

Update on Virginia Stormwater Programs

Virginia Association of Counties

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Recent History / Timeline

- Governor's Reform Commission Recommendations (2011)
- Governor's Reform Legislation (2012)
- SNR Study (2012)
- Consolidation Legislation HB 2048 / SB 1279 (2013)

Governor's Reform Commission (November 2011)

- Found: Consolidating water quality programs into a single agency would
 - strengthen the state's ability to manage water quality issues
 - provide one-stop permitting
- Recommended: Gradual transfer of all water quality programs from S&WCB/DCR to SWCB/DEQ
 - First move Municipal Separate Storm Sewer System (MS4) individual and general permits in 2012 Session
 - Include direction to move the remainder of water quality programs the following year (following development of a plan to do so)

Governor's Reform Legislation

HB 1291 / SB 678 (2012)

- Number of reforms (statewide) - followed Reform Commission recommendations
- Moved MS4 permitting program from Soil & Water Conservation Board to State Water Control Board (RE-ENACTMENT)
- Directed SNR to assess the organization of water quality programs in the Commonwealth and report to Governor and GA by Nov. 1, 2012.

SNR Study

- Assessment by work group of staff from SNR, DEQ and DCR
- Consulted with stakeholders
 - including representatives of homebuilders, local governments, environmental organizations, soil and water conservation districts, agriculture and others

SNR Study - Findings

- Bifurcation of water programs made permitting process and planning more difficult
 - no one agency has the responsibility and authority to look comprehensively at water quality issues
- Consolidation of the permitting functions would enable consistent planning, policies and procedures for water permit programs
- A single point of contact for the regulated community, citizens and federal agencies would streamline the permit process, improve customer service, and streamline Virginia's reporting obligations to EPA.

SNR Study - Recommendations

- In addition to moving MS4 program, move full Virginia Stormwater Management Program (VSMP), the Erosion and Sediment Control and Chesapeake Bay Programs from the S&WCB/DCR to the SWCB/DEQ;
- Consolidate management of water quality programs, including Bay programs and water quality planning at SWCB/DEQ;

HB 2048/SB 1279 (2013)

What the legislation does:

- Transfers to State Water Control Board and DEQ oversight of:
 - Water quality planning
 - Stormwater management (nonpoint)
 - Erosion and sediment control
 - Chesapeake Bay Preservation Areas
- New Articles (2.3, 2.4, 2.5) in the State Water Control Law (Title 62.1, Chapter 3.1)

HB 2048/SB 1279 (2013)

What the legislation does not do:

- Does not change overall statutory / regulatory oversight or authority (it transfers existing authorities from one board/agency to another)
- Does not transfer oversight of Soil & Water Conservation Districts (or change district authority)
- Does not transfer resource management planning
- Does not transfer nutrient management planning

HB 2048/SB 1279 (2013)

Additional outreach / collaboration

- Directors of DEQ and DCR and members of legislature to conduct public meetings across the State re: soil and water conservation districts
- SNR to work with DEQ and DCR to enhance communication and collaboration to ensure effective and efficient implementation of water quality and soil and conservation programs

Water Quality Standards and TMDLs

- Clean Water Act mandates TMDLs
- TMDLs are established when water quality standards are violated
- The Chesapeake Bay TMDL addresses violations in:
 - dissolved oxygen
 - chlorophyll A
 - benthic habitat
 - clarity
- Nitrogen, Phosphorus and Sediment cause the impairments
- TMDLs established for each pollutant
 - $TMDL = LA + WLA + MOS$
 - LA – Load Allocation for nonpoint sources
 - WLA – Waste Load Allocation for point sources
 - MOS – Margin of Safety

Chesapeake Bay TMDL Allocations

- WLA
 - Stormwater (MS₄, Industrial, Construction)
 - Wastewater (WWTP, Industrial)
 - CAFO
- LA
 - Urban
 - Agriculture (Crop, Hay, Pasture, Animals)
 - Onsite/Septic
 - Forest

