

***VIRGINIA STORMWATER
MANAGEMENT PROGRAM (VSMP)
AUTHORITY PERMIT
APPLICATION PACKAGE
2024 PERMIT CYCLE***

***LAND DISTURBING ACTIVITIES OF ONE (1)
ACRE OR GREATER***



***Department of Public Services
301 E Cork Street
Winchester, VA 22601
(540) 773-1340 Telephone
(540) 662-3351 Fax
July 2024***

VSMP AUTHORITY PERMIT APPLICATION
SUBMISSION CHECKLIST

This application package is designed to ensure that regulated land disturbing activities occur only after approval of a stormwater management plan and all information listed below. The VSMP Authority Permit Application is not considered complete unless all the required information listed below is present. If any part of the required information is missing, the application will be considered incomplete. Incomplete applications cannot be accepted for review by the City of Winchester, Department of Public Services.

- 1. Completed registration statement demonstrating coverage under the Virginia General Permit for Construction Activities (Appendix A).

- 2. Confirmation of City of Winchester Site Plan:

Site Plan Number: _____ Approval Date: _____

- 3. Two (2) copies of the Pollution Prevention Plan (SWPPP) for minimizing discharges from construction.

- 4. Each application shall be accompanied by the appropriate fee form and fee, according to the schedule adopted by the City of Winchester (Appendix B).

Note: There is an applicable fee required for all VSMP Authority Permit applications. The fee is payable at the time the application is submitted by the applicant and shall be made payable to the "City of Winchester".

- 5. Completed bond estimate showing estimated construction costs of required stormwater management facilities. The City will contact the applicant with confirmation that the bond amount is correct. The applicant can then submit a performance bond, irrevocable letter of credit, or other form of surety acceptable to the City. Templates are included in the appendices of this package.

- 6. An executed stormwater management facilities maintenance agreement for any stormwater management plan that includes the use of permanent stormwater management facilities for water quantity and/or quality control. Templates are included in Appendix F of this package.

Note: If an owner certifies that he cannot exercise his rights under a purchase agreement until the stormwater plan or other development plan receives final approval from the City, the program administrator may grant final approval without an executed and recorded agreement, provided the unexecuted agreement is submitted to the Administrator for review and approval prior to approval of the stormwater management plan, and is executed and recorded prior to issuance of a certificate of occupancy for any building on the site.

ACTIVITIES REQUIRING A STORMWATER MANAGEMENT PLAN & VSMP AUTHORITY PERMIT

A Stormwater Management Plan must be submitted, reviewed and approved before a VSMP Authority Permit will be issued by the City of Winchester. The permit is required for any land disturbing activity one (1) acre or greater in area (i.e. the total area of the land disturbance is one acre or greater), with the exception of specific activities considered exempt under the Water Protection Ordinance (Chapter 9 of the City Code). The Ordinance defines a land disturbing activity as a man-made change to the land surface that potentially changes its runoff characteristics, or any such land change which may result in soil erosion from water or wind and the movement of sediments into waters or onto lands in the City or adjacent jurisdictions, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

Only those land disturbing activities specifically exempted by Article III, Section 9-59 of the Water Protection Ordinance may be conducted without first obtaining a VSMP Authority Permit. These exempted activities are:

- A. Permitted surface or deep mining operation and projects, or oil and gas operations and projects conducted under the provisions of Title 45.2 of the Code of Virginia;
- B. Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in the regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§10.1- 1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsection B of §10.1-1163 of the Code of Virginia;
- C. Single-family residences separately built and disturbing less than one (1) acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
- D. Land disturbing activities that disturb less than one (1) acre of land area;
- E. Discharges to a sanitary sewer or a combined sewer system;
- F. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;
- G. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and
- H. Land-disturbing activities conducted in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the City shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with all applicable requirements of this Article is required within 30 days of commencing the land-disturbing activity.

PROCEDURES FOR OBTAINING VSMP AUTHORITY PERMIT

1. Submit all information indicated on Page 2 of this application package, including payment of the applicable permit application fee.
2. Submit the appropriate Land Disturbance Permit application package for the regulated land disturbing activity, if applicable, including payment the required Land Disturbance Permit application fee.
3. The program administrator will notify the applicant within fifteen (15) calendar days of receipt whether the plan and application package is complete.
4. Once all of the required information has been submitted, reviewed and approved by the program administrator, a VSMP Authority Permit will be issued.
5. Prior to initiating any land disturbing activity, it will be necessary to schedule an on-site, pre-construction meeting with the Engineering Division of the Department of Public Services staff to discuss the approved stormwater management plan. This meeting may be held concurrently with the required meeting to discuss the approved erosion and sediment control plan.
6. Land disturbance and development must be conducted only within the area specified in the approved plan. Modifications or amendments to an approved stormwater management plan shall be allowed only after review and written approval of the amendment by the program administrator.
7. Contact the Engineering Division of the Department of Public Services to schedule the required construction-phase inspections as indicated by the program administrator or required by the approved stormwater management plan or VSMP Authority Permit. Periodic inspections will be performed by the Engineering Division of the Department of Public Services to ensure that all stormwater best management practices (BMPs) are maintained in accordance with the approved plan throughout the life of the permit and are functioning as designed.
8. Once the construction project is complete, the applicant must submit three (3) copies of a construction record drawing (or "as-built" plan) to the Engineering Division. The certified as-built plan for the project must show all stormwater pipes, curb and gutter, drainage channels and ditches, stormwater ponds, and other permanent water quality and/or quantity best management practices (BMPs). A letter from the engineer-of-record shall be included with the as-built plans certifying that the subdivision has been constructed in accordance with the approved plan. The Engineering Division will conduct a final inspection of all permanent stormwater management facilities to ensure that they have been installed in accordance with the approved stormwater management plan and are functioning properly.
9. Within 30 days of final completion of the project, the operator must submit the Notice of Termination, found in Appendix G.
10. The performance bond or other surety shall be refunded in accordance with Article I, Section 9-9 of the Water Protection Ordinance within sixty (60) days of the completion of the requirements of the approved stormwater management plan and conditions of the approved VSMP Authority Permit.

