



# Virginia Stormwater Management Program Local VSMP Implementation

## Coastal Partners Workshop Dec. 10 & 11

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Office of Local Government Stormwater Programs



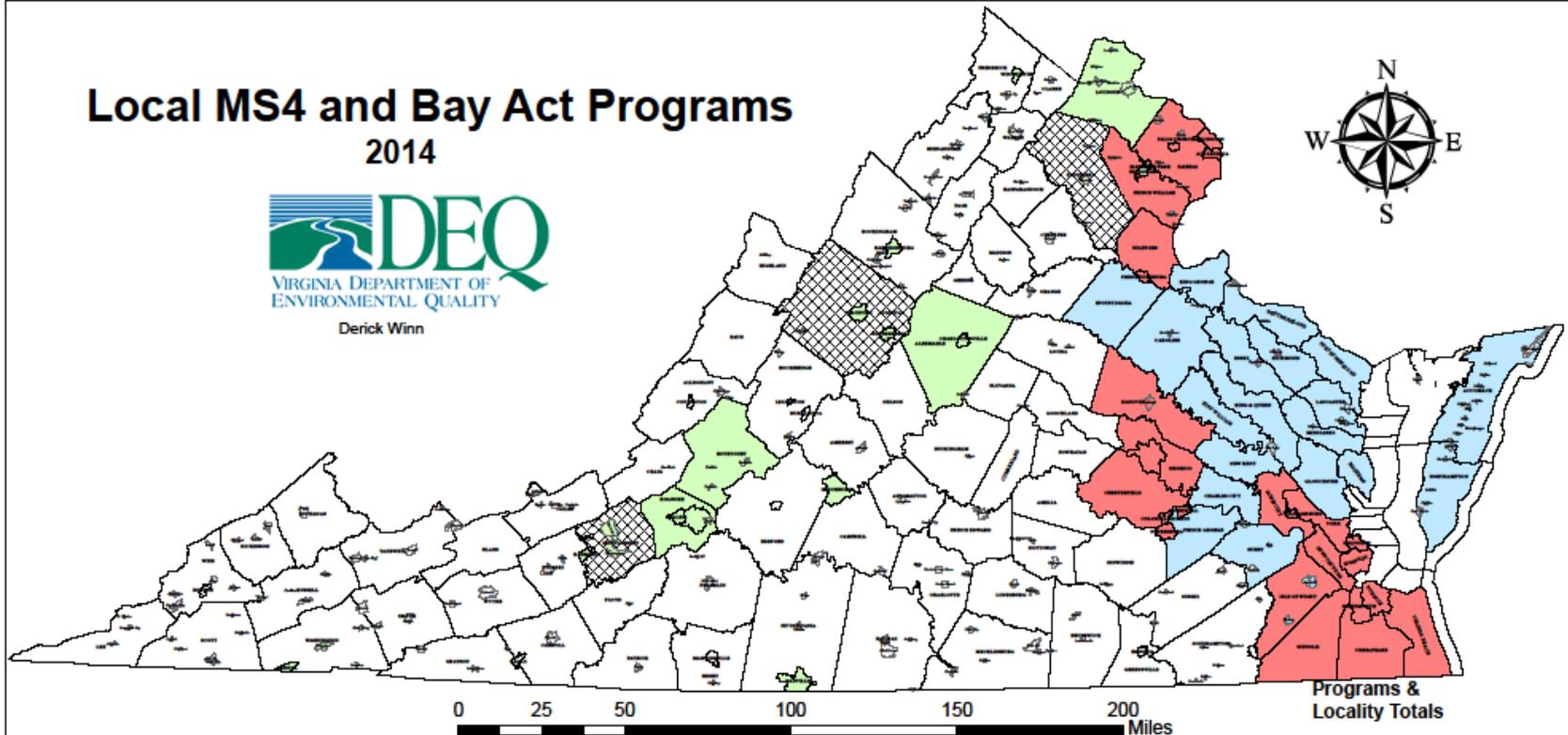
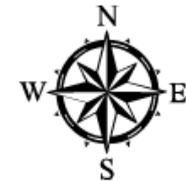
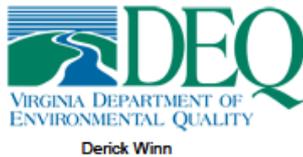
# Stormwater Management Act Changes Since 2011.....

