



July 1, 2014: Stormwater Regulations

Authority officially transfers from state to locality

As required by § 10.1-603.3 section of the Code of Virginia, beginning July 1, 2014, local governments become Virginia Stormwater Management Program (VSMP) authorities. Prior to this date, this responsibility belonged to the Virginia Department of Conservation and Recreation. The state will maintain oversight of local programs to ensure that all applicable state regulations are applied and enforced. This oversight responsibility will lie with the Virginia Department of Environmental Quality (DEQ). Any town that does not adopt its own stormwater program will be subject to the County's program.

The County's Stormwater Management Ordinance, which is currently under development, will incorporate many aspects of Virginia's stormwater regulations. The VSMP General Permit for Discharges of Stormwater from Construction Activities (VSMP permit) will continue to be the vehicle by which land disturbing activities are monitored for compliance with the provisions of the Virginia Stormwater Management Act and associated regulations. While the County will administer the VSMP, developers/contractors will continue to obtain VSMP permit coverage *from the state* following the process outlined on page 2.

WHAT WILL THE COUNTY'S VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) DO?

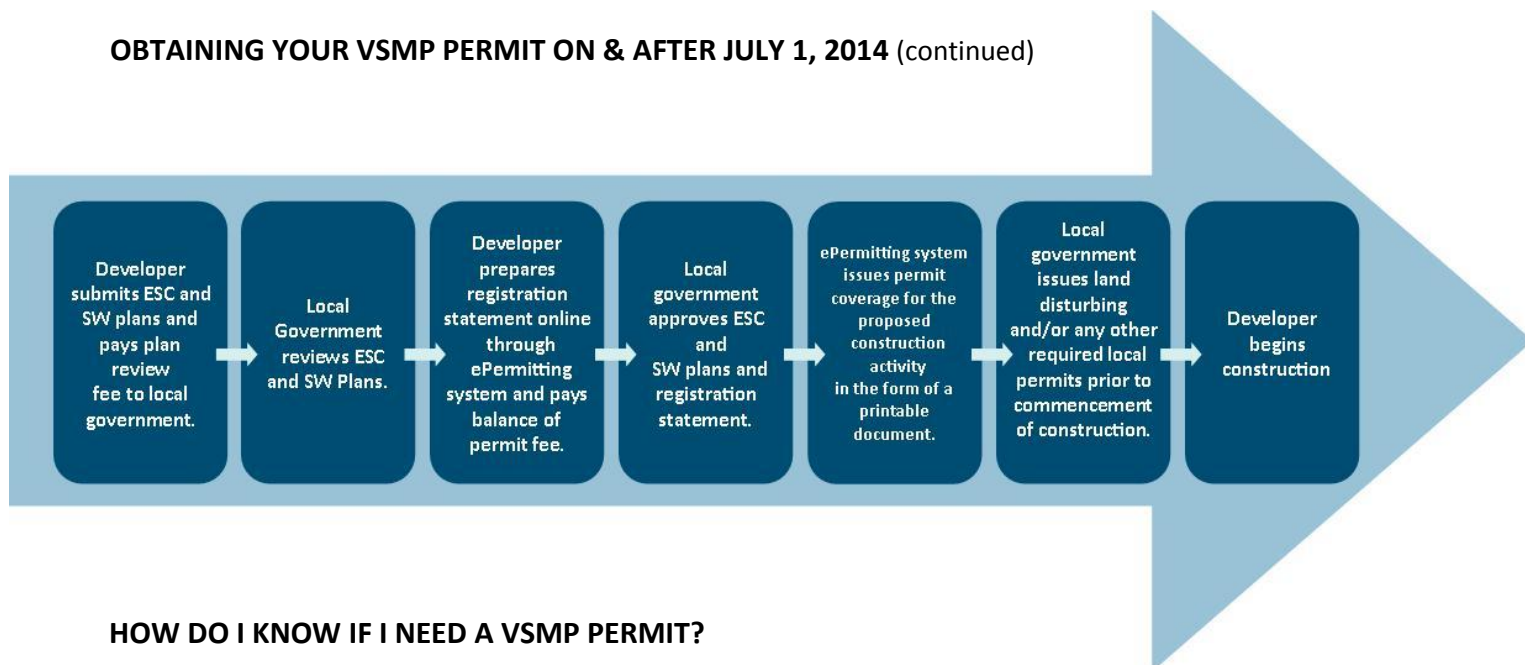
The County will ensure that land disturbing activities comply with its Stormwater Management Ordinance, and thereby, the Virginia Stormwater Management Act and associated regulations. These regulations provide for the control of stormwater from newly developed sites, both during construction and in the long-term, after construction is complete. To accomplish this goal, the program will:

