

# Virginia Stormwater Management Program (VSMP) Regulations Update

Hampton Roads Planning District Commission

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# Regulatory Background

- April 2004 – Transfer of Virginia Stormwater Management Program from DEQ to DCR.
- December 2009 – Soil and Water Conservation Board (SWCB) Approved Regulations
- January 2010 – SWCB Suspended Regulations
- March 2010 – General Assembly Action
- July 2010 – New Regulatory Advisory Panel Established
- May 2011 – Revised Regulations adopted by SWCB
- September 2011 – Effective date of Regulations
- July 1, 2014 – Implementation Date of Regulations

# Purpose of Regulations

1. Require local governments to adopt stormwater programs and review and approve Construction General Permit Applications.
  - Local control over permit approvals
  - Improved compliance with regulations
2. Establish Statewide Criteria to protect water quality.
  - Allows new development to be consistent with the Chesapeake Bay TMDL requirements.
3. Establish a statewide fee schedule for permits.
  - 72% of fee for local governments and 28% for DCR program oversight.

# Benefits of a Local Program

- Locality can control speed of plan review and approval.
  - Economic development advantage
  - Address local issues
- Better protection of local natural resources
- One stop shopping for Developers

# Timeline for implementation

- July 1, 2014: Implementation date of Local Programs.
- January 2013 - June 2013: Localities take local programs to Soil and Water Conservation Board for approval.
  - Localities can request an extension of up to one year from Soil and Water Conservation Board.
- July 2012: Localities initiate evaluation of ordinance revisions, staffing requirements, funding, etc.
  - Stormwater staffs have started working on issues and need input from other departments.

# Local Program Submittal Package

- Ordinances
- Policies and Procedures
  - Administration of Program
  - Plan Review
  - Inspection
  - Enforcement
- Funding and Staffing Plan

# Key Local Decisions

- Review existing local ordinances
  - Stormwater, site plan, subdivision, zoning
- Evaluate existing local plan review process
  - Staffing, sequencing, timing, and communication.
- Identify additional program costs.
  - Staff, equipment, training
- Determine local fee structure.
  - Regulation set fee structure and designated a portion for DCR program oversight.
  - Locality can select a different fee structure but it must include funds for DCR oversight.
  - Local fee structure must be approved by Soil and Water Conservation Board.
- Develop timeline for local and state approval process.

# HRPDC support for Localities

- Work with State to provide details on implementation process. (extensions; fee justification)
- Review proposed Construction General Permit during TAC and coordinate regional comments.
- Coordinate comparisons of proposed Key Decisions to evaluate benefit of regional consistency.
- Develop regional legislative revisions if localities identify problems with new legislation. (i.e. enforcement process)