Addressing Waste Load Allocations

- Stormwater (MS4, Industrial, Construction)
 - Permits
 - MS4 Action Plans
 - VSMP
 - E&S
 - Stormwater Local Government Assistance Fund
- Wastewater (WWTP, Industrial)
 - Permits
 - WWTP Upgrades
 - Alternative use
- CAFO
 - Permits
 - Agricultural Cost Share Programs

Addressing Load Allocations

- Urban
 - VSMP
 - E&S
 - CBPA
 - Stormwater Local Government Assistance Fund
- Agriculture (Crop, Hay, Pasture, Animals)
 - SWCD Programs
 - NRCS Programs
 - CBPA Ag Provisions
- Onsite/Septic
 - Health Department
 - CBPA Pump out requirements
- Forest
 - Forestry Best Management Practices for Water Quality

Local VSMP Program Elements

- Local stormwater ordinance with:
 - Provisions for requiring stormwater management, erosion & sediment control and pollution prevention plans
 - Long term BMP maintenance
 - Inspections
 - Enforcement
- Implementation of water quality and quantity technical criteria
- Funding & Staffing plan
- Policies & procedures to administer the VSMP program

Local VSMP Development Status

- DEQ has provided tools:
 - Model ordinance
 - VSMP ordinance review checklist
 - Required elements checklist
- Regional office stormwater specialists and central office staff planners are providing hands on assistance
- 142 localities required to adopt programs. All 142 have draft programs and are currently revising them into a final form
- Additional 12 localities are voluntarily adopting

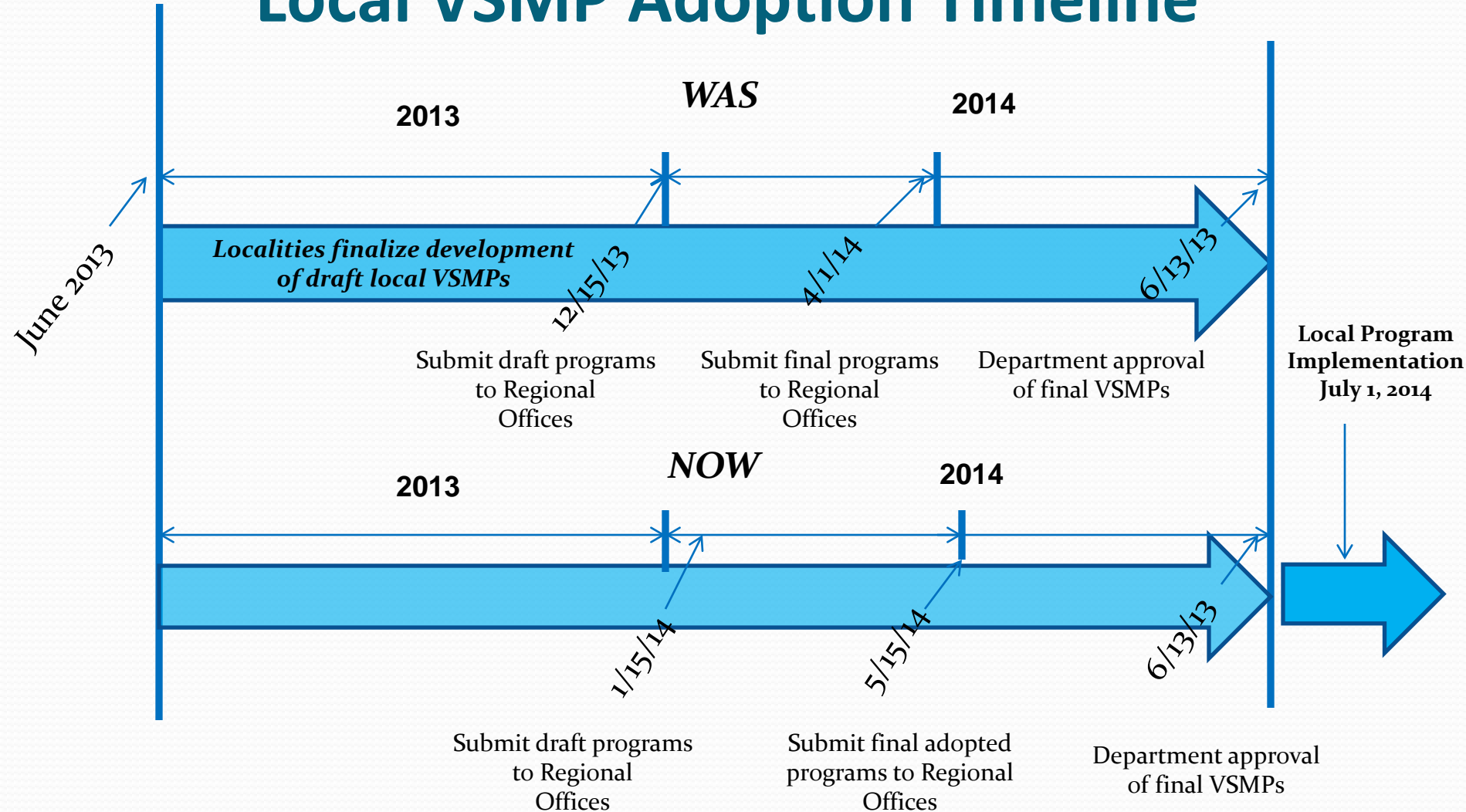
Regulatory Amendments Related to Reissuance of Construction General Permit

