

A MEETING OF THE STORMWATER ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE TWENTY FIRST DAY OF JANUARY, TWO-THOUSAND FOURTEEN, AT 4:00 P.M. IN THE FREEDOM PARK MEETING ROOM AT THE FREEDOM PARK VISITORS CENTER, 5537 CENTERVILLE RD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Committee Members Present:

Allen Ayers, Stonehouse
Nitant Desai, Powhatan
Phillip Doggett, Stonehouse
Malcolm Martin, Jamestown
Roger Schmidt, Stonehouse
Aaron Small, Jamestown
Mary Smallwood, Berkeley
Richard Strenkowski, Berkeley
Bob Winters, Powhatan

Committee Members Absent:

Charlie Brewster, Roberts
Doug Haller, Roberts
Randy Taylor, Stonehouse

Staff Present:

Suzanne Dyba, Water Monitoring Coordinator
Frances Geissler, Director, Stormwater Division
Scott Thomas, Director, Engineering and Resource Protection Division

B. PUBLIC COMMENT – None

C. APPROVAL OF MINUTES – The November 19, 2013 Regular Meeting of the SPAC minutes were approved.

D. Order of Business

- a. **Stormwater Regulatory Changes**– Scott Thomas, director of the Engineering and Resource Protection Division, was invited to give a presentation on the new Virginia stormwater regulations for development. He passed out a handout to committee members which broke down the regulations. He discussed the regulatory drivers of the program, the history, and notable differences/changes to the current program, including requirements for local staff, required certifications, and a new fee structure. Discussion ensued and Mr. Thomas answered many questions the committee had about the new program.
- b. **Outreach Subcommittee Update** – Educational outreach is an important part of the duties of the committee and the new MS4 permit require a very targeted strategy of reaching citizens with stormwater messages. Subcommittee member Rich Strenkowski shared the new outreach strategy that the subcommittee members have been working on

with the help of the Stormwater Division, and the Communications Department. The new branding and marketing plans will be known as the Clean Water Heritage program and will be shared with the public by staff and committee members. The BMP outreach portion of the plan has been postponed until a later date due to staff demands.

- c. **Coastal Risk and Powhatan Flood Mapping Update** – Fran Geissler shared an update on the flood mapping project, describing that delays are continuing until March. There will be more information available on the website as it is developed.

E. Staff Updates

- a. **Budget Update** –Fran Geissler gave the committee an update on the budget. The Stormwater Division has submitted a budget to County Administration for the next two fiscal years. The Board of Supervisors met for a budget retreat last weekend to discuss county needs. More information to come.
- b. **Capital Improvement Project Planning** – A rash of new projects have been looked at by county staff, including water quality concerns due to headcuts in streams. New projects will need to be reviewed and prioritized by the committee on or before July 2014 for possible implementation in the FY15 CIP budget.

- F. Committee Requests** – The committee would like Fran Geissler to draft a letter to the Board of Supervisors describing their approval to move forward with the new Stormwater regulations as proposed by VA DEQ.

G. The next meeting will be March 18, 2014 at 4:00 PM, Freedom Park Meeting Room

H. ADJOURNMENT - The meeting was adjourned at 5:22 pm



Aaron B. Small, Chairman



Frances C. Geissler, Secretary



Stormwater Program Advisory Committee January 21, 2014 AGENDA

WHEN: Tuesday, January 21 from 4:00 to 5:30 PM
WHERE: Freedom Park, 5537 Centerville Rd, Williamsburg, VA 23188
757-259-4022

- A. Call to Order
- B. Public Comment
- C. Approval of Minutes
 - a. November 19, 2013
- D. Order of Business
 - a. Presentation on the new Virginia stormwater regulations for development – Scott Thomas, Director – Engineering & Resource Protection Division
 - b. Outreach Subcommittee Update
 - c. Coastal Risk & Powhatan Flood Mapping Update
- E. Staff Updates
 - a. Budget Update
- F. Committee Requests
- G. Next Meeting – March 18, 2014 at 4:00 PM at Freedom Park
- H. Adjourn



New Virginia Stormwater Management Regulations

SPAC Meeting
January 2014



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New Virginia Stormwater Management Regulations



Regulatory Drivers of the Stormwater Program:

- Clean Water Act / NPDES / 2012 EPA Construction General Permit
- MS4 - General VPDES Permit of Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (VAR04)
9VAC25-890
- Construction General Permit – General VPDES Permit for Discharges of Stormwater from Construction Activity (VAR10)
9VAC25-880

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New Virginia Stormwater Management Regulations



Regulatory Drivers of the Stormwater Program:

- VSMP – Virginia Stormwater Management Program Regulations 9VAC25-870
- VESCP – Virginia Erosion & Sediment Control Regulations 9VAC25-840
- CBPA – Chesapeake Bay Area Preservation & Management Regulations 9VAC25-830
- Certifications – Erosion & Sediment Control and Stormwater Management Certification Regulations 9VAC25-850

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New Virginia Stormwater Management Regulations



Virginia Stormwater Laws & Regulations:

