

STORMWATER MANAGEMENT ISSUES: A Regional Update

Presentation to
Hampton Roads Planning District Commission

by

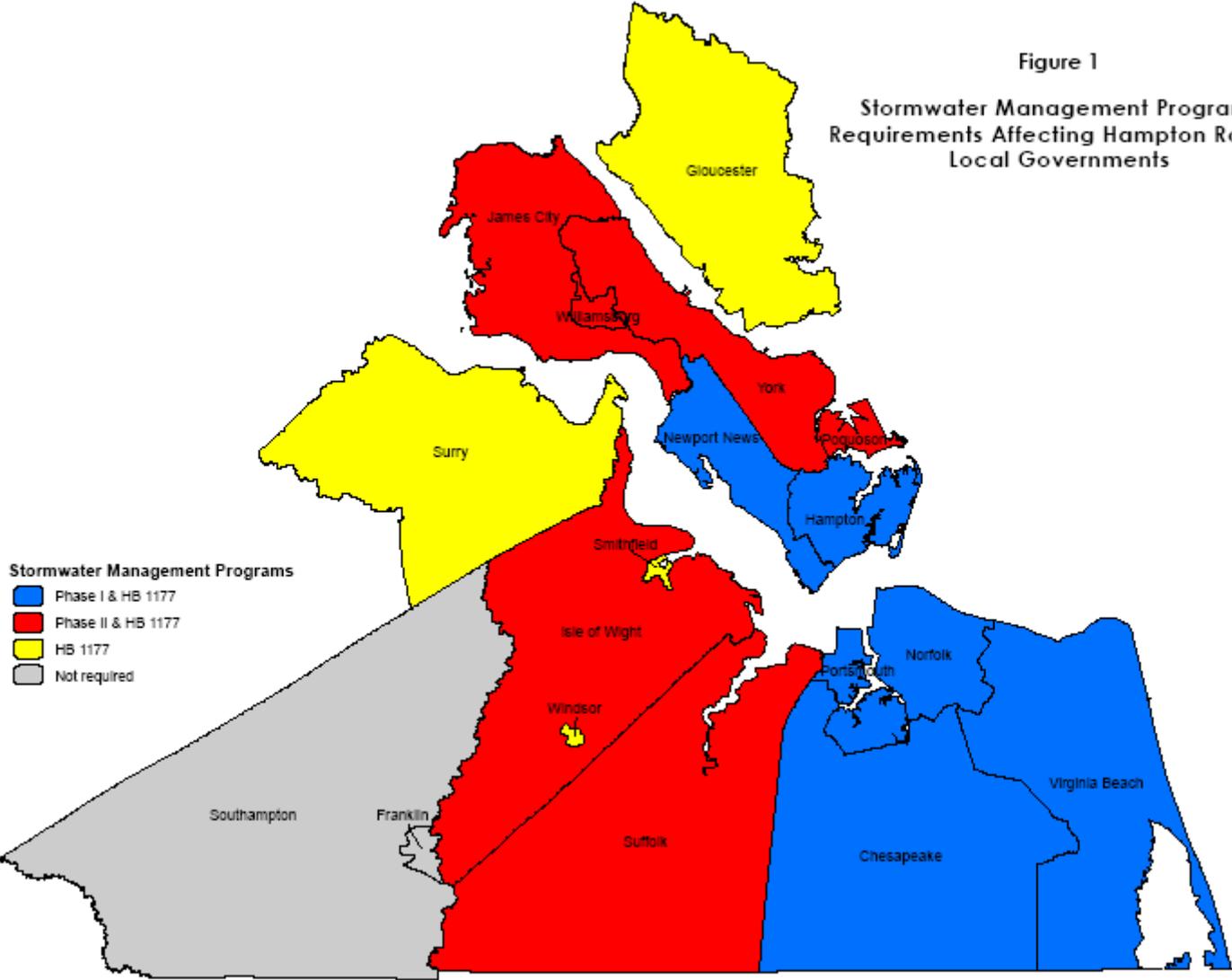
Julia B. Hillegass

Senior Planner

January 21, 2009



Figure 1
Stormwater Management Program
Requirements Affecting Hampton Roads
Local Governments



Stormwater Management Programs

- Phase I & HB 1177
- Phase II & HB 1177
- HB 1177
- Not required

STORMWATER MANAGEMENT PROGRAM GOALS

- ☛ Meet the needs of citizens.
- ☛ Implement cost-effective and flexible program components.
- ☛ Satisfy permit requirements.
- ☛ Manage stormwater quantity and quality to the maximum extent practicable (MEP).
- ☛ Implement public information activities to increase citizen awareness and support for the program.