- Received feed back from localities and other stakeholders that various parts of the regulations need to be clarified
- Clarifying grandfathering language
- Streamlining state permit process for single family lots inside a common plan of development
- Currently going through a public comment process ending on November 20
- Virginia Water Control Board will consider regulations on December 17

Regulatory Amendments and Local VSMPs

- DEQ staff developing “template” ordinance language reflecting the regulatory changes
- Adjustment being made to VSMP Program Adoption Schedule to allow localities to update draft local ordinances to reflect regulatory amendments

Local VSMP Adoption Timeline



Tools for Program Development

- Local Government Program Development Toolkit
 - BMP Inspection Checklists and Maintenance Agreements
 - Plan and Plat Review Checklists
 - Pre-Construction Meeting Checklists and Forms
 - SWM Checklists and Design Manuals
 - Template MOUs for Regional Partnerships
- Required Elements Checklist
- VSMP Local Ordinance Checklist
- Model Ordinance
- Stormwater Management Handbook

Construction General Permit

- Public Comment

- Changes

- CPD Single Family Homes: Permit By Rule
 - Admin Contin.: Deadline June 30
 - Clarification - Infeasible
 - Clarification – Grandfathering

- Handbook

- Public Comment



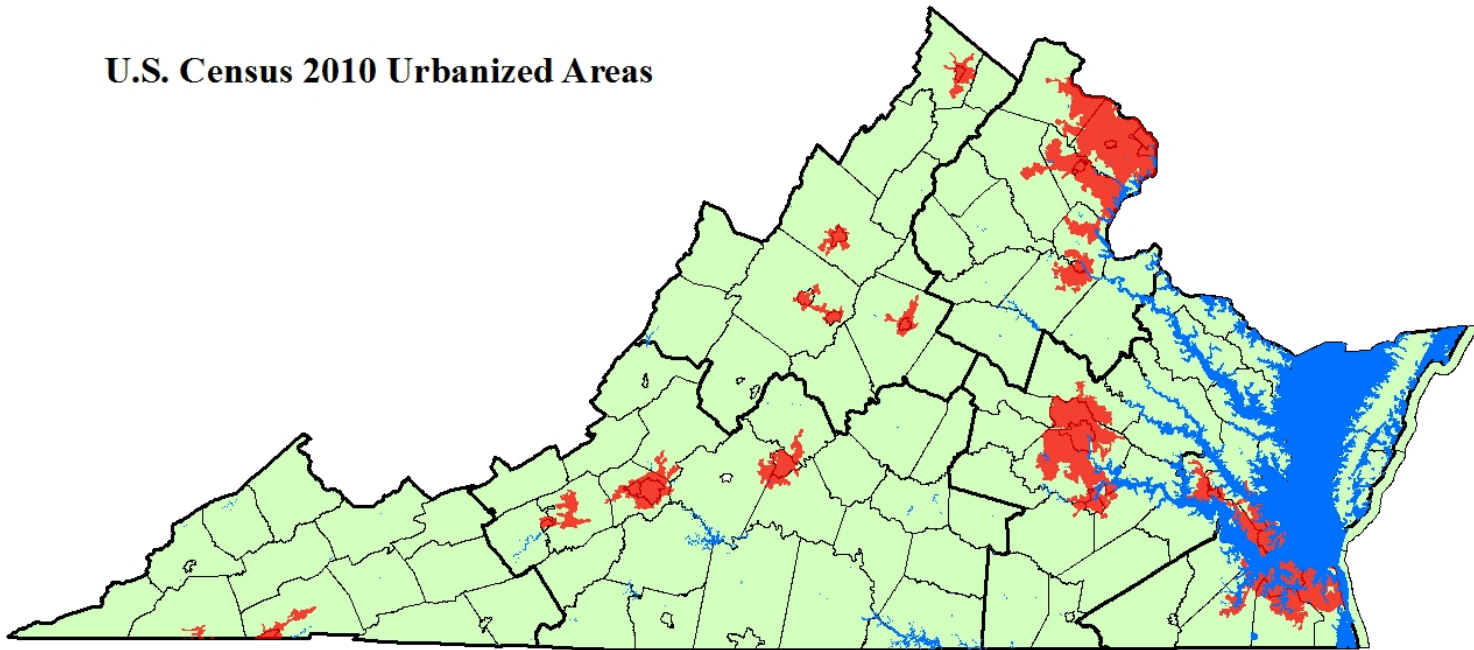
MS4 Regulatory Update

- Arlington
 - Final June 28
- MS4 GP – July 1, 2013
 - Permit Coverage Letters
- VDOT
- Other MS4 Phase Is
 - Prince William
 - Chesterfield
 - Henrico



Virginia Urbanized Areas-2010

U.S. Census 2010 Urbanized Areas



Phase II MS4s in Virginia

- Cities – 24
- Towns – 11
- Counties -13
- Public Schools/Colleges/Universities/Hospital – 33
- State and Local Transportation Facilities – 5
- Federal Facilities (military bases, prisons, etc.) – 21
