

Coastal Plain Workshop – Survivor’s Guide to the New Era of Stormwater BMPs
March 23-24, 2009
Williamsburg, VA

BREAKOUT SESSION – Notes

BMP Maintenance Session (10-15 participants)

Facilitated by: David Hirschman and Ved Malhotra

Maintenance Challenges

- Monitoring to increase efficiency
- Subsequent owners not aware of maintenance agreement
- Old BMPs (without agreements) are hard to get cleaned up
- Enforcement of maintenance agreements is a challenge
 - Find legal owners & contact info and make aware of responsibilities
- Legal actions willing to take
- Funding/financial responsibility
- Assigning responsibility
- Personnel – finding qualified personnel
- Emergency vs. routine maintenance
- Qualifying easements to outline responsibilities
- Agreements on single-family lots are more complicated
- Keeping track of maintenance, inspections
- Residential subdivisions are problems for *any* BMP
- Would rather see a buffer in residential areas (low maintenance)
 - Consider buffer restoration
- Floodplains, proximity to houses – public safety issues
 - HOAs should reserve \$ for stormwater maintenance
- Difference between older and newer subdivisions – older don’t have maintenance agreements
- Inventory of BMPs – where are they?
 - Use interns.
- Hampton Roads localities vary in their standards for maintaining vegetation – is manicured turf appropriate?
 - HRPDC should have a class on vegetation maintenance.
- Nuisance wildlife – geese, muskrats; Trash

Maintenance Solutions

- Operation & Maintenance Plan in specs for each BMPs, on plan sheets & with recorded agreement
- Checklists – for maintenance & inspections
- Outreach to HOAs, education
- Provide maintenance information on website
- Outreach to landscapers on maintenance of BMPs
- HRPDC workshop on vegetation, for inspectors & public

- MS4 permits require education & outreach
- HOA turnover: give each BMP a grade – send list of specific items of actions. Most just need routine maintenance.
- Keep track of property manager in databases
- Estimate of annual cost of maintenance (help HOA set up escrow account/equity)
- Have engineers estimate with plan package.
- Research BMP performance at Chesapeake Bay watershed scale (different ages)
- Write into maintenance agreements – hire third-party inspector/maintenance person.
- Hampton Roads – have stormwater utilities, but maintenance is not a priority. Should make BMP maintenance a priority.

Policy Issues

- Maintenance of public BMPs – need clear policy
- Retrofit of existing BMPs
- Vesting of plans where there is a master plan – very expensive to bring up to NEW standards
- Dedicated fee for maintenance for localities – not part of overall SW fee
- Penalties up to date? Include civil penalties.

TMDLs and Stormwater Management Session (15-20 participants)

Facilitated by: Jenny Tribo and Tom Schueler

Main Challenges

NOW:

- TMDL development method – lack of source identification and analysis
- Uncontrollable sources, such as wildlife
- Lack of reduction efficiency for bacteria
- Credit for programmatic BMPs

UPCOMING:

- Multiple pollutant TMDLs
- How to incorporate into NPDES permit

Solutions / Opportunities

- Stormwater staff should participate in TMDL development
- Lead implementation plan development
 - Credit for SSO program
 - Public outreach program (Scoop Poop, feeding bans for wildlife)
- Regional source track study
- No discharge zones

Policy / Technical Issues to Resolve

- BMP efficiency for structural and programmatic BMPs
- TMDL development issues

- Incorporation of Waste Load Allocations in permits

Future Actions

- Regional cooperation
 - Monitoring BMP efficiency (structural & programmatic)
 - Permit negotiation
 - Encourage discussion between regional agencies

Offsets & Off-site Mitigation Session (~15 participants)

Facilitated by: Joe Battiata and Greg Hoffmann

Technical Issues

- Does mitigation need to happen in the same watershed?
- Would you need to pro-rate credits for mitigation out of the watershed?
- Who manages the system?
- What are the up-front costs for a program?
- On-site vs. off-site threshold – Should a developer satisfy a certain % of nutrient reduction before being allowed to move to mitigation off-site? (due diligence on site)
- Public-private partnerships
- DCR buy-in – no DCR process currently in place for approving an off-set program.

Credit Options

- Land purchase (developable)
- Stream restoration
- Conservation easements
- Regional ponds/BMPs
- Structural BMPs & retrofits
- Street sweeping
- Septic system elimination
- Wastewater treatment upgrades
- Fertilizer reductions
- Stream buffers
- Algae harvesting

Lining Up Local Codes Session (7-8 participants)

Facilitated by: Amber Foster and Laurel Woodworth

Local Code Challenges

- Zoning codes reduce areas in which BMPs can be placed:
 - Setbacks – front, perimeter, building perimeter
 - Utility corridors
 - Direction of slopes in relation to building foundation – cannot place BMP up-slope from buildings

- Parking requirements are often overblown – require more spaces than needed
- BMP maintenance – who is in charge. Localities are left with final responsibility.
- Increased # of BMPs to inspect
- Need more education for HOAs in terms of maintenance
- Lack of local acceptance of some BMPs (mostly for flooding concerns) – rainwater harvesting, green roofs...is quantity reduction credit too high?
 - Localities may require back-up systems if they don't trust these BMPs
 - Rainwater re-use has posed challenge for water/sewer utility – have to meter the use of sewer rather than water in order to accurately bill for sewer use.
- Many localities depend on the state manual for BMP design guidance – should be updated more often. (BMP clearinghouse may address this)
- VDOT: will not allow BMPs in their right-of-way (e.g., swales)
- In rural parts of Tidewater area, wet ponds are required for fire suppression use. In these situations, wet ponds are preferred choice for stormwater management.

Solutions / Opportunities

- Education of HOAs – mailings & site visits
- Ramp up outreach in general
- Look for conflicts between local zoning codes and implementing stormwater BMPs on-site and/or reducing impervious cover (e.g., parking requirements, street width requirements, setbacks, etc.) – consider conducting a local code review
- Each locality should require maintenance agreements to be signed by owner/developer.