Approved: HRPDC, 9/99; Reaffirmed, 2003 & 2007

KEY REGULATORY DATES

- ☞ 1987 – Clean Water Act Permit Requirements
- ☞ 1988 – Chesapeake Bay Preservation Act
- ☞ 1989 – Virginia Stormwater Management Act
- ☞ 1996 – Phase I Discharge Permits Issued
- ☞ 2001 – Phase I Discharge Permits Reissued
- ☞ 2003 – Phase II MS4 Permits Issued
- ☞ 2004 – Virginia SWM Act (HB1177)
- ☞ 2005 – Phase I Permit Reapplication
- ☞ 2008 – Phase II Permits Reissued
- ☞ 2009? – DCR Stormwater Regulations

OTHER KEY DATES

- JAN 21, 2009----- 3 local Phase I permits out for public comment (HA, NOR, NN)
- 30-day Public Comment Period
- 60-90 day EPA Review Period
- MAY/JUNE 2009: DCR Reissues SW Permits for HA, NOR , NN

LIKELY IMPACTS

- ☛ Increased costs to MS4s
- ☛ Increased costs to developers
- ☛ Increased program requirements for MS4s
- ☛ New technical criteria for site development

NEW PROGRAM COSTS

VSMP Municipal Stormwater	Current Application Fees	Proposed Application Fees	Current Maintenance Fees	Proposed Maintenance Fees
MS4 Phase I Individual (Large and Medium)	\$21,300	\$16,000	\$3,800	\$8,500
MS4 Phase II Individual (Small)	\$2,000	\$8,000	\$400	\$6,000
MS4 Phase II General Permit (Small)	\$600	\$4,000	\$600	\$4,000

PERMIT STATUS

Phase I Permits

- September 2005 - Permit Applications
- May 18, 2006 – MS4 Program Plans
- July 2006 – Current (2001) Permits administratively continued by DCR
- November 15, 2007 – Draft Permits approved by Board of Soil and Water Conservation for submission to EPA and Public Notice
- October 2008 – EPA Review and DCR Response
- January 2009 – Three Permits for public comment; three permits for further revision

PERMIT STATUS (Cont.)

Phase II Permits

- December 7, 2007 – Permit Reapplications
- December 14, 2007 – HRPDC provided comments on Proposed Phase II Regulations
- July 9, 2008 – New Permits Effective
- Local Governments to update Permits & Programs based on new Phase II regulations
- January 9, 2009 – MS4 Program Plans to be submitted to DCR

PERMIT STATUS (Cont.)

Related Activities

- Technical Criteria, Local Programs and Permit Fees
Technical Advisory Committee (TAC)
 - Regulations approved for review by Board of Soil and Water Conservation – September 2008
 - Public Comment – Spring 2009
- General Permit for Construction Activities TAC
 - Regulations approved by Board of Soil and Water Conservation – September 2008
 - Public Comment – Completed December 2008
 - Effective – Expected Date – July 1, 2009
- BMP Handbook & Clearinghouse TAC
- Economic Impact Analysis

REQUIREMENTS

Procedural

- Update MS4 Program Plans, Ordinances, etc.
- Self-audit/Evaluation of Local Program
- Reporting & Record-keeping

Water Quality

- Tighter Standards – Quantity and Quality
- Impaired Waters – Special Studies & Plans
- Outfall Reconnaissance
- Illicit Discharge Detection & Elimination Program

Education/Participation

- Increased participation, review document access
- Targeted Education – audiences/impaired waters

REQUIREMENTS (cont.)

☛ Total Maximum Daily Loads

● Studies

- Load Allocations – Nonpoint Sources
- Waste Load Allocations – Point Sources

● Implementation Plans

- Impairment Control Plans – MS4

● Numerical load reductions and caps

☛ Deadlines

- 2010 – Consent Decree & Chesapeake Bay
- Post 2010 – Substantial Number

REGIONAL ACTIVITIES

- ☞ Memorandum of Agreement, 2003; renewed 2008
- ☞ Permit Administration and Reporting System
 - Meets requirements of new permits
 - Web-based internal and external system
 - Additional data and administrative components
 - Regional – Phase I and Phase II Localities
- ☞ Program Refinements
 - TMDL Studies and Plans
 - Water Quality Monitoring Protocols



REGIONAL ACTIVITIES (cont.)

Regional Training Program

- Illicit Discharges
- Good Housekeeping
- Water Quality Monitoring

Regulatory Participation

- Comments on Draft Regulations
- Membership on State Technical Advisory Committees – Local and Regional Staff

IMPLICATIONS TO HAMPTON ROADS

Positive/Benefits

- Improved Water Quality
- Improved Stormwater Management: Quantity and Quality
- Improved development practices
- Revenue from Permit Fees
- Improved Quality of Life

Negative/Risks

- Expenses associated with new programs, e.g. monitoring, reporting, tracking, retrofit, inspections
- Link to numerical limits in TMDL
- Increased state, federal and interest group scrutiny
- Increased development costs
- Increased local staffing, capital and O & M costs

RECOMMENDATIONS

- ☛ Accept the regional briefing
- ☛ Continued support for regional economies of scale on stormwater program elements such as PARS, training, education and TMDLs.