

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #17: VIRGINIA STORMWATER MANAGEMENT PROGRAM PERMIT REGULATIONS

SUBJECT:

The Virginia Department of Conservation and Recreation (DCR) released its proposed revisions to amend Parts I, II, and III of the Virginia Stormwater Management Program Permit Regulations for a 30 day public comment period on March 28, 2011.

BACKGROUND:

On December 9, 2009, the Virginia Soil and Water Conservation Board (VSWCB) adopted final revisions to the regulations, and then on January 14, 2010, suspended the effective date of these regulatory actions, in response to 25 petitions received during the 30-day final adoption period, in accordance with the Administrative Process Act. In response to legislative action taken by the 2010 General Assembly, DCR convened a Regulatory Advisory Panel (RAP) to further review the regulations and to make recommendations to the Virginia Soil and Water Conservation Board.

HRPDC staff and staff representatives from Chesapeake and Virginia Beach served on the RAP from July 2010 through March 2011. During this time, staff also participated on the five subcommittees created to deal with the following topics: water quality, water quantity, nutrient offsets, grandfathering, and local program adoption. Major changes to the suspended Final (December 2009) Stormwater Regulations were based on the recommendations of these subcommittees with consensus from the full RAP. The most significant change to these Regulations is the establishment of a statewide water quality standard of 0.41 pounds of phosphorus per acre per year for new development.

HRPDC staff has compiled a list of comments and concerns on the proposed Regulations in consultation with the Regional Stormwater and Joint Environmental Committees. A draft comment letter will be provided at the meeting for review.

HRPDC Senior Water Resources Planner Jennifer Tribo will brief the Commission on the Stormwater Regulations and the draft letter.

RECOMMENDED ACTION:

Authorize the HRPDC Executive Director to submit a comment letter to DCR based on the comments and concerns presented.