



# Virginia Stormwater Management Regulations Update

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Hampton Roads Planning District Commission  
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# Recent Events

- ▶ Joint Commission on Administrative Rules
- ▶ Sept SWCB Meeting
- ▶ PDC Comments
- ▶ October SWCB Meeting
- ▶ PDC Staff Comments
- ▶ SWCB vote to adopt regs
- ▶ SWCB vote to suspend regs
- ▶ New Comment period: 10/26 –11/25
- ▶ SWCB meeting in November
- ▶ Future JCAR meeting likely prior to General Assembly session

# The Good News

- ▶ Some relief for development in designated Urban Development Areas and on small sites
- ▶ Localities can adopt own fee schedules
- ▶ Grandfathering provisions
- ▶ Offset programs allowed in some cases

# Changes to VSWM Regulations

- ▶ Grandfathering Provision
  - Construction GP Coverage prior to adoption of a local SW Mgt. Program subject to Part IIB, until the GP expires on June 30, 2014.
  - “Significant affirmative governmental act” + continued permit coverage = June 30, 2019
  - Portions not completed after June 30, 2019 must comply with Part IIA
  - Common plans of development permitted prior to July 1, 2010 comply with Part IIB

# Changes to VSWM Regulations

- ▶ Water Quality Requirements—New Dev
  - New Development non-Bay 0.45 lbs/acre P
  - New Development Ches Bay 0.28 lbs./acre P
    - For land disturbances > 1 ac.
  - New Development Within UDAs 0.28 – 0.45 P
    - With justification

# Changes to VSWM Regulations

- ▶ Water Quality Requirements--Redevelopment
  - > 1 acre: phosphorus load 20% below pre-dev
  - < 1 acre: 10% below pre-dev
  - If TMDL, must meet Waste Load Allocation (WLA)

# Changes to VSWM Regulations

## ▶ Offsite Compliance

- Established by qualifying local program w/ a comprehensive stormwater management plan.
- Can be achieved completely offsite or by a combination of offsite and onsite controls
- Pro-rata fee sufficient to fund reductions equal to or greater than otherwise required for the site
- Via state fund if local program exceeds \$23,900/lb P
  - Or \$15,000 in UDAs

# Changes to VSWM Regulations

## ▶ Offsite Compliance Limitations

- New Dev  $\geq 1$  ac in Ches Bay must achieve P reductions to 0.45 lbs/ac/yr on site
- New Dev  $< 1$  ac in Ches Bay may achieve all P reductions via payment
- New Dev outside Ches Bay must achieve all P reductions onsite
- Redevelopment  $\geq 1$  ac 10% reduction from PreDev P loads onsite; remaining through payment
- Redevelopment  $< 1$  ac: all P reductions via payment
- Other pollutant reductions are retired

# Changes to VSWM Regulations

## ▶ Fees

- Qualifying local programs must demonstrate to the SWCB that higher fees are needed to properly administer local program; Increases not subject to state allocation formula
- Periodic review by DCR; annual fee increases authorized
- Monthly remittal to DCR of 28% of statewide fees
- Changes to local MS4 permit and maintenance fees
  - Phase I: Application fee lowered; maintenance fee raised (Total: \$51,200 up from \$36,500)
  - Phase II: Application fee increased; maintenance fee lowered (Total: \$16,000 down from \$20,000)

# Concerns

- Outcome of regulations will directly impact development of new Phase I permits
- Don't want to get regulations killed because of potential consequences to local governments
- Level of state buy-down program based on EPA's national average cost for BMPs
- Surcharge for developing in Chesapeake Bay watershed

# Actions

- ▶ Provide additional comments on details of buy-down program
- ▶ Protest “surcharge” for doing business in Bay watershed
- ▶ Request more local control over funds and nutrient reduction credits in buy-down programs
- ▶ Explore potential regional solutions with Stormwater Committee for buy-down programs