- 2011 – Amended to require MS4s, Bay Act localities to adopt stormwater programs and administer elements of the Construction General Permit
- 2012 - State stormwater programs integrated; all cities, counties and MS4 towns required to adopt stormwater programs
- 2013 – DCR regulatory water programs moved to DEQ; stormwater regulations amended
- 2014 - Stormwater Management Act amended to require only MS4s to adopt local stormwater management programs

# Stormwater Management Act – 2011

## Bay Act and MS4s

### Local MS4 and Bay Act Programs 2014



**Totals:**

- \* White localities include 67 cities and counties outside the purview of the Bay Act that do not own or operate a MS4. These localities are not required to adopt a VSMP but may "opt-in" to the program.
- \* Green localities include 24 cities, counties, and towns outside the purview of the Bay Act that have a permitted MS4.
- \* Red localities include 31 cities, counties, and towns that have both a permitted MS4 and a Bay Act program.
- \* The 55 red and green localities are required to adopt a VSMP by July 1, 2014.
- \* Blue localities include the 19 counties with Bay Act programs that do not own or operate a MS4.
- \* Blue localities are not required to adopt a VSMP, but must administer the requirements for Chesapeake Bay Land Disturbing Activities contained in the VSMP regulations.
- \* Hash-marked localities include 3 counties with newly regulated MS4s that may defer VSMP adoption to January 1, 2015.

Programs & Locality Totals	
67	White box: N/A
24	Light green box: MS4 Only
19	Light blue box: Bay Act Only
31	Red box: MS4 & Bay Act
3	Hash-marked box: New MS4 Counties



# The Key Differences in Criteria

## Existing Rules

Impervious Surface (IC)  
only

0.5 inches of *Runoff* from  
the IC only

0.45 lbs/ac/yr

10% reduction TP

Simple Method

**Land Use(s)**

**Event**

**New Design Criteria**

**Redevelopment  
Criteria**

**Compliance  
Methodology**

## Modified Rules

IC + Forest/Open Space +  
Managed Turf

1.0 inches of *Rainfall* from  
the whole site

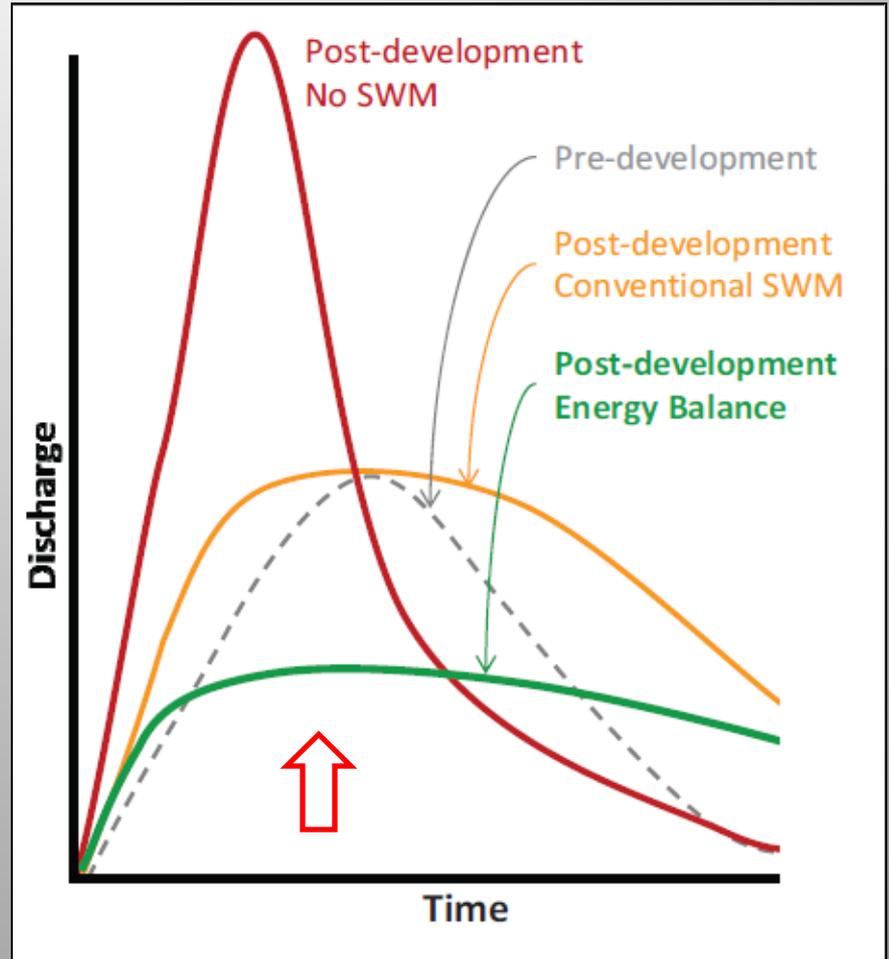
0.41 lbs./ac/yr TP

<1 acre = 10% red. TP,  
>1 acre = 20% red. TP

Runoff Reduction Method  
(RRM = enhanced  
Simple Method)

# The Energy Balance Method

- The new **ENERGY BALANCE METHOD** is based on the interaction of both flow volume and peak discharge, which determine the stream channel configuration



# Local VSMP Program Administrative Requirements



A VSMP shall provide for the:

1. Identification of the authority:
  - Accepting registration statements
  - Completing plan review & approval, inspection and enforcement
2. Submission and approval of ESC plans
3. Requirements to ensure compliance with Stormwater Pollution Prevention, Stormwater Management, and Pollution Prevention Plans
4. Requirements for the inspection and monitoring of construction activities by the VSMP operator

# Local VSMP Administrative Requirements (continued)

5. Requirements for long-term inspection and maintenance of SWM facilities
6. Collection and use of fees
7. Enforcement procedures
8. Policies and procedures to obtain and release bonds
9. Procedures for reporting and record keeping



# Local SW Ordinance Development



## Required Elements:

1. Identification of authority for receipt of registration statements, plan review, inspection and enforcement
2. Provisions for review and approval of ESC plans
3. Requirements for compliance with stormwater pollution prevention, stormwater management and pollution prevention plans
4. Inspection & monitoring of construction activities
5. Long-term inspection & maintenance of SWM facilities
6. Enforcement procedures and penalties

# Final VSMP Submittal Package



1. Final adopted SW Ordinance
2. Funding and Staffing Plan
3. Policies and Procedures
  - Partnerships
  - Administration of Program
  - Plan Review
  - Inspection
  - Long term BMP maintenance requirements
  - Enforcement
  - Procedures for record keeping & reporting
4. Existing, more stringent ordinances adopted prior to January 1, 2013



# VSMP Adoption Schedule



- January 15, 2014 – Localities submitted preliminary local VSMP application packages for review by DEQ
- June 15, 2014 – Final VSMP packages submitted for review by DEQ
- February – June – localities bring ordinances to elected officials
- July 1, 2014 – MS4s and localities opting in to implement of Final VSMPs

# HB1173/SB423 Highlights

- Limits local VSMPs required to adopt to MS4 localities and allows other localities to “opt in” to the program.
- Allows newly designated (after January 1, 2014) MS4 *counties* to defer adoption of a VSMP to no later than January 1, 2015.
- Allows for agreements in lieu of a stormwater management plan for single family lots.
- Localities not choosing to adopt a VSMP must still administer the flow rate capacity and velocity requirements of the Erosion and Sediment Control law.

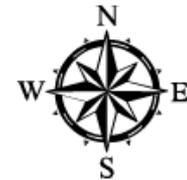
# HB1173/SB423 Highlights

- Non-MS4 Bay Act localities must administer requirements related to Chesapeake Bay Land Disturbing activities even if they choose not to adopt a VSMP.
- Clarification as to how local VSMPs are to conduct hearings and appeals.
- Requires DEQ to amend fees schedule to reduce fee for all single family lots.

# Stormwater Management Act – 2014

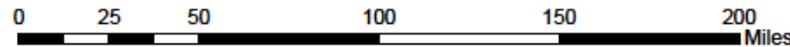
## MS4s and “Opt-Ins”

### Local VSMP Authorities 2014



**Town & City Authorities:**

- |                   |                       |
|-------------------|-----------------------|
| 1 - Leesburg      | 10 - Ashland          |
| 2 - Herndon       | 11 - Colonial Heights |
| 3 - Vienna        | 12 - Vinton           |
| 4 - Falls Church  | 13 - Roanoke          |
| 5 - Fairfax       | 14 - Blacksburg       |
| 6 - Warrenton     | 15 - Christiansburg   |
| 7 - Dumfries      | 16 - Pulaski          |
| 8 - Bridgewater   | 17 - Bluefield        |
| 9 - Bowling Green | 18 - Abingdon         |



Note: Opt-out totals include counties and cities that did not adopt a local VSMP.

**Local VSMP**

- DEQ Regional Offices
- 55  Opt-out
- 92  Local Authorities

# Current Status

- Number of submitted VSMP packages = 144 (prior to change in legislation)
- Number of non-mandatory localities that submitted packages = 34
- Number of mandatory localities that submitted packages = 58
- Regional & central office reviewed submitted packages
- Several localities are finalizing their local programs to comport with changes in SWM Act

# Local Programs: Assistance

- Provide technical assistance with VSMP implementation
- Assist future opt-ins
- Continue to issue guidance and FAQs
- Review Local SWM Ordinance changes
- Tools
  - Model ordinances
  - Checklists
  - Templates



# Other Local Program Projects – Bay Act and E & S Ordinance Updates

- E & S Model Ordinance developed
  - Localities required to satisfy new post development stormwater management quantity requirements (effective July 1, 2014) contained in the VASC Law
- Identify necessary changes to local Chesapeake Bay Preservation Act local ordinances
  - Bay Act localities opting out responsible for administration of Chesapeake Bay Preservation Act Land Disturbing Activities (2500 sq. ft. to one acre)

# DEQ Next Steps

- Establish procedures to be followed when a locality that operates a VSMP wishes to transfer administration of the VSMP to the Department.
- Establish a procedure by which a stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners.

# Questions?



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