

# **Local Stormwater Program Adoption Required Elements & Adoption Tools**

**Ginny Snead  
DCR Regulatory Programs Manager**

# Overview

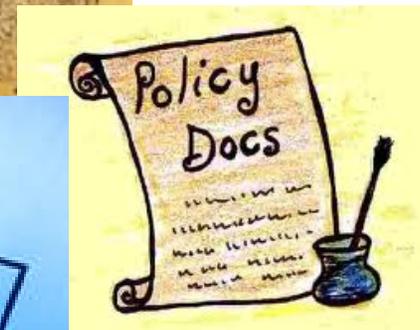
- Program element details
- Tools for program development
- Program development & submittal timeline

# Local VSMP Program Responsibilities - § 10.1-603.2

Definition: “*Virginia Stormwater Management Program or VSMP means a program approved by the Board after September 13, 2011, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities....*”

# Local VSMP Program Core Elements

- Authority for acceptance of VSMP registration statement
- E & S Plan review and approval process
- Water Quality standards and specifications
- BMP maintenance assurance
- Policies and procedures
- Requirements for plan review, inspection, enforcement
- Fee collection



# Local VSMP Program Elements

## 4 VAC50-60-148

1. Identification of authority for:
  - Accepting registration statements
  - Completing plan review & approval
  - Inspection
  - Enforcement
2. Submission & approval of E & S plans
3. Requirements to ensure compliance with SWM Pollution Prevention, stormwater management and pollution prevention plans



## Local VSMP Program Elements (cont.)

4. Requirements for the inspection and monitoring of construction activity by operator
5. Requirements for long-term inspection and maintenance of SWM facilities
6. Collection and use of fees
7. Enforcement procedures and penalties
8. Policies and procedures to obtain and release bonds
9. Procedures for reporting and record keeping

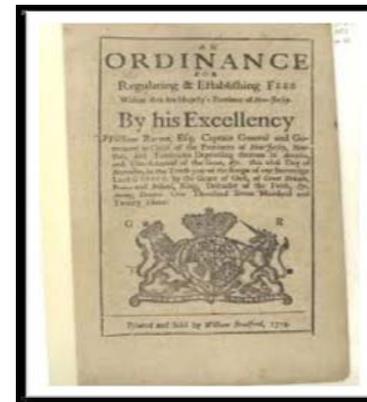
# Draft Ordinance Development

## Required Elements

1. Identification of authority for receipt of registration statements, plan review, inspection and enforcement
2. Provisions for review and approval of E & S control plans
3. Compliance with stormwater, stormwater pollution prevention and pollution prevention plans
4. Inspection & monitoring of construction activities
5. Long-term inspection & maintenance of SWM facilities
6. Enforcement procedures and penalties

## Timeline for ordinance development

- Draft developed – July through December 2012
- Revise draft ordinance consistent with Construction General Permit – June 2013



# Program Administration

## Required Elements

- Identify who accepts registration statements
- Provide details on fee collection process
- Develop policies and procedures for acceptance of bonds, reporting and record keeping
- Develop procedures for BMP maintenance

## Timeline

July through  
December 2012



# Plan Review Process

## 4VAC50-60-108

### Required Elements

- Develop procedures for plan review
- Include plan submittal, review, approval and modification criteria
- Suggestion: Develop checklist for stormwater management criteria on submitted plans

### Timeline

July through December  
2012



# Long-Term Maintenance

## 4VAC50-60-112

### Required Elements

- BMP Maintenance agreements
- Recordation of maintenance agreements

### Timeline

July through  
December 2012



# Inspection Process

## 4VAC50-60-114

### Required Elements

- Identify staff responsible for inspections
- Draft inspection criteria within local ordinance
- Develop inspection process consistent with regulations

