

Update on Stormwater Stakeholder Advisory Group

Virginia Association of Counties
2015 Annual Conference



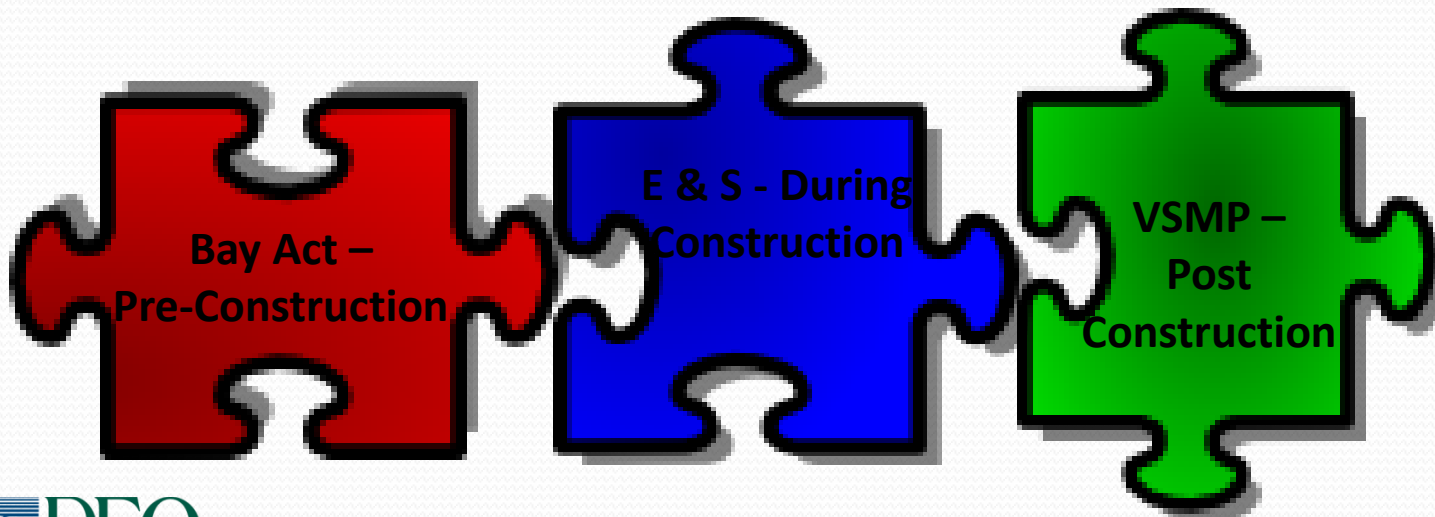
The Focus

*Examine 4 laws(not regulations, not permits)
Simplify and harmonize the overarching
framework and the interplay among these laws:*

- Stormwater Management Act, Va. Code § 62.1-44.15:24 *et seq.*
- Erosion & Sediment Control Law, Va. Code § 62.1-44.15:51 *et seq.*
- Chesapeake Bay Preservation Act, Va. Code § 62.1-44.15:67 *et seq.*
- State Water Control Law, Va. Code § 62.1-44.2 *et seq.*

Bay Act, E&SC Law, SWMA - How they work together

1. Bay Act addresses land use and therefore reduces the source of pollutants entering waters
2. E&SC controls pollutants during construction
3. Stormwater requirements address post-construction run-off



SWMA vs. E&SC Law:

Threshold for land-disturbing activities

Stormwater Management Act

- 1 acre or more of land area disturbed (Construction GP coverage required); or
- 2,500 square feet or more but less than 1 acre in Chesapeake Bay Preservation Act localities

§ 62.1-44.15:34

Erosion & Sediment Control Law

- 10,000 square feet or more of land area disturbed; or
- 2,500 square feet or more in all Chesapeake Bay Preservation Act localities

§ 62.1-44.15:51

Inconsistencies in Base Laws

- Establishment and adoption of programs
- Threshold for land disturbing activity
- Exemptions
- Plan review procedures/time frames
- Enforcement and Stop Work Orders
- Fees

Evolution of SAG Proposal

- Consolidate Erosion and Stormwater into one program, one authority
- Create a “lite” version where DEQ provides engineering and technical review of all stormwater plans
- DEQ review will include stormwater plans required under Chesapeake Bay Preservation Act at 2500 square feet and energy balance requirement at 10,00 square feet
- Opt Out option discussed and not included

Proposed Consolidated ESC/SWM Program

Locality Operates Consolidated Program with DEQ Plan Review Assistance

Locality Responsibilities

Consolidated ESC/SWM Program

- Plan Review (MS 1 -18)
- Plan Approval
- Local ordinance inspections
- Local ordinance compliance
- Local ordinance enforcement
- Ensure long-term maintenance for BMPs (Maintenance Plan, LTMA's, 1/5yr BMP Inspections or Alt. Inspection Program)
- Construction GP registration statement review and acceptance (when applicable)

DEQ Responsibilities

Consolidated ESC/SWM Program

- Plan Review - Not Plan Approval (MS 19, Energy Balance, Simple Method, VRRM)
- Construction GP issuance
- Construction GP inspections (as necessary)
- Construction GP compliance (as necessary)
- Construction GP enforcement (as necessary)
- Local program oversight (review/audit of program as currently provided in statute)

Note: Chesapeake Bay Preservation Area (CBPA) ESC & SWM requirements incorporated into proposed Consolidated ESC/SWM Program

Existing ESC, SWM, and CBPA Programs in Opt-Out Localities
Locality Operates ESC and CBPA Programs / DEQ Operates SWM Program

Locality Responsibilities

Stormwater Management (SWM)

- Not Applicable under SWMA
- Elements folded in under CBPA and E&SCL

DEQ Responsibilities

Stormwater Management (SWM)

- SWM Plan review and approval (MS19, Energy Balance, Simple Method, VRRM)
- Construction GP registration statement review and acceptance (when applicable)
- Construction GP issuance
- Construction GP inspections
- Construction GP compliance
- Construction GP enforcement
- Ensure long-term maintenance for BMPs (Maintenance Plan, LTMA's, 1/5yr BMP inspections or Alt. Inspection Program)
- Local program oversight (review/audit of program as currently provided in statute)

Existing ESC, SWM, and CBPA Programs in Opt-Out Localities Locality Operates ESC and CBPA Programs / DEQ Operates SWM Program

Locality Responsibilities

Erosion and Sediment Control (ESC)

- ESC Plan review and approval (MS 1 – 19, Energy Balance)
- Local ordinance inspections
- Local ordinance compliance
- Local ordinance enforcement
- Ensure long-term maintenance for BMPs (Maintenance Plan, Responsible Party)

Chesapeake Bay Preservation Area (CBPA) SWM & ESC only

- Stormwater Management
LDA \geq 2500 sf and $<$ 1 acre
- Erosion and Sediment Control
LDA \geq 2500 sf

DEQ Responsibilities

Erosion and Sediment Control (ESC)

- Local program oversight
(review/audit of program as currently provided in statute)

Chesapeake Bay Preservation Area (CBPA) SWM & ESC only

- Local program oversight
(review/audit of program as currently provided in statute)