

# Proposed Changes to the Virginia Stormwater Management Regulations: Update

Hampton Roads Planning District Commission  
September 16, 2009

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# Virginia Stormwater Management Program

- Proposed Changes
  - Part I: Definitions
  - Part II: Technical Criteria
    - Water Quality
    - Water Quantity
  - Part III: Local Programs
  - Part XIII: Fees

# HRPDC Concerns & Comments

- Separate technical criteria from local program component
- Promote sprawl development/Disincentive for redevelopment
- Impacts on small sites
- Need to account for Coastal Plain issues
- Cost-effectiveness
- Guidance for Watershed Management Plans
- Grandfathering
- Impacts on MS4 Permit Compliance

# DCR Response to Comments

- Water Quality Criteria
  - Local flexibility in Urban Development Areas
  - Small site differential
  - Chesapeake Bay – Southern Rivers – different standards
- Offsite Compliance Options
  - Local Comprehensive Watershed Plan
  - Other Developer Controlled site
  - Local Pro-Rata Program
  - Nutrient Offset Program (2009 General Assembly)
  - Buy-Down – Payment into state fund

# DCR Response to Comments (cont)

- Grandfathering
  - If filed or approved by locality by January 1, 2010 & VSMP by July 1, 2010, grandfathered through June 30, 2014. If maintain VSMP, grandfather through June 30, 2019
- Inspections
  - Reduced frequency & alternatives for individual lots

# HRPDC Comments on DCR

## Proposed Revisions

- Recognize positive effort by DCR to address public comments and vet their proposed responses through stakeholders
- Recognize positive changes proposed
- Offsite Compliance Options
  - Prohibit buy down option in localities with MS4 Permits
  - Payment of \$15,000/Pound of Phosphorus – too low
  - Concerns – MS4 Permit Compliance & Protection of local streams/waters
- Not all technical comments addressed

# DCR Timeline

- Aug 21, 2009 – Comment Period ended
- September 17, 2009 – SWCB Review and Public Comment
- October 6, 2009 – Final Regulations to SWCB/Expected Adoption
- EPA Review and Approval of state program
- July 1, 2010: Earliest Effective Date of Regulations (HB 1991)
- October 2011 – May 2012: Local adoption and DCR approval of qualifying local programs (All by April 2013)

# Parallel Activities

- September 16, 2009 – Joint Commission on Administrative Rules
- Gubernatorial Priority & Commitment
- Chesapeake Bay TMDL Process
- Presidential Executive Order Reports
- Clean Water Act Amendments
- MS<sub>4</sub> Permits for Phase I Localities

# Recommended Action

- Authorize HRPDC staff to comment at Joint Commission on Administrative Rules and Soil and Water Conservation Board Meetings reflecting the following:
  - Appreciation for DCR effort to address comments
  - Recognize positive changes addressing regional comments
  - Continuing concerns that need to be addressed through guidance and ongoing regulatory review
  - Recommendation on buy down as it relates to MS4



Questions?