APPENDIX A

VSMP REGISTRATION FORM

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
GENERAL VPDES PERMIT FOR DISCHARGES OF
STORMWATER FROM
CONSTRUCTION ACTIVITIES (VAR10)**

| | |
|------------|-------|
| PERMIT #: | _____ |
| PLAN/ID #: | _____ |

- Application type. (CHOOSE ONE)
- NEW PERMIT ISSUANCE
- MODIFICATION WITH ACREAGE INCREASE: Permit # _____
- MODIFICATION WITHOUT ACREAGE INCREASE: Permit # _____
- EXISTING PERMIT REISSUANCE: Permit # _____

Section I. Operator/Permittee/Billing Information.

| | |
|---|-------|
| A. Construction Activity Operator (Permittee). The person or entity that is applying for permit coverage and will have operational control over construction activities to ensure compliance with the general permit. A person with signatory authority for this operator must sign the certification in Section V (per Part III.K of the VAR10 Permit). | |
| Operator Name: | _____ |
| Contact person: | _____ |
| Address: | _____ |
| City, State and Zip Code: | _____ |
| Phone Number: | _____ |
| Primary and CC Email(s): | _____ |
| State Corporation Commission Entity Number (if applicable): | _____ |
| B. Electronic correspondence. To receive an emailed coverage letter or to pay by credit card, you must choose YES and include a valid email. May we transmit correspondence electronically? YES <input type="checkbox"/> NO <input type="checkbox"/> | |

Section II. Construction Activity Information.

| | |
|--|--|
| A. Include a legible site map showing the location of the existing or proposed land-disturbing activities for which the operator is seeking permit coverage, the limits of land disturbance, construction entrances, construction support activities, and all waterbodies receiving stormwater discharges from the construction site. | |
| B. Project site location information. | |
| Construction Activity Name: | _____ |
| Address: | _____ |
| City and/or County and Zip Code: | _____ |
| Construction Activity Entrance Location (description or street address): | _____ |
| Latitude and Longitude (6-digit, decimal degrees format, e.g. 37.1234, -78.1234): | _____ |
| C. Acreage totals for all land-disturbing activities to be included under this permit coverage. Report to the nearest one-hundredth of an acre. | |
| Total area of the construction site (including off-site area): | _____ |
| Estimated area to be disturbed by the construction activity (on-site only): | _____ |
| Off-site estimated area to be disturbed (if applicable; please also refer to Section III): | _____ |
| D. Construction Activity Status: | FEDERAL <input type="checkbox"/> STATE <input type="checkbox"/> PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> |
| E. Nature of the Construction Activity Description (i.e. commercial, industrial, residential, agricultural, utility, solar, linear, stream restoration, etc.): | _____ |

CONSTRUCTION GENERAL PERMIT (VAR10) REGISTRATION STATEMENT 2024

| | |
|---|---|
| F. Municipal Separate Storm Sewer System (MS4) name(s) (if the construction activity is discharging to an MS4): | City of Winchester |
| G. Estimated Construction Activity Dates. | |
| Start Date: | |
| Completion Date: | |
| H. Is this construction activity part of a larger common Plan of development or sale? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| I. 6th Order Hydrologic Unit Code (HUC) and Receiving Water Name(s). Include additional areas on a separate page. | |
| HUC | NAME(S) OF RECEIVING WATER WWATERBODY |
| | |
| | |
| | |

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"/> |

Section IV. Other Information.

| | |
|---|---|
| A. A Stormwater Pollution Prevention Plan (SWPPP) must be prepared in accordance with the requirements of the General VPDES Permit for Discharges of Stormwater from construction activities prior to submitting the registration statement. By signing the registration statement, the operator certifies the SWPPP has been prepared. | |
| B. Has an Erosion and Sediment Control Plan been submitted to the VESC Authority for review? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| Erosion and Sediment Control Plan Approval Date: (for the estimated area to be disturbed; MM/DD/YYYY) | |
| C. Has land-disturbance commenced? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| D. Standards and Specifications. If this project is utilizing approved Standards and Specifications (S&S), attach the completed S&S Entity Form. | |
| E. Will nutrient credits be used to comply with the water quality design criteria requirements (9VAC25-875-580)? YES <input type="checkbox"/> NO <input type="checkbox"/> (If yes, please include a copy of the letter of availability from an appropriate nutrient bank that nonpoint source nutrient credits are available.) | |

CONSTRUCTION GENERAL PERMIT (VAR10) REGISTRATION STATEMENT 2024

Section V. Certification. A person representing the operator as identified in Section I.A and meeting the requirements of Part III.K of 9VAC25-880-70 must physically sign this certification. A typed signature is not acceptable. Please note that operator is defined in 9VAC25-875-20 as follows:

“Operator” means the owner or operator of any facility or activity subject to the VESMA and this chapter. In the context of stormwater associated with a large or small construction activity, “operator” means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit or VESMP authority permit conditions (i.e., the person is authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions). In the context of stormwater discharges from an MS4, “operator” means the operator of the regulated MS4 system.

9VAC25-880-70. Part III.K. Signatory requirements. All registration statements shall be signed as follows:

- a. *“For a corporation: by a responsible corporate officer. For the purpose of this chapter, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;*
- b. *For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or*
- c. *For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this chapter, a principal executive officer of a public agency includes (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.”*

Certification: "I certify under penalty of law that I have read and understand this registration statement and that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Printed Name: _____

Signature (signed in ink): _____

Date Signed: _____

Section VI. Submittal Instructions. Submit this form to the VESMP Authority. If the locality is the VESMP Authority, please send your registration statement submittal directly to the locality; do NOT send this form to DEQ. A list of local VESMP Authorities is available here: [VESMP Authorities](#).

If the locality is the VESMP Authority, please send to:

The Local VESMP Authority (insert address below):

| |
|--|
| <p>City of Winchester Engineering Department 301 E Cork Street Winchester, VA 22601</p> <p>engineering@winchesterva.gov</p> |
|--|

CONSTRUCTION GENERAL PERMIT (VAR10) REGISTRATION STATEMENT 2024
INSTRUCTIONS
PLEASE DO NOT PRINT OR SUBMIT

This registration statement is for coverage under the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (also referred to as the Construction General Permit). This form covers the following permit actions: new permit issuance, existing permit modification with an increase in acreage, existing permit modifications that result in a plan modification but do not result in an increase in disturbed acreage, and reissuance of an active permit coverage.

Application type. Select **NEW PERMIT ISSUANCE** to obtain a new permit coverage. Modifications are for modifying an existing, active permit coverage. Select **MODIFICATION WITH ACREAGE INCREASE** when the previously approved acreage(s) increases (permit modifications are not performed for decreases in acreage unless they result in plan changes – see Modification WITHOUT Acreage Increase). Select **MODIFICATION WITHOUT ACREAGE INCREASE** when there is a change to the site design resulting in a change to the approved plans with no increase in acreage(s). Select **EXISTING PERMIT REISSUANCE** to extend an expiring permit coverage for the next permit cycle and include the existing permit number.

Section I. Operator/Permittee/Billing Information.

A. Construction Activity Operator (Permittee). The person or entity that is applying for permit coverage and will have operational control over construction activities to ensure compliance with the general permit. For companies, use the complete, active, legal entity name as registered with a state corporation commission. Entities that are considered operators commonly consist of the property owner, developer of a project (the party with control of project plans and specifications), or general contractor (the party with day-to-day operational control of the activities at the project site that are necessary to ensure compliance with the general permit). If an individual person is listed as the operator, that person (or a legal representative of) must sign the certification in Section V. An operator may be one of the following:

9VAC25-875-20. Definitions.

“Operator” means the owner or operator of any facility or activity subject to the VESMA and this chapter. In the context of stormwater associated with a large or small construction activity, “operator” means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit or VESMP authority permit conditions (i.e., the person is authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions). In the context of stormwater discharges from an MS4, “operator” means the operator of the regulated MS4 system.

“Owner” means the same as that term as defined in § 62.1-44.3 of the Code of Virginia. For a regulated land-disturbing activity that does not require a permit, “owner” also means the owner of the freehold of the premises of lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a property.