- Law: Title 62.1 – Waters of the State, Ports and Harbors, Chapter 3.1 State Water Control Law, Article 2.3 Stormwater Management Act §62.1-44.15 (ie. Virginia Stormwater Management Act or VSMA)
- Regulations: Virginia Stormwater Management Program (VSMP) Regulations 9VAC25-870

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New Virginia Stormwater Management Regulations



Reasons for the VSMP Law & Regulations:

- Property protection
- Incorporates runoff reduction (volume reduction)
- Required element of County MS4 program plan
- Required by the Construction General Permit
- Required by Virginia E&S law & regulations (VESCP)
- Satisfies Virginia commitments in the PH2 watershed implementation plan (WIP) to address the Chesapeake Bay TMDL - urban sector strategy

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New Virginia Stormwater Management Regulations



History of the Law & Regulations:

- 9 year history (2004 to current)
- Final approval of regulations by the VAS&WCB on May 24, 2011
- Over 3,700 public comments received prior to the final adoption.
- Signed into law on September 13, 2011 (over two years ago)
- Consolidation-Integration Bill effective July 1, 2012
- Final act & regulations combined are over 150 pages total.
- State Water Control Board has statutory authority to regulate.
- State issues the general permit, must register and obtain coverage
- Localities administer & enforce the program.
- Localities can issue consolidated LD (E&S) and STW permits.
- Local implementation by July 1, 2014 (FY15)

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New Virginia Stormwater Management Regulations



Required to Adopt:

The County must adopt and administer by ordinance a local stormwater management program per §62.1-44.15:27 of the Code of Virginia because.

- It is a Tidewater locality subject to the Bay Act & Regulations
- It is a locality which operates a regulated MS4

Those Required Not to Adopt:

Localities outside the Bay Act – Tidewater area and those not subject to MS4 requirements may elect to adopt and administer a local stormwater management program. If locality does not decide to adopt, then the Virginia DEQ and the State Water Control Board will administer.

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New Virginia Stormwater Management Regulations



Current Legislative Session HB 1173

§62.1-44.15:27 Amendment

The Department (DEQ) shall operate a VSMP on behalf of any locality that does not operate a regulated MS4 and that notifies the DEQ of its decision not to participate in the establishment of a VSMP. A locality that decides not to establish a VSMP shall still comply with other requirements of the VSMA and E&S Law.

Therefore, DEQ would operate the VSMP for the locality, which could affect issuance of local permits such as building permits or land-disturbing permits.

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New Virginia Stormwater Management Regulations



Notable Differences/Changes Compared to Current Program:

- Regulations are equal if not slightly better than current criteria.
- Based on sound science and current treatment technologies.
- The County has many of the required elements in place now.
- New ordinance needed (the VSMPo)
- Expect reduction in legislative case proffers or conditions (rezonings and special use permits).
- New administrative and state E-permit process (registration).
- Use of the new Virginia Runoff Reduction Method (VRRM).
- One stop shop for stormwater permitting (in theory)

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Notable Differences/Changes Compared to Current Program:

- Managed turf is now considered a pollutant load generator.
- New state water quality criteria.
- Expanded BMP list and "levels" of design.
- New offsite compliance option for water quality.
- New water quantity control criteria.
- New modern BMP clearinghouse website and state SWM Handbook.

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Notable Differences/Changes to Current Program:

- New Stormwater Pollution Prevention Plan (SWPPP) terminology
 - Erosion and sediment control plan
 - Stormwater management plan
 - Pollution prevention plan
- Pollution Prevention Plan (PPP) requirements for local staff.
- New administrative completeness check (15 days).
- New stormwater training and certification requirements.
- New enforcement provisions.
- New program reporting and record keeping aspects.
- New fee structure (adopted as part of the state law/act/regulations and included in the state model ordinance template).

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New Virginia Stormwater Management Regulations



Before we get on the fee topic, let's talk about where we are currently:

- A work session was held with the Board of Supervisors on February 26, 2013
 - Provided briefing on the local development and implementation
 - Define local VSMP authority
 - 2012 state model ordinance (no local ordinance adopted yet)
 - Permission to develop draft funding and staffing plan
 - Fee discussions
 - Package approved by DEQ in August 2013

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New Virginia Stormwater Management Regulations



Before we get on the fee topic, let's talk about where we are currently:

- A Substantive Progress Application (SPA) was due on April 1, 2013
 - Define responsible local VSMP authority (ERP)
 - Preliminary ordinance using the 2012 state model
 - Draft funding and staffing plan
 - Submittal in order to get a one-year time extension
 - Package approved by DEQ in August 2013, one year extension granted
- State program responsibility shifted from DCR to DEQ (July 1, 2014)
- County MS4 permit renewed in July 1, 2013 (new actions)

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Before we get on the fee topic, let's talk about where we are currently:

