

SUPPLEMENTAL AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #14A: STORMWATER MANAGEMENT REGULATIONS - UPDATE

Attached is supplemental information for consideration by the HRPDC in conjunction with the presentation on the Stormwater Management Regulations. At the conclusion of the HRPDC staff presentation, the HRPDC will be requested to authorize the HRPDC staff to present these comments at the Joint Commission on Administrative Rules (JCARS), which is meeting concurrently with the HRPDC meeting and at the Soil and Water Conservation Board meeting on September 17, 2009.

RECOMMENDED ACTION:

Authorize the HRPDC staff to present the attached comments at the September 16, 2009 meeting of the Joint Commission on Administrative Rules and at the September 17 and October 6 meetings of the Soil and Water Conservation Board, as appropriate.

Attachment

Thank you for the opportunity to comment on the ongoing stormwater rulemaking process. My name is Julia B. Hillegass; I come before you today representing the Hampton Roads Planning District Commissioners and staff, as well as the local governments comprising Hampton Roads.

I first want to commend all of the agencies and stakeholders who have remained engaged in this lengthy process. Because of their commitment, we will surely arrive at a better program for handling stormwater issues in Virginia. The leadership and staff of the Department of Conservation and Recreation have been tireless in their efforts to be available, inclusive and responsive and for that, we are most appreciative.

As you are aware, there is currently draft discussion language circulated for consideration, which addresses, or begins to address, many of the concerns raised by the HRPDC, but several important technical issues remain unresolved. Chief among them are the significant fee increases, particularly for Phase II communities, consideration for coastal plain limitations in applying certain best management practices, and the lingering issue of incomplete technical guidance including the Stormwater BMP Manual. These issues warrant further discussion with sound science behind the decisions. New language in the discussion draft raise even more programmatic and technical issues that will require work by TACs to fully flesh out how to implement and administer concepts such as the buy-downs and watershed management planning guidelines. The devil is indeed in the details! Other technical guidance remains either incomplete or untested for effectiveness.

Much testimony has been given by citizens and environmental groups at various public hearings across the state, urging immediate action without regard to sound science, economic impact or realistic implementation expectations for localities. I have heard people say that, "something, anything will be better for water quality." We disagree. Additional regulations and requirements without sustainable capacity, staffing and funding will not improve water quality in a meaningful way.

Certainly, no one involved in this process is opposed to making improvements to water quality, however, as with most extremely complex issues such as this, rushing to finalize these regulations based on an arbitrary timeline at this point sets up both localities and the Commonwealth for failure that could lead to some level of federal enforcement action. Current limitations in budget and capacity at the state and local level almost certainly ensure this.

We implore you to ensure that this process is extended further to allow for the important details of implementation to be more fully developed, as well as all of the technical resources completed so that localities and the Commonwealth can be assured of successfully implementing improvement to Virginia's water quality.