“Person” means any individual, partnership, firm, association, joint venture, public or state corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body or any other legal entity.

B. May we transmit correspondence electronically? If you choose **YES** to this question and provide an email address in Section I. A., all correspondence, forms, invoices and notifications will be transmitted by email to the operator. This will also give the operator the ability to pay by credit card and to receive permit coverage approval letters immediately upon permit approval.

Section II. Construction Activity Information.

A. A legible site map showing the location of the existing or proposed land-disturbing activities for which the operator is seeking permit coverage, the limits of land disturbance, construction entrances, construction support activities, and all water bodies receiving stormwater discharges from the construction site must be included with the submittal of this form. Aerial imagery maps or topographic maps showing the required items are acceptable. Plan sheet sized site maps are not required. Please consult your VESMP authority if you have additional questions regarding site map requirements.

B. Construction Activity Name and location. Provide a descriptive name of the construction activity to be covered under the general permit (it is helpful to use the same naming convention as listed on the Stormwater Management plans), 911 street address (if available), city/county of the construction activity, and the 6-digit latitude and longitude in decimal degrees format for the centroid, main construction entrance or start and end points for linear projects (i.e., 37.1234, -77.1234).

C. Acreage totals for all construction site activities, on- and off-site, to be included under this permit. Acreages are to be reported to the nearest one-hundredth acre (two decimal places, i.e., 1.15 acres). Provide the total acreage of the construction site as approved on the Stormwater Management Plans and the estimated on-site acreage to be disturbed by the construction activity as approved under the Erosion and Sediment Control Plans. The off-site estimated area to be disturbed is the sum of the disturbed acreages for all off-site support activities to be covered under this general permit. The total area of the construction site includes the construction support activities located on-site and off-site. Permit fees are calculated based on your disturbed acreage total for all on- and off-site areas being disturbed under this permit coverage (the sum of all on-site and off-site disturbed acreages).

D. Construction activity owner status. The status of the construction activity property owner. Any property not owned by a government entity or agency (i.e. federal, state or local governments) is **PRIVATE**.

E. Nature of the construction activity description. Choose the designation that best describes the post-construction use of this project (you may choose more than one). (i.e. commercial, industrial, residential, agricultural, utility, solar, linear, stream restoration, etc.). Describe the post-construction use of the project (i.e. commercial – one new office building and associated parking and utilities; transportation – linear roads, sidewalks and utilities; agricultural – three poultry houses, etc.).

F. Municipal Separate Storm Sewer System (MS4) name(s) if discharging to an MS4. If stormwater is discharged through an MS4 (either partially or completely), provide the name of the MS4(s) that will be receiving water from this construction activity. The MS4 name is typically the town, city, county, institute, or federal facility where the construction activity is located.

G. Estimated construction activity dates. Provide the estimated construction activity start date and completion date in Month/Day/Year or MM/DD/YYYY format (i.e. 07/30/2019).

H. Is this construction activity is part of a larger common plan of development or sale? Per 9VAC25-875-20, “common plan of development or sale” means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules (i.e. a subdivision, commercial development, business park, etc.).

I. Sixth (6th) Order Hydrologic Unit Code (HUC) and associated Receiving Water Name(s). Provide all 6th order HUCs and receiving waterbody names, for the primary site and any off-site areas included under this permit coverage, that could potentially receive stormwater runoff discharging from this activity. The HUC can be either a 12-digit number (i.e., 0208010101) or 2-letter, 2-number code (i.e., JL52). Include additional HUCs or receiving waters on a separate page. You may utilize DEQ’s web-based GIS application to obtain this information.

- DEQ Environmental Data Mapper (EDM) application link: [Environmental Data Mapper](#)
- Instructions, help and resources for using DEQ’s EDM application link: [EDM Help & Resources](#)

Section III. Off-site Support Activity Location Information.

This general permit also authorizes stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas, etc.) located on-site or off-site provided that (i) the support activity specifically supports the construction activity that is required to have general permit coverage; (ii) the support activity is not a commercial operation, nor does it serve multiple unrelated construction activities by different operators; (iii) the support activity does not operate beyond the completion of the construction activity it supports; (iv) the support activity is identified in the registration statement at the time of general permit coverage; (v) appropriate control measures are identified in a SWPPP and implemented to address the discharges from the support activity areas; and (vi) all applicable state, federal, and local approvals are obtained for the support activity.

Off-site activity name and location information. Provide a descriptive off-site project name, 911 street address (if available), construction entrance location (address or description), city/county and the 6-digit latitude and longitude in decimal degrees (i.e., 37.1234, -77.1234) of all off-site support activities. Indicate whether the off-site support activity will be covered under this general permit or a separate VPDES permit.

If excavated material (i.e., fill) will be transported off-site for disposal, the name and physical location address, when available, of all off-site excavated material disposal areas including city or county; 6-digit latitude and longitude in decimal degrees (i.e., 37.1234, -77.1234) and the contents of the excavated material.

List additional off-site areas to be included under this permit coverage on a separate page. Off-site areas not included on this registration will need to obtain coverage under a separate VPDES permit.

Section IV. Other Information.

A. A stormwater pollution prevention plan (SWPPP) must be prepared prior to submitting the registration statement per 9VAC25-880. See 9VAC25-880-70 Part II Of the General Permit for the SWPPP requirements.

B. If the Erosion and Sediment Control Plan for the estimated area to be disturbed listed in Section II. C has been submitted to the Virginia Erosion and Sediment Control Program (VESCP) Authority for review and approval, choose **YES**. If you are submitting this application to reissue an existing permit coverage, please provide the date that the VESCP Authority approved the Erosion and Sediment Control Plan for the estimated area to be disturbed. If land disturbance has commenced, choose **YES**. “Land disturbance” or “land-disturbing activity” means a man-made change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land.

D. If this project is using approved Standards and Specifications (S&S), attach the completed S&S Entity Form. If the S&S Entity is different from the operator identified in Section I.A., list the S&S Entity Name. The S&S entity is the entity or agency that holds the approved standards & specification. Please indicate if this project is also requesting a plan waiver.

- S&S Entity Form link: [Standards and Specifications Entity Information Form](#)

E. If nutrient credits will be used to comply with the water quality design criteria requirements (9VAC25-875-590), choose **YES**. In addition, include a copy of the letter of availability from an appropriate nutrient bank that nonpoint source nutrient credits are available. If nutrient credits will not be used, choose **NO**.

Section V. Certification.

A properly authorized individual associated with the operator identified in Section I.A. of the registration statement is responsible for certifying and signing the registration statement. A person must physically sign the certification, a typed signature is unacceptable. State statutes provide for severe penalties for submitting false information on the registration statement. State regulations require that the registration statement be signed as follows per 9VAC25-880-70 Part III.K.1:

- “a. For a corporation: by a responsible corporate officer. For the purpose of this part, a responsible corporate officer means:*
- (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or*
 - (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure;*
- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or*
- c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this part, a principal executive officer of a public agency includes:*
- (i) the chief executive officer of the agency, or*
 - (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.*

Section VI. Submittal Instructions.