- New DEQ trainings begin, basic training and inspector (October to now)
- State Water Control Board Meeting on December 17, 2013
- A Preliminary Final Application (PFA) was due on January 15, 2014
 - Builds off of the SPA
 - DEQ Required Elements Checklist (program wide)
 - DEQ Local Ordinance Checklist
 - Refined ordinance (not adopted locally yet)
 - Refined draft funding and staffing plan again
 - Other program materials
 - Submitted by staff

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Before we get on the fee topic, let's talk about where we are currently:

- Now the work will begin to go through the local adoption process
 - County attorney review
 - Reading file BOS
 - Work session BOS
 - Public advertisement & public comment
 - Local adoption
 - Possible time extensions by state legislative session
 - Continuing with DEQ trainings including the E-permit system
 - Final Application (FA) due May 15, 2014
 - Still some changes in law & regulations floating around

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FEES



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Current Local Program Fees:

- E&S plan review/inspection
- Stormwater facility installation & inspection (milestones, 2008)
- Bay Act Program (started 2008)

Currently, state VSMP registration and fee collection are independent of the County E&S plan review and land-disturbing permit process. The Commonwealth administers VSMP program.

New VSMP Program Registration Fees:

- Fees for permit registration (coverage)
- Fees for permit modification or transfer
- Fees for permit annual maintenance (ie. permit renewals)

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▪ Preliminary Recommendations on Fees:

- Maintain current - existing County fees and initially adopt statewide VSMP fee schedule in accordance with most current law & regulations and the model ordinance. Was proposed in the SPA and PFA in that manner.
- Provides equilibrium with neighboring Bay Act communities and consistency for development community.
- Allows for generation of revenue for review of stormwater management plan reviews which we have been doing for 20+ years for Bay Act purposes. Only collected for E&S plan review.

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Summary of Fee Schedule in New Regulations

Project Disturbance	Registration/Coverage	Modification/Transfer	Annual Permit Maintenance
CBPA: 2,500 sq. ft. to 1 acre	\$290	No fee \$20 for less than 1 acre	\$50
Less than 1 acre	\$290	\$20	\$50
1 acre - 5 acres	\$2,700	\$200	\$400
5 acres - 10 acres	\$3,400	\$250	\$500
10 acres - 50 acres	\$4,500	\$300	\$650
50 acres - 100 acres	\$6,100	\$450	\$900
Greater than 100 acres	\$9,600	\$700	\$1,400

New Virginia Stormwater Management Regulations



BMP Structures Designed to Achieve Part II C Technical Criteria (Old way)	vs	BMP Structures Designed to Achieve Part II B Technical Criteria (New way)
BMP designed to "treat" the first flush (1/2 inch) of runoff from impervious surface to remove pollutants (Doesn't take into account the intensity of rain)	Event	Treatment volume (Tv) 1-inch rainfall event statewide standard
Impervious surface	Land Use(s)	Forest/open space, turf, impervious
Average land cover condition	New Design Criteria	0.41 lbs./acre/yr of P
10% reduction of phosphorus	Redevelopment Criteria	< 1 acre = 10% P reduction > 1 acre = 20% P reduction
Simple Method, Blue Book, BMPs	Compliance Methodology	Runoff Reduction, BMP Clearinghouse

P = Phosphorus

BMP Pollutant Removal Efficiencies (March 1, 2011)
w/wc.vr.edu/swc
 Table 6-1

Practice Number	Practice	Removal of TP by runoff reduction (RR as %) (Based upon 1 inch of rainfall)	Removal of TP by treatment + pollutant (EASC) reduction (PR as %)	Total mass load removal of TP (TR as %)
1	Roof-top disconnection	25 or 50 ¹	0	25 or 50 ¹
2	Sheet flow to vegetated filter or conserved open space 1	25 or 50 ¹	0	25 or 50 ¹
	Sheet flow to vegetated filter or conserved open space 2 ²	30 to 25 ¹	0	30 to 25 ¹
3	Gross channel	10 to 20 ¹	15	25
4	Soil amendments	Used to decrease runoff coefficient for turf cover at the site. See the design specs for roof disconnection, sheet flow to vegetated filter or conserved open space, and gross channels		
	Vegetated roof 1	45	0	45
5	Vegetated roof 2	60	0	60
6	Rainwater harvesting	Up to 90 ^{3A}	0	Up to 90 ^{3A}
7	Permeable pavement 1	45	25	69
	Permeable pavement 2	75	35	81
8	Infiltration 1	60	25	63
	Infiltration 2	90	25	93
9	Bioretention 1	45	25	55
	Bioretention 2	60	30	70
	Urban Bioretention	40	25	55
10	Dry swale 1	40	20	62
	Dry swale 2	60	40	74
11	Wet swale 1	0	20	20
	Wet swale 2	0	40	40
12	Filtering practice 1	0	60	40
	Filtering practice 2	0	65	65
13	Constructed wetland 1	0	50	50
	Constructed wetland 2	0	75	75
14	Wet pond 1	0	50 (45) ⁴	50 (45) ⁴
	Wet pond 2	0	75 (60) ⁴	75 (60) ⁴
15	Extended detention pond 1	0	15	15
	Extended detention pond 2	15	15	31



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