- Review and approve Stormwater Pollution Prevention Plans (SWPPP), which consist of:
 - Erosion and Sediment Control Plan
 - Stormwater Management Plan
 - In some cases, a description of any additional control measures necessary to address a TMDL (What's a TMDL? <http://pubs.ext.vt.edu/442/442-559/442-559.pdf.pdf>).
 - Your SWPPP will also include a Pollution Prevention Plan (plan of how non-stormwater pollutants will be controlled on a construction site, e.g. gasoline for generators, trash, etc.). However, this plan is not subject to review and approval before construction.
- Review and approve your complete and accurate registration statement, allowing you to obtain your VSMP permit from the DEQ.
- Inspect construction sites to ensure activities conform to the approved SWPPP.
- Enforce the provisions of the County Stormwater Management Ordinance, which establishes violation criteria and a process for the imposition of penalties.
- Oversee a maintenance program that ensures the postdevelopment long-term functionality of stormwater management controls.

OBTAINING YOUR VSMP PERMIT ON & AFTER JULY 1, 2014

While the County will administer the VSMP, developers/contractors will continue to obtain the VSMP permit *from the state* (the DEQ) following the process depicted on page 2. The VSMP fee schedule can be found in the County's Stormwater Management Ordinance, once adopted. Part of the permit fee will be retained by the County to fund the administration of the program, and part of the fee will go to the DEQ to fund the oversight of local programs.

OBTAINING YOUR VSMP PERMIT ON & AFTER JULY 1, 2014 (continued)



HOW DO I KNOW IF I NEED A VSMP PERMIT?

A VSMP permit is required for:

- Operators of construction activities resulting in land disturbance equal to or greater than one acre.
- Construction activities with land disturbance less than one acre that are part of a larger common plan of development or sale that disturbs one or more acres. A larger common plan of development or sale is a contiguous area where separate and distinct construction may be taking place at different times on different schedules (e.g. a subdivision, a shopping center, a mixed use development, or any other such development under construction by multiple developers).

Note: A VSMP permit is required *in addition to*, NOT instead of, a Land Disturbing Permit or an Agreement in Lieu of a Plan waiver.

WHAT ELSE CHANGES ON JULY 1, 2014? NEW STORMWATER MANAGEMENT REGULATIONS

In 2011, the Virginia Soil and Water Conservation Board approved new stormwater management regulations. Compliance with these new rules will be required by the 2014 VSMP permit and the County's Stormwater Management Ordinance, both of which take effect July 1, 2014. The main regulatory changes include:

- New technical criteria for stormwater control:

Stormwater Technical Criteria		
Criteria	Old Regs	New Regs
Land Use	Impervious cover (IC) only	IC + Forest/Open Space + Managed Turf
Event	0.5 inches of Runoff from the IC only	1.0 inches of Rainfall from the whole site
New Design Criteria	Average land condition/technology based	0.41 lbs./ac/yr Total Phosphorus (TP)
Redevelopment Criteria	10% reduction TP	<1 acre = 10% red. TP, >1 acre = 20% red. TP
Compliance Methodology	Simple Method	Runoff Reduction Method

WHAT ELSE CHANGES ON JULY 1, 2014? NEW STORMWATER MANAGEMENT REGULATIONS (continued)

- The *Virginia Stormwater Management Handbook* (Blue Book) is being updated to reflect the new regulations and design criteria. The *Handbook* will be available online, by chapter. Until the final version is published, practitioners can access approved Best Management Practice specifications at:
<http://vwrrc.vt.edu/SWC/PostConstructionBMPs.html>
- Maintenance agreements:
The VSMP permit will require fully enforceable maintenance agreements for stormwater controls (structural and non-structural best management practices). The agreements will be deeded to run with the land, and allow for inspections and maintenance to occur that will ensure the long-term function of stormwater controls.
- Grandfathering:
State regulations and local ordinance allow for projects to proceed through construction under the old technical criteria for stormwater management, if one of several circumstances applies. These are:
 - Projects for which there is documentation of project development status dated July 1, 2012 or before, but for which no VSMP permit is obtained before July 1, 2014.
 - Documentation may take the form of a locality approved plan, plat, zoning approval, or other approved document determined permissible under County ordinance.
 - Any modification to said locality-approved document may call into question the eligibility of the project to be grandfathered
 - Construction must be complete by June 30, 2019
 - Projects with government bonds or public debt financing before July 1, 2012
 - Projects that are covered under a 2009 VSMP permit have two 5-year permit cycles to be completed, if permit coverage is maintained

RESOURCES

Virginia Stormwater Management Act (§ 10.1-603.3 - § 10.1-603.15)

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+10.1-603.2>

Virginia Stormwater Management Regulations

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+4VAC50-60-10>

Stormwater Regulations Rollout website

http://www.dcr.virginia.gov/stormwater_management/swmrollout.shtml