Submit this completed signed form to the VESMP/VSMP authority that has jurisdiction for your construction activity. The appropriate authority may be either the local government your locality depending on the location and type of project or DEQ. If your project is under the jurisdiction of a local VESMP authority, please contact the locality for additional submittal instructions. A blank area is provided for the local VESMP authority’s mailing address.

Who is the authority for my project? DEQ or the locality?

- **DEQ:** DEQ is the VSMP Authority and administers permit coverage for land-disturbing activities that are:
 - within a locality that is not a VESMP authority;
 - owned by the State or Federal government; or
 - utilizing approved Standards and Specifications.

Email the completed and signed form to: constructiongp@deq.virginia.gov

- **The Locality:** The local government (locality) is the VESMP authority and administers permit coverage for all other projects not covered by DEQ as listed above. For these projects, please submit permit forms directly to the local VESMP authority. A list of local VESMP authorities is available on DEQ’s website here: [Local VESMP Authority List](#).

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
GENERAL VPDES PERMIT FOR DISCHARGES OF STORMWATER
FROM CONSTRUCTION ACTIVITIES (VAR10) PERMIT FEE FORM 2024**

Section I. Construction Activity Operator/Permittee Information. Operator information as it appears on the registration statement for a new permit issuance or the current, active permit coverage.

Operator Name: _____

Contact Person: _____

Address: _____

City, State and Zip Code: _____

Phone Number: _____

Primary Email: _____

CC Email: _____

Section II. Construction Activity Location Information. Location information regarding the construction activity.

Existing Permit Number
(if applicable): _____

Construction Activity
Name: _____

City and/or County
and Zip Code: _____

Section III. Type of Permit. Choose the type of construction activity permit for which you are applying (choose one).

General Permit Coverage Individual Permit Coverage Expedited General Permit Coverage (>100 acres)

Section IV. Type of Permit Action. Choose the type of permit being performed (choose one).

New Issuance Reissuance Maintenance Modification Transfer

Section V. Fee. The fee is calculated based on the total estimated area to be disturbed by the construction activity. From the Fee Schedule. Amount of fee submitted: _____

Section VI. Instructions. Fees are required and must be paid when applications for permit issuance, reissuance, modification or transfer are submitted. Applications are considered incomplete if the proper fee is not paid in full and will not be processed until the fee is received. The fee schedule for permits is included with this form. Invoices will be emailed if you chose "YES" to e-transmit and included a valid email on your permit registration statement.

Please submit this form to the VESMP Authority that has jurisdiction for your construction activity. If the locality is the VESMP Authority, please submit your form directly to the locality; do NOT send this form to DEQ.

If DEQ is the VSMP Authority, please send to:
Department of Environmental Quality
Office of Stormwater Management Suite 1400
PO Box 1105
Richmond VA 23218
constructiongp@deq.virginia.gov

If the locality is the VESMP Authority, please send to:
The Local VESMP Authority (*insert address below*):

| |
|--|
| <p>City of Winchester 301 E Cork Street Winchester, VA 22601 engineering@winchesterva.gov</p> |
|--|

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
GENERAL VPDES PERMIT FOR DISCHARGES OF STORMWATER
FROM CONSTRUCTION ACTIVITIES (VAR10) PERMIT FEE FORM 2024**

A. Individual Permits. The fee for filing a permit application for a Construction Activity Individual Permit issued by the Board is as follows: (NOTE: Individual permittees pay an annual permit maintenance fee instead of a reapplication fee. The permittee is billed separately by DEQ for the annual permit maintenance fee.)

| TYPE OF PERMIT | ISSUANCE |
|---|----------|
| Individual Permit for Discharges from Construction Activities | \$15,000 |

B. Registration Statements. The fee for filing a permit application (registration statement) for coverage under a Construction Activity General Permit issued by the Board, including a state or federal agency that does not administer a project in accordance with approved annual standards and specifications, is as follows:

| TYPE OF PERMIT | ISSUANCE |
|---|----------|
| General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre, except for single-family detached residential structures) | \$290 |
| General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres) | \$2,700 |
| General / Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres) | \$3,400 |
| General / Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres) | \$4,500 |
| General / Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres) | \$6,100 |
| General / Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres) | \$9,600 |

The fee for filing a permit application (registration statement) for coverage under a Construction Activity General Permit issued by the Board for a state or federal agency that administers a project in accordance with approved annual standards and specifications is as follows:

| TYPE OF PERMIT | ISSUANCE |
|--|----------|
| Construction General / Stormwater Management – Phase I Land Clearing (“Large” Construction Activity – Sites or common plans of development or sale equal to or greater than 5 acres) | \$750 |
| Construction General / Stormwater Management – Phase II Land Clearing (“Small” Construction Activity – Sites or common plans of development or sale equal to or greater than 1 acre and less than 5 acres) | \$450 |

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
GENERAL VPDES PERMIT FOR DISCHARGES OF STORMWATER
FROM CONSTRUCTION ACTIVITIES (VAR10) PERMIT FEE FORM 2024**

| | |
|---|---------|
| General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres) | \$900 |
| General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres) | \$1,400 |
| Individual Permit for Discharges from Construction Activities | \$3,000 |

APPENDIX B
TRANSFER OF OWNERSHIP
AGREEMENT 2024

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
GENERAL VPDES PERMIT FOR DISCHARGES OF STORMWATER
FROM CONSTRUCTION ACTIVITIES (VAR10)
TRANSFER OF OWNERSHIP AGREEMENT 2024

Permit Coverage Number (VAR10#####): _____

Construction Activity Name: _____

Section I. Current Construction Activity Operator/Permittee Information. Operator information as it appears on the current, active permit coverage.

Operator Name: _____

Contact Person: _____

Address: _____

City, State and Zip Code: _____

Phone Number: _____

Primary Email: _____

CC Email: _____

“I (We) hereby agree to the transfer of ownership modification to the referenced General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10).”

Printed Name: _____

Signature: _____

Date: _____

Section II. New Construction Activity Operator/Permittee Information. Permit coverage will be transferred to this person or entity.

Construction Activity Operator Name (NEW): _____

Contact Person: _____

Address: _____

City, State and Zip Code: _____

Phone Number: _____

Primary Email: _____

CC Email: _____

“I (We) hereby agree to the transfer of ownership modification to the referenced General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10).”

Printed Name: _____

Signature: _____

Date: _____

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
GENERAL VPDES PERMIT FOR DISCHARGES OF STORMWATER
FROM CONSTRUCTION ACTIVITIES (VAR10)
TRANSFER OF OWNERSHIP AGREEMENT 2024

Section III. New Construction Activity Operator/Permittee Billing Information. This entity will receive Annual Permit Maintenance and Permit Modification Fee invoices (if applicable). Leave this section blank if same as the New Operator as identified in Section II.

Billing Entity Name: _____

Contact Person: _____

Address: _____

City, State and Zip Code: _____

Phone Number: _____

Primary Email: _____

CC Email: _____

May we transmit correspondence electronically? You must choose **YES** and include a valid email in order to pay by credit card and to receive your transfer approval letter via email: **YES** **NO**

Section IV. Instructions.