- “Quasi” Government Entities - 1

Chesapeake Bay Action Plan

- MS4 permit requirement - Special Condition for the Chesapeake Bay TMDL
 - Requires development of an Action Plan
 - Completed 24 months after permit coverage
- Action Plan
 - Provides the Means & Methods to meet the L2 reductions as specified in the Phase I WIP
 - Phased approach - 5% of L2 for the first permit cycle

Chesapeake Bay Action Plan

- Calculate required reductions for regulated lands
 - Tables provided in the permit
- Means & Methods for achieving those reductions
 - Structural BMPs
 - Land Use Change BMPs
 - Urban Stream Restoration
 - Approved nutrient trading or offset program
 - Nutrient management applied to unregulated, private lands (not golf courses)
- Implementation cost estimate
- Must have a public comment period

Grant Information

- Phase II Local Program Development
 - Required Elements: Preliminary Final and Final Submissions to DEQ
 - Match
- Stormwater Local Government Assistance
 - Webinar – working on FAQ
 - Nov 15 Deadline
 - December- Funding List Approved and Announced by DEQ Director



Nutrient Credit Trading

- 10 Meetings have been held
 - Baselines
 - Public Involvement/Transparency
 - Local Water Quality
- Next Step: Proposed Regulation to the Water Control Board
 - December 17

Chesapeake Bay TMDL Implementation Plan

- Local Governments
 - Land Use
 - Inventory of BMPs
 - Implementation Scenarios
 - Strategies
 - Resource Needs
- Local input aggregated in WIP II
<http://www.deq.virginia.gov/Programs/Water/ChesapeakeBay/ChesapeakeBayTMDL.aspx>

Chesapeake Bay TMDL Implementation Next Steps

- Virginia
 - Continued engagement of local partners
 - Coordinate with Federal land holders
 - Improve Bay Model and other Tools
- Local Governments
 - Strategy Refinement
 - Implementation
 - Tracking & Reporting
 - Milestone Planning

Questions and Answers

