

The Chesapeake Bay Preservation Act Status

HRPDC Regional Environmental Committee

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Chesapeake Bay Preservation Act Update

- CBLA? Now Office of Local Government Programs
- Oversight of Chesapeake Bay Preservation Act; compliance oversight for local stormwater programs
- Technical assistance & training
- Continued assistance to Bay Act localities and VSMPs

Local Government Programs – Products Under Development

- Updated E & S Model Ordinance
- Decision table for when Construction General permit; E & S and SWM plans required
- Table of needed changes to Bay Act ordinances
- Possible guidance on Chesapeake Bay Preservation Act Land-Disturbing Activities

Location of Chesapeake Bay Preservation Act & Regulations

Code of Virginia:

Code of Virginia Sec. 62.1-44.15:67 through
62.1-44.15:79

Virginia Administrative Code:

9VAC25-830

Focus:

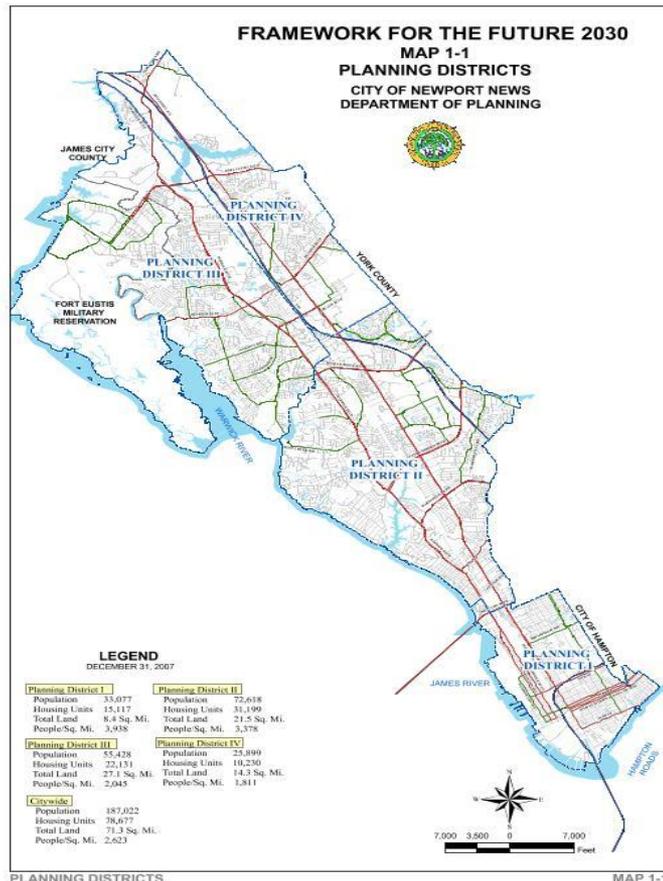
Prevention/reduction of NPS pollution by providing a comprehensive approach to protecting water quality through the management of land uses on sensitive lands in the Chesapeake Bay Watershed

In CBPAs, development must meet key performance criteria:

- ✓ Minimize land disturbance
- ✓ Preserve indigenous vegetation
- ✓ Requires Plan of Development review process
- ✓ Minimize impervious cover
- ✓ E&S for development >2,500 sq. ft.
- ✓ Address Chesapeake Bay Preservation Act land disturbing activities
- ✓ Septic pump-out and reserve drain field
- ✓ Agricultural conservation assessments
- ✓ Silviculture exemption
- ✓ Wetlands permits



Elements of a Local Bay Act Program



Phase I: Mapping of Chesapeake Bay Preservation Areas and adoption of management program in local ordinances

Phase II: Adoption of Comprehensive Plan components

Phase III: Review and revision of local codes for inclusion of specific standards that implement water quality performance criteria

Bay Act Program Compliance Reviews

- ✓ Required on 5 year basis (9VAC25-830-260 1 b)
- ✓ Use checklists and forms to ensure consistency amongst liaisons
- ✓ Conduct several meetings with local staff to collect information; review plans and files, perform site visits
- ✓ Prepare summary report outlining findings and recommendations for compliance
- ✓ Follow up with local government to ensure that compliance conditions are addressed
- ✓ Reviews within 5 year cycle allowed

Bay Act Program Compliance Reviews

Review for:

- ✓ Local CBPA designation changes
- ✓ Local CBPA ordinance changes
- ✓ Local comprehensive plan changes
- ✓ Local implementation of performance criteria, including Phase III provisions that were found during Advisory Review
- ✓ Review of sample plans and files to ensure that RPAs are protected
- ✓ Review of sample plans and files to ensure that performance criteria, including required plan and plat notations are implemented
- ✓ Review of selected plans in the field to ensure that approved plans are carried out during construction

Bay Act Program Compliance Review Status

- ✓ Currently, all 84 localities have been reviewed for Phase I and Phase II
- ✓ All 84 localities have had one program compliance review
- ✓ 2nd round of program compliance reviews began in 2011, 21 have been completed:
 - ✓ 8 counties; 6 found compliant; 2 have conditions for compliance
 - ✓ 3 cities, all found compliant
 - ✓ 10 towns; 5 found compliant; 5 have conditions for compliance

Plan for Proceeding with Bay Act Compliance Reviews

- Review compliance review tools (checklists, procedures) to comport with similar processes at DEQ
- Not proposing changes to compliance elements
- Finalize documents by winter
- Potentially restart process in early 2015

DEQ Local Government Program Staff

The following link provides a list of the 84 Bay Act localities and the DEQ staff assigned as the liaison:

<http://www.deq.virginia.gov/Programs/Water/ChesapeakeBay/ChesapeakeBayPreservationAct/LocalProgramTechnicalAssistance.aspx>

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QUESTIONS?