A properly authorized individual as specified in the General VPDES Permit for Stormwater Discharges from Construction Activities (VAR10), Part III K (Signatory Requirements) must physically sign this Transfer of Ownership Agreement.

Please retain a copy of this agreement form for your records and include a copy in your Stormwater Pollution Prevention Plan (SWPPP).

Submit this form to the VESMP Authority. If the locality is the VESMP Authority, please submit your Transfer of Ownership Agreement directly to the locality; do NOT send this form to DEQ. A list of local VESMP Authorities is available here: [VESMP Authorities](#).

If DEQ is the VSMP Authority, please send to:

**Department of Environmental Quality
Office of Stormwater Management Suite 1400
PO Box 1105
Richmond VA 23218
constructiongp@deq.virginia.gov**

If the locality is the VESMP Authority, please send to:

The Local VESMP Authority (*insert address below*)

| |
|--|
| <p>City of Winchester 301 E Cork Street Winchester, VA 22601 engineering@winchesterva.gov</p> |
|--|

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
GENERAL VPDES PERMIT FOR DISCHARGES OF STORMWATER
FROM CONSTRUCTION ACTIVITIES (VAR10) PERMIT FEE FORM 2024**

C. Permit Modification or Transfer Fees. The following fees apply to the modification or transfer of a Construction Activity Individual Permit or a Construction Activity General Permit issued by the Board. The fee assessed shall be based on the total disturbed acreage of the construction activity. In addition to the permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial Construction Activity General Permit fee paid and the Construction Activity General Permit fee that would have applied for the total disturbed acreage in Section B.

| TYPE OF PERMIT | MODIFICATION |
|---|--------------|
| General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than one acre, except for single-family detached residential structures) | \$20 |
| General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one and less than five acres) | \$200 |
| General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres) | \$250 |
| General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres) | \$300 |
| General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres) | \$450 |
| General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres) | \$700 |
| Individual Permit for Discharges from Construction Activities | \$5,000 |

D. Permit Maintenance Fees. The following annual permit maintenance fees apply to each permit identified below, including expired permits that have been administratively continued. No annual permit maintenance fee is required for coverage under a Construction Activity General Permit for a state or federal agency that administers a project in accordance with approved annual standards and specifications.

| TYPE OF PERMIT | MAINTENANCE |
|---|-------------|
| General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than one acre, except for single-family detached residential structures) | \$50 |
| General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one and less than five acres) | \$400 |
| General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres) | \$500 |
| General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres) | \$650 |

APPENDIX C
STORMWATER MANAGEMENT PERFORMANCE BOND
FORM

STORMWATER MANAGEMENT PERFORMANCE BOND

Bond number _____

KNOW ALL MEN BY THESE PRESENTS, that we _____ as principal, and _____ a corporate duly authorized as a Surety company to transact business in the Commonwealth of Virginia, as Surety, are held and firmly bound unto the City of Winchester, Virginia, a political subdivision of the Commonwealth of Virginia, as Oblige, in the sum of _____ Dollars (\$ _____ in lawful money of the United States, for the payment of which sum, well and truly to be made, we, the Principal and Surety, unconditionally bind ourselves and our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, the Principals desires to engage in land disturbing activity on property owned by: _____ and described as: _____.

AND WHEREAS, the Principal had submitted to the Stormwater Management Program Administrator of the City of Winchester for approval a Stormwater Management Plan prepared by _____, dated _____ and submitted to the City of Winchester for land disturbing activity on the above described property (the "Plan").

NOW, THEREFORE, the condition of this obligation is such that if the City of Winchester approves the Plan, and any revisions to the Plan, and if the Principal within the time specified and in accordance with the Plan and any revisions and in accordance with the City of Winchester Code, shall faithfully perform each and every conservation activity required by the City Code and specified in the Plan, and any revision thereof, then the above obligations shall terminate in accordance with the terms of this bond. Otherwise, they shall be and remain in full force and effect.

Whenever the Principal shall fail, and be declared by the Oblige to have failed to perform the required conservation activities, the Surety, within five (5) business days of a written demand by the Oblige, shall promptly pay to the Oblige the amount of this bond, which shall be used by the Oblige to perform or to arrange for performance of the Principal's obligation. No other action by the Oblige shall be necessary to receive such payment from the Surety. Any expended or unobligated portion of such bond shall be refunded to the Surety by the Oblige at the expiration of sixty (60) days from the successful stabilization and completion of the land disturbing activity. In no event shall the aggregate liability of Surety exceed the amount of the bond.

This bond shall terminate at the expiration of sixty (60) days from the date of written notice to the Surety from the City of Winchester of completion of the land disturbing activity; however, such termination shall not discharge the Surety from any liability previously accrued pursuant to this bond.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the term of the Plan shall in any way affect its obligation on this bond and the Surety hereby waives notice of any such change, extension of time, alteration or addition to the terms of the plan.

ACKNOWLEDGEMENT FOR PRINCIPAL

State of _____
County/City of _____, to wit:

I, _____, a Notary Public in and for the County/City and State aforesaid, do certify that _____ whose name is signed to the foregoing bond, personally appeared before me in my County/City and State aforesaid and acknowledged the same to be his act and deed.

My commission expires _____.

Given under my hand and seal this _____ day of _____, 20____.

Notary Public

ACKNOWLEDGEMENT FOR SURETY

State of _____
County/City of _____, to wit:

I, _____, a Notary Public in and for the County/City and State aforesaid, do certify that _____ whose name is signed to the foregoing bond, personally appeared before me in my County/City and State aforesaid and acknowledged the same to be his act and deed.

My commission expires _____.

Given under my hand and seal this _____ day of _____, 20____.

Notary Public

IN WITNESS HEREOF, the Principal and Surety have hereunto affixed their names and seals this _____ day of _____, 20____.

PRINCIPAL

By: _____

Title: _____

SURETY

By: _____

APPENDIX D
IRREVOCABLE LETTER OF CREDIT
BANK AGREEMENT
FORM

**IRREVOCABLE LETTER OF CREDIT
BANK AGREEMENT**

BENEFICIARY:
TREASURER, CITY OF WINCHESTER
301 E CORK STREET
WINCHESTER, VA 22601

PERMITTEE:
ADDRESS:

ISSUING BANK:
ADDRESS:

DATE OF ISSUE:

AMOUNT: \$

EXPIRY DATE:

ISSUING BANK ABA NO.:

PROJECT/SUBDIVISION: _____

PHASE(S): _____

We hereby issue our Irrevocable Letter of Credit No. _____ in favor of the Treasurer, City of Winchester, Virginia, for the account of _____ its agents, successors or assigns for a sum not exceeding _____

U.S. Dollars (\$) available by your sight draft on the above stated Issuing Bank and accompanied by documents stated below:

A certified statement signed by the Stormwater Management Program Administrator stating that (Permittee) _____ has not satisfactorily completed the construction of and/or satisfactorily maintained, all stormwater management facilities required by City Code and specified in the Stormwater Management Plan for _____, the approved site plan/subdivision.

