

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #5: STORMWATER MANAGEMENT REGULATIONS

SUBJECT:

Revisions to Virginia's Stormwater Management Regulations became effective on September 13, 2011. Local governments must revise existing stormwater programs and receive Soil and Water Conservation Board approval by July 1, 2014.

BACKGROUND:

In 2004, the General Assembly authorized the Soil and Water Conservation Board (the Board) to adopt regulations that specify minimum technical criteria and administrative procedures for stormwater management programs in Virginia. The Department of Conservation and Recreation has developed new regulations that:

- 1) Require local governments to adopt local programs to review and approve Construction General Permit applications;
- 2) Establish Statewide water quality criteria; and
- 3) Establish a statewide fee schedule for Virginia Stormwater Management Program (VSMP) permits.

These regulations were approved by the Soil and Water Conservation Board and became effective on September 13, 2011.

Local governments must develop local stormwater management programs consistent with the Regulations and submit programs to the Board prior to July 1, 2013. Local governments may be granted up to a one year extension to send programs to the Board for review. Local programs must be approved by the Board, and all ordinances must be effective as of July 1, 2014.

Most localities in Hampton Roads have existing stormwater programs and review proposed development projects for compliance with local ordinances. The revised regulations will require that local governments review existing programs and identify all local ordinances related to stormwater management that need to be revised to be consistent with the new regulations. Expansion of local programs to include review and approval of Construction General Permit applications will result in additional review time for development projects. Local governments need to compare their existing programs to the revised regulations to determine if additional staff will be necessary to maintain a Board approved program.

The HRPDC staff and Regional Stormwater Management Committee have been analyzing the implications of these state regulatory initiatives on the region's local governments and their stormwater management programs. DCR is currently developing a model ordinance and other tools to assist local governments in developing local programs. HRPDC staff is represented on the Stormwater Local Government Advisory Committee that is working with DCR to develop guidance for local governments.

Ms. Jennifer Tribo, Senior Water Resources Planner, will brief the Commission on the changes to the stormwater regulations, expected timeline for program development, and the nature of the actions that will be required by the localities.

Note: This item will be considered for action at the September 20, 2012 Executive Committee Meeting.