### Timeline

July through  
December 2012



# Enforcement

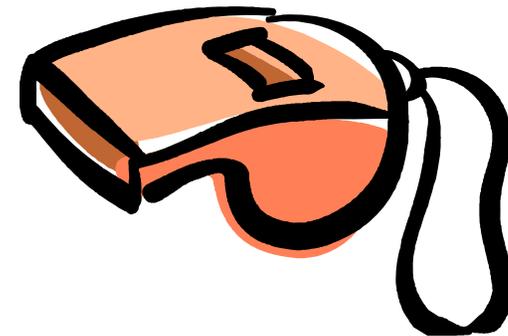
## 4VAC50-60-116

### Required Elements

- Informal & formal enforcement procedures:
  - Verbal warnings & inspection reports
  - Notices of corrective actions
  - Consent special orders and civil charges
  - Notices to comply
- Civil & criminal judicial enforcement procedures

### Timeline

July through  
December 2012



# Reports and Recordkeeping

## 4VAC50-60-126

### Reporting

- Permanent SWM facilities
- Number & type of enforcement actions
- Number of exceptions granted

### Recordkeeping

- Approved SWM plans
- SWM inspection records
- Construction record drawings
- Documented registration statements

# Submittal Package

## 4VAC50-60-150

- Ordinances
- Policies and Procedures
  - Administration of Program
  - Plan Review
  - Inspection
  - Enforcement
- Funding and Staffing Plan

## Submittal Timeframe

- Timeline for submittal of *draft* local stormwater programs – June 2013 through June of 2014 – in your interest to submit a preliminary packet by June of 2013 with a request for a 1-year extension (if needed)
- Soil & Water Conservation Board can approve programs through June of 2014

# Funding & Staffing Plan

## Required Elements

- Identify anticipated construction activity and compare to existing staff levels
- Determine level of increased staff time based on provisions of regulations
- Determine additional staff and other resources needed (computers, administrative)
- Identify budget to cover these costs for the long term (may include combination of fees & other funding sources such as general funds)

## Timeline

- July through December 2012
- Include in local budget process – beginning Fall of 2012



# Cooperative programs are an option

The development of cooperative programs between local governments or with agencies can make local programs economically feasible.



§ 10.1-603.3. *Delegated authorities may enter into agreements with soil and water conservation districts, adjacent localities, or other entities to carry out the responsibilities of this article.*

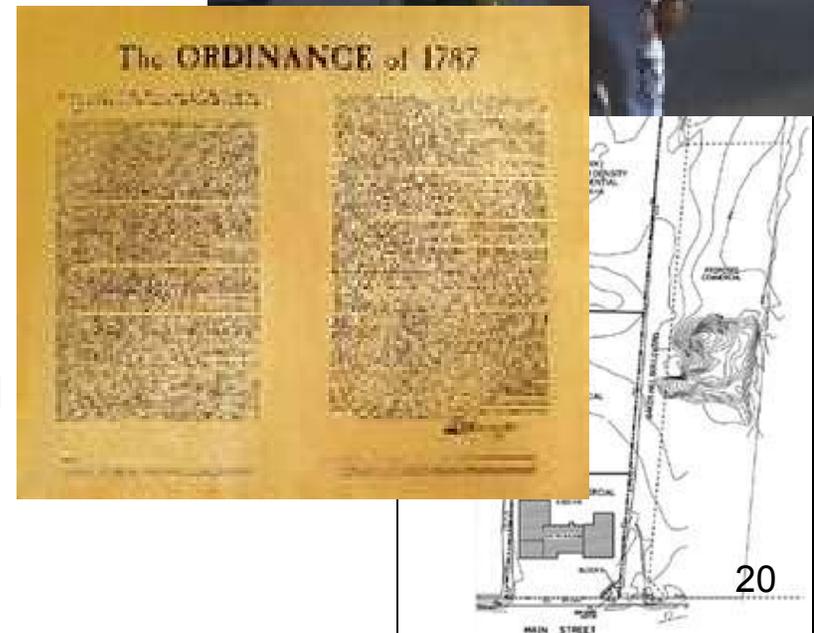
# Partnership Options

- Contract Inspection & Plan Review
  - Not Enforcement or Program Administration
- Local SWDC or PDCs
- Other Cooperative or Regional Local Programs
- Factors to Consider
  - Average Number of Land-Disturbing Activities