A statement signed by the Stormwater Management Program Administrator that: "The drawing is for the explicit purpose of providing for the completion or maintenance of a required facility or function pursuant to the requirements of Chapter 9 – Water Protection Ordinance of the City Code and pursuant to the agreement of the Subdivider, Developer, or his agent to comply with said ordinance as a condition of the approval of the site plan/subdivision stormwater management plan to the satisfaction of the Stormwater Management Program Administrator."

We hereby engage with drawers, endorsers, and bona fide holders that all drafts drawn in compliance with the terms of this credit shall be duly honored upon presentation and delivery of the above documents.

This Irrevocable Letter of Credit shall remain in full force and effect for a minimum of one (1) year from the date hereof and shall be automatically extended for additional terms of six (6) months from the present or future expiration dates unless, sixty (60) days prior to such date or dates, the above named bank or financial institution issuing the instrument notifies the City in writing by certified mail that they elect not to renew the instrument for such additional period.

During the last thirty (30) days while this Letter of Credit is in force and effect and after notice of termination has been given, the City may draw up to the full amount of the sum when accompanied by a document stating that (Permittee)_____has failed to provide an acceptable substitute Irrevocable Letter of Credit or deposit in escrow, and a document stating that "The drawing will be held by the City for the sole purpose of providing for the completion and/or maintenance of all stormwater management requirements to the satisfaction of the Stormwater Management Program Administrator."

This credit shall be terminated upon the Stormwater Management Program Administrator giving written release to (Permittee or Developer) _____stating that they have satisfactorily performed and fulfilled the obligations and requirements of the subject site plan/subdivision.

Attest:_____

Authorized Signature

Typed or Printed Name

Title

ACKNOWLEDGEMENT FOR SURETY

State of _____
County/City of _____, to wit:

I, _____, a Notary Public in and for the County/City and State aforesaid, do certify that _____ whose name is signed to the foregoing letter of credit, personally appeared before me in my County/City and State aforesaid and acknowledged the same to be his act and deed.

My commission expires_____.

Given under my hand and seal this _____ day of _____, 20_____.

Notary Public

APPENDIX E

STORMWATER MANAGEMENT/BMP FACILITIES

MAINTENANCE AGREEMENT

FORM

STORMWATER MANAGEMENT/BMP FACILITIES MAINTENANCE AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 20____, by and between _____ (insert full name of Owner) hereinafter called the “Landowner”, and the City Council of the City of Winchester, Virginia, hereinafter call the “City.”

WITNESSETH, that

WHEREAS, the Landowner is the owner of certain real property described at _____ (insert City of Winchester tax map/parcel identification number) as recorded by deed in the land records of the City of Winchester, Virginia as Deed Book_____, Page____, hereinafter called the “Property”;

WHEREAS, the Landowner is proceeding to build on and develop the property; and

WHEREAS, the Site Plan/Subdivision Plan known as _____ (insert name of plan), hereinafter called the “Plan”, which is expressly made a part hereof, as approved or to be approved by the City, provides for detention of stormwater within the confines of the property; and

WHEREAS, the City and the Landowner, its successors and assigns, including any homeowners association, agree that the health, safety, and welfare of the residents of the City of Winchester, Virginia, require that on-site stormwater management/BMP facilities be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site stormwater management/BMP facilities as shown on the Plan be constructed and adequately maintained by the Landowner, its successors and assigns, including any homeowners association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows;

1. The on-site stormwater management/BMP facilities shall be constructed by the Landowner, its successors and assigns, in accordance with the plans and specifications identified in the Plan.
2. The Landowner, its successors and assigns, including any homeowners association, shall adequately maintain the stormwater management/BMP facilities. This includes all pipes and channels built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions. The Annual Inspection report form is to be used to establish what good working condition is acceptable to the City.
3. The Landowner, its successors and assigns, shall inspect the stormwater management/BMP facility and submit an inspection report annually. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection report shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report.
4. The Landowner, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management/BMP facilities whenever the City deems necessary. The purpose of inspection is to follow-up on reported deficiencies and/or to respond to citizen complaints. The City shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.

5. In the event the Landowner, its successors and assigns, fails to maintain the stormwater management/BMP facilities in good working condition acceptable to the City, the City may enter upon the Property and take whatever steps necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs to the Landowner, its successors and assigns. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management/BMP facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City.

6. The Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management/BMP facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed. The Owner shall keep written maintenance and repair records and provide copies to the Department upon request.

7. In the event the City pursuant to the Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.

8. This Agreement imposes no liability of any kind whatsoever on the City and the Landowner agrees to save, hold, and indemnify the City to all liability, claims, demands, costs and expenses arising from, or out of, the Owner's failure to comply with the terms and conditions set forth herein, or arising from acts of the Owner related to the construction, operation, maintenance or repair of the Facility.

9. This Agreement shall be recorded among the land records of the City of Winchester, Virginia, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association.

10. This agreement shall be governed by the laws of the Commonwealth of Virginia.

11. Any disputes arising from or as a result of this Agreement shall be resolved in the Circuit Court for the City of Winchester, Virginia or the Fourth Circuit Federal District Court in Harrisonburg

12. If any provision of this Agreement is found to be illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this agreement.

Company/Corporation/Partnership Name (Seal)

By: _____

(Type Name)

(Type Title)

STATE OF _____ CITY OF _____

The foregoing Agreement was acknowledged before me this ____ day of _____, 20__, by
_____. My Commission Expires: _____

NOTARY PUBLIC

CITY OF WINCHESTER, VIRGINIA

By: _____

(Type Name)

(Type Title)

STATE OF _____ CITY OF _____

The foregoing Agreement was acknowledged before me this ____ day of _____, 20__, by
_____. My Commission Expires: _____

NOTARY PUBLIC

Approved as to form: _____

City Attorney

APPENDIX F
2024 VSMP TERMINATION
FORM

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
GENERAL VPDES PERMIT FOR DISCHARGES OF
STORMWATER FROM CONSTRUCTION ACTIVITIES (VAR10)
NOTICE OF TERMINATION 2024**

Permit Coverage Number (VAR10#####): _____

Section I. Operator/Permittee Information. The person or entity that has active permit coverage approval and operational control over construction activities to ensure compliance with the general permit. A person with signatory authority for this operator must sign the certification in Section VII (per Part III K of the VAR10 Permit).

Construction Activity Operator Name: _____

Contact Person: _____

Address: _____

City, State, Zip Code: _____

Phone Number: _____

Primary Email: _____

Section II. Construction Activity Location Information. Project site information.

