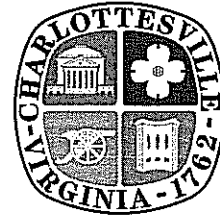


CITY OF CHARLOTTESVILLE
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Department of Neighborhood Development Services



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June 11, 2007

Ms. Katie Kellett
2411 Jefferson Park Avenue
Charlottesville, VA 22903

RE: Huntley Development

Dear Ms. Kellett:

This is in response to your letter regarding the Huntley Development. I will attempt to answer each of your comments/questions below:

You wrote, "I want to request that, in light of the requirement of the Virginia State General Permit for Discharges of Stormwater governing this site, your office require the developer to amend the entire Erosion and Sedimentation Control (ESC) plan for the Huntley Development to address the serious problems with pollutants in the stormwater discharges that are leaving the site. In addition I would like to ask that the ESC plan amendments include all the elements required pursuant to the General Permit.

Here's what DCR says about Stormwater Discharging and Construction Permits:

DCR's construction site stormwater permits are based upon EPA's construction stormwater general permit, and require construction site operators to develop and implement a stormwater pollution prevention plan that uses best management practices for erosion and sediment control at the construction site. During the development of the construction permit requirements, specific EPA erosion and sediment control permit requirements were modified to make them as consistent as possible with the DCR's ESC program requirements. Permits for construction sites do not typically contain monitoring requirements; however, they do require the operator to regularly inspect stormwater discharges from the site to ensure that the best management practices are controlling the discharge of pollutants to the maximum extent practicable, and are meeting water quality standards.

If a construction site has an approved Erosion and Sediment Control (ESC) plan from the locality or from DCR, a pollution prevention plan must still be developed, the construction site owners/operators are permitted to satisfy identical pollution prevention plan requirements

by simply referencing the approved Erosion and Sediment Control plan. This saves the construction site owner from duplicating identical requirements. The permit pollution prevention plan requires the operator to manage other wastes on site, such as building materials, garbage and debris, and to have controls to minimize the exposure of these materials to stormwater, and to minimize the discharge of pollutants to State water

Who Must Apply?

Owners/operators of construction activities equal to or larger than one acre are required to apply for registration coverage under the General Permit for Discharges of Stormwater From Construction Activities. Owners / operators of construction activities larger than 2,500 square feet and less than one acre located in Chesapeake Bay Preservation localities are also required to apply for registration for coverage.

In addition, construction activity (i) of less than one acre yet part of a common plan of development or sale disturbing one or more acres, and (ii) having the potential to discharge stormwater, requires coverage under the *VSMP General Permit for Discharges of Stormwater for Construction Activities*. A VSMP permit fee of \$500 is required for construction activity that derives from a common plan of development defined as large construction activity pursuant to 4 VAC 50-60-10 (i.e., disturbing greater than five acres). The VSMP permit fee for construction activity that derives from a common plan of development defined as small construction activity pursuant to 4 VAC 50-60-10 (i.e., disturbing greater than one acre and less than five acres) is \$300.

It is our policy to ask developments that meet this criteria to provide us with a copy of their application and check for \$300 to DCR showing us proof that they have started the process with DCR. It is DCR's responsibility to make sure that all of the concerns regarding Stormwater discharge are addressed through this plan. We do not grant final approval on E&S until we have proof that this process has begun. Phase I of Huntley did have to submit a plan to obtain a stormwater construction permit after the fact

Ms. Kellett wrote, "The Permit states that a SWPPP must be amended if it is determined that the plan is "ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the construction site".

We disagree that this is indeed happening with Phase I and I believe DCR concurs.

Ms. Kellett wrote, "In addition, the General Permit states that the SWPPP requirement can be met by an ESC plan as long as that plan meets or exceeds the requirements of Section II D of the General Permit, including:

The intended sequence and time of activities that disturb soils at the site.

Response: E&S for Huntley phase I was approved before current reviewers got here. Normally we require an E&S construction sequence which I feel meets this comment.

A site map indicating directions of stormwater flow.....anticipated after major grading activities; and locations where stormwater discharges to a surface water [Section II, D, 1,g , 2 & 6]

Response: Engineers follow contour lines when reviewing plans that's how we know the direction of flow, we do not need designers to draw arrows for us, although some choose to this would never be required.

For each major activity identified in the project, the SWPPP shall clearly describe appropriate control measures, the general sequencing during the construction process in which the measures will be implemented, and which operator is responsible for the control measure's implementation. (Section II, D, 2]

We have never and will never know which operator is doing which task. However our new inspection process requires that they call us to inspect all major activities including the above, as of late Huntley has been good about doing that, maybe not in the beginning but definitely now. Ultimately the land disturber on the plan is responsible.

A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated.

In the past we only recorded inspection dates when inspections resulted in problems that needed reinspection. We now keep a separate log of all inspections whether they have issues or not. These inspections are available for public viewing at all times and have been submitted to the Huntley task force on numerous occasions.

Ms. Kellett wrote: "If these elements are not in the SWPPP/ESC plan, I request that they be added in the upcoming revision of the plan that is resulting from the Steep Slope Waiver request."

The plan that is in question for the Steep Slope Waiver is called Phase II, this has nothing to do with Phase I. Phase I will not be amended until E&S staff feels there is a need. At this time we do not. Any request for amendments to the existing SWPPP should be taken up with DCR.

A key point of confusion here is the difference between the SWPPP and the E & S Plan. The SWPPP is a requirement of DCR and is administered by that agency. Questions regarding that plan should be addressed to that agency.

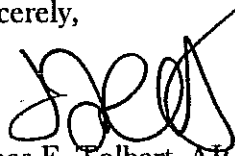
Several of your other comments dealt with the approved site plan or zoning approval. My responses to those are below:

- We intend to require the 40 trees of 4" caliper. I have requested a planting plan to show the location of each and the time they will be planted. I agree that there are places they can be planted that do not need to wait until the project is completed. I will share the plan when received.

- All required trees will be measured to make sure they meet the 2" caliper requirement before acceptance and that they are the appropriate type of tree. Some of the planted trees are not required trees. They have no minimum size requirement.

I hope this provides the information you requested. Our goals here are the same to get the best project we can on this site within the context of the approved plan.

Sincerely,



James E. Tolbert, AICP
Director

JET:sdp

cc: Ashley Cooper
Khadija Abdur-Rahman
Read Brodhead
Gary O'Connell
Planning Commission
City Council