# Local Adoption Tools

# Program Elements

- Ordinance adoption
- Plan Review process
- BMP maintenance assurance
- Inspections
- Compliance/Enforcement
- Collection of Fees
- Consistent Erosion & Sediment Control program



## Steps Taken to Identify DCR Tools for Program Development

- Program & Guidance Development staff reviewed existing local stormwater management programs to identify program elements & tools
- Brainstormed what tools commonly used by existing local programs
- Reviewed feed back from local governments during regulatory development process

## Surveys

- Virginia E-Permitting Survey – learn of existing IT capacity and needs. Survey completed results received in Mid May.  
Contact: Gerry Seeley
- Local Program Development Survey – learn of local program approach, capacity and resource needs.  
Contact: Joan Salvati

# Identified Tools/Time Frame for Development

- Stormwater Management Required Elements checklist → • April 24
- Pre Draft Model Ordinance → • May 17
- Program Development & Submittal timeline; draft Local Government Survey → • June 14
- Other administrative tools (not mandated)
  - Plan review checklist (E & S, Bay Act, Stormwater)
  - Template BMP maintenance agreements
  - “One-Stop-Shop” plan review team/pre-application processes
  - Template MOUs for regional partnerships

# Sample tools

**Pre-application Conference Request Form**

801 Crawford Street, Portsmouth, Virginia 23704  
www.portsmouthva.gov/planning/

**Notes:**

1. Pre-application conferences are required, prior to submitting any application for zoning map amendments, use permits, variance permits, major subdivisions, and type II development plans. Pre-application conferences are voluntary for all other development review processes and applications.
2. Pre-application conferences are not binding on the city. Comments made during a pre-application conference do not constitute official assurances or representations by the city or its officials regarding any aspect of the plan or submittal.
3. Staff cannot guarantee that all relevant issues will be discussed or that initial staff reactions will reflect the ultimate staff recommendations.

**1. General Project Information**

Project Address: \_\_\_\_\_ Lot Area/Acreage: \_\_\_\_\_  
 Tax Parcel Identification Number: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
 Located in a D1 or D2 District?  D1 Downtown  D2 Uptown  
 Located in a Historic District?  Olde Towne  Port Norfolk  Park View  Cradock  Truxtun

**2. Written Description of the Proposed Project**

A) Provide a written description of the proposed project and/or activities. If the conference is related to a variance request or a type II development plan, please describe the need for an amount of deviation from adopted city standards.

B) Provide a written description of any existing or potential proffers or conditions that will be associated with the application, if applicable.

**3. Primary Point of Contact Information for the Pre-application Conference**

Primary Point of Contact Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

**4. Property Owner Information (if different from the primary point of contact)**

Property Owner Contact Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_  
 Property Owner or Authorized Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

Pre-Application Conference Request  
Last Updated June 1, 2010

Page 1 of 2



## City of Poquoson Site Plan Checklist



**STORMWATER MANAGEMENT/BMP FACILITIES MAINTENANCE AGREEMENT**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between \_\_\_\_\_ (hereafter called the "Landowner") and the Town of Kilmarnock, Virginia, (hereafter called the "Town");

WITNESSETH, that

WHEREAS, the landowner is the owner of certain real property described as \_\_\_\_\_ and as recorded by deed in the land records of Lancaster County, Virginia, Deed Book \_\_\_\_\_ at Page \_\_\_\_\_ (hereinafter called the "Property"); and

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

WHEREAS, Plan Description \_\_\_\_\_ hereinafter called the "Plan", which is on file in the office of the Zoning Administrator for the Town of Kilmarnock as Plan Number \_\_\_\_\_ which is expressly made a part hereof, as approved or to be approved by the Town, provides for management of stormwater within the confines of the Property; and

WHEREAS, the Town and the Landowner, its successors and assigns agree that the health, safety, and welfare of the residents of the Town, require that on-site stormwater management/bmp facilities be constructed and maintained on the Property; and

WHEREAS, the Town 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;

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:

# Question and Answer



Ginny Snead  
Office of Regulatory Programs Manager  
[Ginny.Snead@dcr.virginia.gov](mailto:Ginny.Snead@dcr.virginia.gov)