Construction Activity Name: _____

Address: _____

City and/or County and Zip Code: _____

Latitude and Longitude (6-digit, decimal degrees format): _____

Section III. Requirements for Termination of general permit coverage. The operator of the construction activity shall submit a complete and accurate notice of termination, unless a registration statement was not required to be submitted in accordance with 9VAC25-880-50 A 1 c or A 2 b for a stormwater discharge associated with a small construction activity of a single family detached residential structure, within or outside of a common plan of development or sale, to the VESMP authority after one or more of the following conditions have been met:

- Necessary permanent control measures included in the SWPPP for the construction site are in place and functioning effectively **and** final stabilization has been achieved on all portions of the construction site for which the operator has operational control. When applicable, long-term responsibility and maintenance requirements for permanent control measures shall be recorded in the local land records prior to the submission of a complete and accurate notice of termination, and the construction record drawing prepared.
- Another operator has assumed control over all areas of the construction site that have not been finally stabilized and obtained coverage for the ongoing discharge.
- Coverage under an alternative VPDES permit or other applicable permit has been obtained.
- For individual lots in residential construction only, final stabilization as defined in 9VAC25-880-1 has been completed, including providing written notification to the homeowner and incorporating a copy of the notification and signed certification statement into the SWPPP, and the residence has been transferred to the homeowner.

CONSTRUCTION GENERAL PERMIT (VAR10) NOTICE OF TERMINATION 2024

Section IV. Participation in a Regional Stormwater Management Plan. If your site discharges to a regional stormwater management facility, provide information related to the regional stormwater management plan. Attach a separate list if discharging to multiple regional facilities.

Regional Stormwater Management Facility Type: _____

Address: _____

City, State, Zip Code: _____

Latitude and Longitude (6-digit, decimal degrees format): _____

Total Site Acres Treated by Regional Facility (report to one-hundredth of an acre): _____

Impervious Site Acres Treated by Regional Facility (report to one-hundredth of an acre): _____

Section V. Perpetual Nutrient Credits. If your site is utilizing nutrient credits, provide information related to the perpetual nutrient credits that were acquired in accordance with § 62.1-44.15:35 of the Code of Virginia. Attach a separate list if needed.

Nonpoint Nutrient Credit Generating Entity (Bank Name): _____

Perpetual Nutrient Credits Acquired (pounds/acres/year): _____

*An affidavit of sale is required for all nutrient credits acquired.

Section VI. Permanent Control Measures. If applicable, list the permanent stormwater management facilities or best management practices (BMPs) that were constructed and installed as part of this activity to comply with the stormwater management water quality and water quantity technical criteria (structural and nonstructural, on-site and off-site). Attach a separate list if needed.

Was a permanent control measure constructed and installed to comply with the stormwater management water quality and water quantity technical criteria? YES NO

If you have permanent control measures, the following items are required to be submitted with this form to complete your Notice of Termination submittal:

- A. [Engineer's Certification Statement](#)
- B. As-built plans (construction record drawings) – digital
- C. Stormwater Management Plans - digital
- D. [BMP Maintenance Agreement](#) (notarized original for projects where DEQ is the VSMP Authority)
- E. BMP Maintenance Agreement Court Receipt
- F. Affidavit of Sale for any nutrient credit purchases

CONSTRUCTION GENERAL PERMIT (VAR10) NOTICE OF TERMINATION 2024

Stormwater Management Facility Types (please choose from the following bmp types):

Part V, Article 4 (previously Part IIC) BMPs

Bioretention basin
Bioretention filter
Constructed wetlands
Extended detention (2 x WQ Vol)
Extended detention basin-enhanced
Grassed swale
Infiltration (1 x WQ Vol)
Infiltration (2 x WQ Vol)
Retention basin I (3 x WQ Vol)
Retention basin II (4 x WQ Vol)
Retention basin III (4 x WQ Vol with aquatic bench)
Sand filter
Vegetated filter strip
Other:

- Detention Only BMP
- Forest/Open Space
- Manufactured Treatment Device – Filtering
- Manufactured Treatment Device – Hydrodynamic
- Etc.

Part V, Article 3 (previously Part IIB) BMPs

Bioretention 1
Bioretention 2
Constructed Wetland 1
Constructed Wetland 2
Dry Swale 1
Dry Swale 2
Extended Detention Pond
Extended Detention Pond 2
Filtering Practice 1
Filtering Practice 2
Grass Channel
Infiltration 1
Infiltration 2
Permeable Pavement 1
Permeable Pavement 2
Rooftop Disconnection
Sheet flow to Vegetated Filter or Conserved Open Space 1
Sheet flow to Vegetated Filter or Conserved Open Space 2
Urban Bioretention
Vegetated Roof 1
Vegetated Roof 2
Wet Pond 1
Wet Pond 2
Wet Swale 1
Wet Swale 2
Other:

- Detention Only BMP
- Forest
- Manufactured Treatment Device – Biofilter
- Manufactured Treatment Device – Filtering
- Manufactured Treatment Device – Hydrodynamic
- Regenerative Stormwater Conveyance 1
- Regenerative Stormwater Conveyance 2
- Tree BMP over Impervious
- Tree BMP over Pervious, A/B Soils
- Tree BMP over Pervious, C/D Soils
- Etc.

CONSTRUCTION GENERAL PERMIT (VAR10) NOTICE OF TERMINATION 2024

| | |
|---|--|
| Stormwater Management Facility #1 BMP Type: | |
| Date BMP Became Functional: | |
| Address (if available): | |
| City and/or County and Zip Code: | |
| Latitude and Longitude (6-digit, decimal degrees format): | |
| Receiving Water(s) (outfall discharge): | |
| Total Acres Treated (report to one-hundredth of an acre): | |
| Impervious Acres Treated (report to one-hundredth of an acre): | |

| | |
|---|--|
| Stormwater Management Facility #2 BMP Type: | |
| Date BMP Became Functional: | |
| Address (if available): | |
| City and/or County and Zip Code: | |
| Latitude and Longitude (6-digit, decimal degrees format): | |
| Receiving Water(s) (outfall discharge): | |
| Total Acres Treated (report to one-hundredth of an acre): | |
| Impervious Acres Treated (report to one-hundredth of an acre): | |

| | |
|---|--|
| Stormwater Management Facility #3 BMP Type: | |
| Date BMP Became Functional: | |
| Address (if available): | |
| City and/or County and Zip Code: | |
| Latitude and Longitude (6-digit, decimal degrees format): | |
| Receiving Water(s) (outfall discharge): | |
| Total Acres Treated (report to one-hundredth of an acre): | |
| Impervious Acres Treated (report to one-hundredth of an acre): | |

CONSTRUCTION GENERAL PERMIT (VAR10) NOTICE OF TERMINATION 2024

Section VII. Certification. This Certification must be signed by a person representing the operator identified in Section I. and meeting the requirements of Part III K of 9VAC25-880-70.

Certification: "I certify under penalty of law that I have read and understand this notice of termination and that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Printed Name: _____

Signature (signed in ink): _____

Date: _____

Section VIII. Submittal Instructions. Please submit this form to the appropriate Virginia Erosion and Stormwater Management Program (VESMP) authority that has jurisdiction for your construction activity or to DEQ where DEQ serves as the Virginia Stormwater Management Program (VSMP) authority. If the locality is the VESMP Authority, please submit your form directly to the locality; do NOT send this form to DEQ. A list of local VESMP Authorities is available here: [VESMP Authorities](#).

