain a permit may result in loss of permit coverage and enforcement action in accordance with Sec. 10-56 of the Henrico County Code. Permit maintenance requirements and fees are not applicable to single-family construction.

Table 12.3 – ANNUAL MAINTENANCE FEES

Permitted Activity	Permit Maintenance Fee
Projects within common plans of development or sale with land-disturbance less than one acre and not in a CBPA	\$50
Projects with land-disturbance equal to or greater than one acre but less than five acres	\$400
Projects with land-disturbance equal to or greater than five acres but less than ten acres	\$500
Projects with land-disturbance equal to or greater than ten acres but less than fifty acres	\$650
Projects with land-disturbance equal to or greater than fifty acres but less than one hundred acres	\$900
Projects with land-disturbance equal to or greater than one hundred acres	\$1,400

** Although the VSMP regulations authorize these fees, Henrico County does not currently charge them.*

12.8 PERMIT MODIFICATION

Once the GCP is issued, the permit must be modified if changes are proposed to the VSMP land-disturbing activity that would require review and approval by the Administrator. Failure to pursue review and approval of the change and provide the fee may result in loss of permit coverage and enforcement action in accordance with Sec. 10-56 of the Henrico County Code. Questions concerning the status of proposed changes to VSMP land-disturbing activities should be directed to the Environmental Inspector and/or Review Engineer. Permit modification requirements and fees are not applicable to single-family construction.

Table 12.4 – PERMIT MODIFICATION FEES

Permitted Activity	Permit Modification Fee
Projects within common plans of development or sale with land-disturbance less than one acre and not in a CBPA	\$20
Projects with land-disturbance equal to or greater than one acre but less than five acres	\$200
Projects with land-disturbance equal to or greater than five acres but less than ten acres	\$250
Projects with land-disturbance equal to or greater than ten acres but less than fifty acres	\$300
Projects with land-disturbance equal to or greater than fifty acres but less than one hundred acres	\$450
Projects with land-disturbance equal to or greater than one hundred acres	\$700

** Although the VSMP regulations authorize these fees, Henrico County does not currently charge them.*

In addition to the Permit Modification fees in the table above, additional Permit Issuance fees may be required if the proposed change results in additional land-disturbance. In these cases, the additional Permit Issuance fees are calculated as the difference between the initial permit issuance fee paid and the permit issuance fee that would have applied to the total disturbed acreage.

12.9 PERMIT TRANSFER

Once the GCP is issued, transferring some or all of the permitted areas to a different operator is subject to a Permit Transfer fee (see table below). Failure to transfer the permit, where applicable, may result in loss of permit coverage and enforcement action

in accordance with Sec. 10-56 of the Henrico County Code. Permit transfer requirements and fees are not applicable to single-family construction.

Table 12.5 – PERMIT TRANSFER FEES

Permitted Activity	Permit Transfer Fee
Projects within common plans of development or sale with land-disturbance less than one acre and not in a CBPA	\$20
Projects with land-disturbance equal to or greater than one acre but less than five acres	\$200
Projects with land-disturbance equal to or greater than five acres but less than ten acres	\$250
Projects with land-disturbance equal to or greater than ten acres but less than fifty acres	\$300
Projects with land-disturbance equal to or greater than fifty acres but less than one hundred acres	\$450
Projects with land-disturbance equal to or greater than one hundred acres	\$700

** Although the VSMP regulations authorize these fees, Henrico County does not currently charge them.*

12.10 TERMINATION

Within 30 days of completing a VSMP land-disturbing activity covered by a GCP, the operator must submit a Notice of Termination Statement to the Administrator. A copy of this form can be found in Appendix E of this Manual and is also located at:

http://leg5.state.va.us/reg_agent/frnView.aspx?Viewid=2ece5003208%7E6&typ=40&ac tno=003208&mime=application/pdf

The requirement for a Notice of Termination Statement does not apply to single-family construction.

A project is considered complete when:

1. necessary post-construction control measures included in the SWPPP for the site are in place and functioning effectively and final stabilization has been achieved on all portions of the site for which the operator is responsible;
2. another operator has assumed control over all areas of the site that have not been finally stabilized and obtained coverage for the ongoing discharge;
3. coverage under an alternative VPDES or state permit has been obtained; or

4. for residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

The Administrator will evaluate the Notice of Termination Statement for completeness and determine if the project has been satisfactorily completed.

If the notice is complete and project has been completed to the satisfaction of the Administrator, the appropriate information will be entered in the State's permitting system and the project is considered terminated.

If the notice is not complete and/or the project has not been satisfactorily completed, the Administrator will detail the deficiencies in a letter to the applicant.

12.11 DEQ CONTACT INFORMATION

Information regarding the GCP can be found at:

<http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPermits/ConstructionGeneralPermit.aspx>

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