



DEVELOPMENT SERVICES CENTER



DSC Information Notice #207

June 26, 2014

(Supersedes DSC Notice # 202)

Topic: Virginia Stormwater Management Program (VSMP)

GRANDFATHERING and CONTINUED USE OF OLD STORMWATER TECHNICAL DESIGN CRITERIA (Part II C Technical Criteria)

In accordance with State regulations, the Stormwater Ordinance (City Code, Appendix D) was recently adopted by City Council, and provides two scenarios whereby using the old stormwater management design standards (Part II C Technical Criteria) is allowed:

1. The project received City approval of a plan or preliminary plan (may be a Rezoning, Conditional Use, CBPA Board approval, etc.) prior to July 1, 2012 and State Construction General Permit (CGP) was not issued prior to July 1, 2014, (Stormwater Ordinance, Sec. 1-20 A.)

OR

2. The initial State CGP was issued prior to July 1, 2014 (Stormwater Ordinance, Sec. 1-20 E.)

In addition, the Department of Environmental Quality (DEQ) published [Guidance Memo No. 14-2002](#) that states:

- Prior to July 1, 2014, the initial CGP (2009 CGP) may be obtained prior to the locality's approval of an Erosion & Sediment Control (E&S) plan, and
- The E&S plan should be submitted to the locality within 60 days of the 2014 CGP issuance.
- Though not specifically explained in the DEQ guidance, if the initial (2009) permit is obtained prior to July 1, 2014, registration and coverage under the 2014 permit is required in order to continue to apply the Part II C Technical Criteria.

The City of Virginia Beach is following the DEQ guidance. An E&S/Stormwater plan must be submitted within 60 days of the issuance of the 2014 CGP (September 2, 2014). Optionally, the complete Site Development Plan or Subdivision Construction Plan, which includes the E&S and Stormwater plans, may be submitted.

Beginning July 1, 2014, developers and consultants who wish to utilize the Part II C Technical Criteria must provide the following information with their plan submittals (all new submittals and resubmittals):

- Copy of city approval prior to July 1, 2012 (may be a Rezoning, Conditional Use, CBPA Board Approval, etc.)

OR

- Proof of having obtained 2009 CGP coverage, and
- Proof of having 2014 CGP coverage, and
- Proof of payment to the State for the total 2014 permit fee (local and state fees combined)

The State’s regulations do not allow the City of Virginia Beach to provide a Transition Period for plans that are under review or approved after July 1, 2012.

For projects falling under the 2nd scenario, continued use of the old criteria is based on state permitting prior to July 1, 2014, NOT on plan review status. Therefore, even if final development plans have been submitted, or have received approval after July 1, 2012, the CGP must be obtained prior to July 1, 2014 to secure the ability to continue to use the Part II C Technical Criteria. The plans do NOT have to be approved by the locality before obtaining the CGP.

EFFECTIVE DATE: July 1, 2014

For More Information, Please Contact:

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