If DEQ is the VSMP Authority, please send to:

**Department of Environmental Quality
Office of Stormwater Management Suite 1400
PO Box 1105
Richmond VA 23218
constructiongp@deq.virginia.gov**

If the locality is the VESMP Authority, please send to:

Local VESMP Authority (*insert address below*)

**City of Winchester
301 E Cork Street
Winchester, VA 22601
engineering@winchesterva.gov**

Permit terminations may be delayed if there are outstanding Annual Maintenance Fee balances.

CONSTRUCTION GENERAL PERMIT (VAR10) NOTICE OF TERMINATION 2024 INSTRUCTIONS
PLEASE DO NOT PRINT OR SUBMIT

A complete and accurate notice of termination is required for terminating coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities. Termination shall become effective upon notification from the department that the provisions of termination have been met or 90 days after receipt of a complete and accurate notice of termination, whichever occurs first, unless otherwise notified by the VESMP authority or the department. With terminating coverage, the operator shall submit all permit fees including all outstanding permit maintenance fees in accordance with 9VAC25-875-1290 unless not required.

Permit Coverage Number. Include your existing, active permit coverage number. Example: VAR10#####.

Section I. Operator/Permittee Information. The construction activity operator (permittee). The permittee with active permit coverage and that has operational control over the construction activities to ensure compliance with the general permit. For companies, use the complete, active, legal entity name as registered with a state corporation commission. Entities that are considered operators commonly consist of the property owner, developer of a project (the party with direct operational control of construction plans and specifications), or general contractor (the party with day-to-day operational control of the activities at the project site that are necessary to ensure compliance with the general permit). If an individual person is named as the operator, that person (or a representative of) must sign the certification in Section VII.

Section II. Construction Activity Location Information. Project site information. Complete this section with the same information as listed on the current registration statement. A list of active permits and location information is available on the DEQ website.

Section III. Reason for Terminating Coverage under the General Permit. The operator shall submit the notice of termination in accordance with 9VAC25-880-60, unless a registration statement was not required to be submitted in accordance with 9VAC25-880-50 A 1 c or A 2 b for single-family detached residential structures, to the VESMP authority after one or more of the following conditions being met:

1. Necessary permanent control measures included in the SWPPP for the construction site are in place and functioning effectively and final stabilization has been achieved on all portions of the construction site for which the operator has operational control. When applicable, long-term responsibility and maintenance requirements for permanent control measures shall be recorded in the local land records prior to the submission of a complete and accurate notice of termination and the construction record drawing prepared;
2. Another operator has assumed control over all areas of the construction site that have not been finally stabilized and obtained coverage for the ongoing discharge;
3. Coverage under an alternative VPDES permit or other applicable permit has been obtained; or
4. For individual lots in residential construction only, final stabilization as defined in 9VAC25-880-1 has been completed, including providing written notification to the homeowner and incorporating a copy of the notification and signed certification statement into the SWPPP, and the residence has been transferred to the homeowner.

The notice of termination shall be submitted no later than 30 days after one of the above conditions is met. Termination of authorization to discharge shall become effective upon notification of the department of the provisions of this section have been met or 90 days after receipt of a complete and accurate notice of termination, in accordance with 9VAC25-880-60 C, whichever occurs first, unless otherwise notified by the VESMP authority or the department.

Section IV. Participation in a Regional Stormwater Management Plan. Where applicable, include information for each regional stormwater management facility to which this site contributes. If your site is contributing to more than one regional facility, please include the information for each facility in a separate list.

CONSTRUCTION GENERAL PERMIT (VAR10) NOTICE OF TERMINATION 2024 INSTRUCTIONS
PLEASE DO NOT PRINT OR SUBMIT

The following information shall be included for each regional stormwater management facility installed:

- The type of regional facility to which the site contributes (see the list of facility types on page 3 of the notice of termination).
- The location of the facility, including city or county, and latitude and longitude in decimal degrees.
- The number of total and impervious site acres treated by the regional facility to the nearest one-hundredth of an acre.

Section V. Perpetual Nutrient Credits. Where application, the following information related to perpetual nutrient credits that were acquired in accordance with § 62.1-44.15:35 of the Code of Virginia:

- The name of the nonpoint nutrient credit generating entity from which perpetual nutrient credits were acquired, and
- The number of perpetual nutrient credits acquired (pounds per acre per year).

Attach the affidavit(s) of sale for the purchase of all nutrient credits acquired for this activity.

Section VI. Permanent Control Measures. Where applicable, a list of the on-site and off-site permanent control measures (both structural and nonstructural) that were installed to comply with the stormwater management water quality and water quantity technical criteria. Clearly indicate if a permanent control measure was constructed and installed by selecting yes or no. For each permanent measure that was installed, the following information shall be included. Choose the type from the list provided in the notice of termination form Section VI. If you have multiple BMPs, attach a separate list if needed.

The following information shall be included for each permanent control measure installed:

- the type of permanent control measure installed and the date that it became functional as a permanent control measure;
- the location of the permanent control measure, including city or county, and latitude and longitude in decimal degrees (i.e., 37.1234, -77.1234);
- the receiving water(s) to which the permanent control measure discharges; and
- the number of total and impervious acres treated by the permanent control measures to the nearest one-hundredth of an acre.

The following items are required to be submitted with the Notice of Termination if you have permanent control measures:

- [Engineer's Certification Statement](#): Signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities were constructed in accordance with the approved plan;
- Construction record drawing(s) (as-built plan) in a format as specified by the VESMP authority for long-term stormwater management facilities in accordance with 9VAC25-875-535 appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan;
- Stormwater management plans (digital); and
- [BMP Maintenance Agreement](#). Where applicable, evidence that the signed Stormwater Maintenance Agreement has been recorded in an instrument within the local land records; *Termination is not final until you submit the local court record of receipt to DEQ showing that the signed Stormwater Management Maintenance Agreement was recorded with the land deed.*

Section VII. Certification. This Certification must be signed by a person representing the operator identified in Section I and meeting the requirements of Part III K of 9VAC25-880-70.

CONSTRUCTION GENERAL PERMIT (VAR10) NOTICE OF TERMINATION 2024 INSTRUCTIONS
PLEASE DO NOT PRINT OR SUBMIT

Section VIII. Submittal Instructions. Submit this form to the VESMP authority that has jurisdiction for your construction activity. Depending on the location and type of project, the appropriate authority may be either your locality or DEQ where DEQ serves as the VSMP authority. If your project is under the jurisdiction of a local VESMP authority, please contact the locality for additional submittal instructions. A blank area is provided for the local VESMP authority to include their mailing address.

Who is the appropriate stormwater management authority for my project? DEQ or the locality?

DEQ: DEQ is the VSMP Authority and administers permit coverage for land-disturbing activities that are:

- within a locality that is not a VESMP Authority;
- owned by the State or Federal government; or
- utilizing approved Standards and Specifications.

Email the completed and signed form to: constructiongp@deq.virginia.gov

The Locality: The local government (locality) is the VESMP Authority and administers permit coverage for all other projects not covered by DEQ as listed above. For these projects, please submit permit forms directly to the Local VESMP Authority. A list of Local VESMP Authorities is available on DEQ's website here: [Local VESMP Authority List](#).

For assistance or questions about the termination process, email constructiongp@deq.virginia.gov.