

Changes to the Virginia Stormwater Regulations

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Stormwater Discharges in VA

- ▶ **Dept of Environmental Quality (DEQ)**
 - Regulates stormwater discharges associated with “industrial activities” under the Virginia Pollutant Discharge Elimination System (VPDES) program
- ▶ **Dept of Conservation and Recreation (DCR)**
 - Regulates stormwater discharges from construction sites and municipal separate storm sewer systems (MS4s) under the VA stormwater management program (VSMP)

Highlights of the changes

- ▶ Water quality
- ▶ Water quantity
- ▶ Offsite compliance options
- ▶ Grandfathering
- ▶ Local Stormwater Management Programs

Timeline

- ▶ **May 24, 2011 - Board adoption of new stormwater management regulations**
- ▶ **June 10 thru Aug 5, 2011 - Administrative review**
- ▶ **Aug 29, 2011 - Publication in the Virginia Register (begins 30-day final adoption period)**

Timeline (cont)

- ▶ **Sept 28, 2011 - End of 30-day final adoption period**
- ▶ **Oct 5, 2011 - Statutory deadline for adoption of new stormwater management regulations**
- ▶ **July 1, 2014 - Implementation date (corresponds with renewal of general permit)**

VSMP Permit Thresholds

▶ Amended Regulations

- ≥ 1 acre of disturbed area required to obtain a VSMP permit (no change)
- Disturbed areas < 1 acre covered by the Chesapeake Bay Preservation Act no longer required to obtain a general VSMP permit, but are subject to stormwater management program requirements as well as local E&SC and land disturbance permit requirements.

Water Quality - New Development

▶ Amended Regulations

- Post development pollutant load cannot exceed 0.41 lbs/acre/year phosphorous
- Compliance shall be determined utilizing the Virginia Runoff Reduction Method
- Based on land cover conditions of entire site (trees, turf, impervious). Encourages maintenance of forested areas.

Water Quality - Redevelopment

▶ Amended Regulations

- Increased impervious area - Pollutant load cannot exceed 0.41 lbs/acre/year phosphorous
- Remainder of site - Pollutant load (phosphorous) must be reduced by an amount 20% below the pre-development load
- Compliance shall be determined utilizing the Virginia Runoff Reduction Method

Water Quality Treatment Volume

- ▶ Amended Regulations

- Treatment volume =
area of entire site x 1" x composite runoff index

Grandfathering

- ▶ **Projects issued coverage under the July 1, 2009 general permit and for which permit coverage is maintained**
 - **May remain subject to the existing regulations for an additional two permit cycles (10 years) after June 30, 2014**
 - **Portions of the project not under construction will become subject to any new criteria adopted after the two additional permit cycles or permit coverage is not maintained**

Grandfathering

- ▶ **Projects for which no VSMP general permit has been issued prior to July 1, 2014, shall be grandfathered until June 30, 2019 if:**
 - **Prior to July 1, 2012, the land disturbance activity:**
 - **receives local approval of a zoning plan, site plan or equivalent document**
 - **is a local, state, or federal project for which there has been an obligation of local, state, or federal funding**
 - **has been issued governmental bonding or public debt financing**

Local Stormwater Management Programs

- ▶ Localities subject to the CBPA and those with an MS4 permit - must adopt and administer a local Stormwater Management Program
- ▶ All other localities - have the option to adopt and administer a local Stormwater Management Program or defer to DCR to implement

Local Stormwater Management Programs

- ▶ Currently, localities will have between Oct 5, 2011 and June 30, 2014 to submit an application package to become a stormwater program administrative authority
- ▶ However, an earlier deadline may be established by the Board
- ▶ DCR is required to review the local program once every five years

In Closing

- ▶ **As of July 1, 2014, all qualifying land disturbing activities will have to have an approved stormwater management plan and E&SC plan prior to obtaining a construction stormwater discharge permit**
- ▶ **Look ahead when planning future site development activities**
 - **Consideration should be given to preserving forested lands and limiting disturbed areas to reduce treatment requirements**
 - **Be aware of innovative best management practices**

In Closing (cont)

- ▶ Take advantage of the grandfathering provisions
- ▶ Stormwater regulations contain language requiring compliance with any more stringent TMDL requirements deemed sufficient to address Bay TMDL
- ▶ More stringent standards will control if established by local storm water management programs

In Closing (cont)

- ▶ The changes being made by Virginia may be the future for other states as they revisit their programs
- ▶ Joyce Engineering is available to answer your questions and / or assist you with your stormwater needs.

Questions

