

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #9I: SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) PERMIT COMMENTS**

#### **SUBJECT:**

The Virginia Department of Conservation and Recreation has proposed revisions to the Virginia Stormwater Management Program (VSMP) Permit Regulations to reauthorize and amend the General Permit for stormwater discharges from small MS4s. The revisions, located at: (<http://www.townhall.virginia.gov/L/viewstage.cfm?stageid=6358&display=general>) are available for public comment until January 4, 2013. HRPDC staff and legal counsel, Dave Evans of McGuire Woods, have prepared a draft comment letter for the Commission's consideration based on input from the HRPDC Joint Environmental Committee.

#### **BACKGROUND:**

The significant changes in the proposed General Permit include measurable goals for six minimum control measures, requirements to address water quality impairments including the Chesapeake Bay TMDL, and incorporation of the new stormwater management technical criteria.

The draft comment letter focuses on the following issues:

- Baseline loading rates for Chesapeake Bay TMDL Action Plans are not accurate and do not account for greater BMP implementation in the localities subject to the Chesapeake Bay Preservation Act.
- DCR should use 2010 No Action model run for baseline loading rates.
- DCR should allow localities to take credit for BMPs installed between June 30, 2008 and July 1, 2013.
- DCR should develop guidance for calculating nutrient reductions and documenting new development and identify additional expectations for the Chesapeake Bay Action Plans.

A draft comment letter on the Small MS4 General Permit is included in the packet. Dave Evans will revise the letter based on DCR's regulatory factsheet, which was published after this agenda was developed. The Joint Environmental Committee will review the final comment letter at its December 6, 2012 meeting.

#### **RECOMMENDED ACTION:**

Approve draft comments and authorize the HRPDC Chairman to submit the final comments endorsed by the Joint Environmental Committee.

**Note: This item was presented under Workshop Agenda Item 5.**