

On September 13, 2011, modifications to the Virginia Stormwater Management Program Regulations (VSMP) became effective. These modifications included the establishment of new stormwater design criteria for the control of post construction stormwater runoff and the delegation of the Virginia General Permit for Discharges of Stormwater from Construction Activities to local governments.

Any locality excluding towns, unless the town operates a regulated MS4, shall be required to adopt a VSMP for land-disturbing activities consistent with the regulations and in accordance to a schedule set by the Virginia Soil and Water Conservation Board. Any town lying within a county, which has adopted a VSMP, may adopt its own program or shall become subject to the county program.



Virginia Stormwater Management Program Regulations FAQ Sheet

Q. When are localities required to begin implementation of the updated regulations?

A. Implementation of the revised regulations by local governments will begin on July 1, 2014, in conjunction with the reissuance of the Virginia General Permit for Discharges of Stormwater from Construction Activities (VSMP). Local government programs must be developed and approved by the Virginia Soil and Water Conservation Board prior to their implementation. DCR is developing a schedule for localities to follow in submitting their program details to the Board.

Q. How does this compare to existing locality program(s)?

A. Erosion and Sediment Control (ESC) programs that regulate land disturbing activities are already run at the local level statewide. As such, localities already administer the main elements of a comprehensive stormwater management program: administration, permitting, plan review, inspection, enforcement, etc. The addition of a stormwater management component will involve modification to local ordinances and will provide for local plan review and inspection of permanent BMPs. Localities that operate an existing program will need to adopt or modify their existing ordinances to be consistent with the state VSMP General Permit requirements.

Q. Will there be any training on the new stormwater management regulations?

A. Yes. DCR is developing a comprehensive training program for local staff, engineers and other interested stakeholders. Training will follow, including modules on the new runoff reduction method, BMP technical criteria, the regulatory provisions, review criteria, model ordinance and other important items.

Q. Will there be opportunities to obtain financial grants to assist with the development of local stormwater management programs?

A. Yes. DCR is in the process of identifying funding sources and technical assistance opportunities to help local governments develop their local programs. DCR is also in the process of developing a suite of technical assistance tools and guidance for local governments.

Q. Are there any grandfathering provisions to the stormwater regulations?

A. Land-disturbing activities that qualify under the grandfathering provisions must be approved by the locality prior to July 1, 2012 and must be completed by June 30, 2019.

Q. Are existing locality developed regional and watershed stormwater management plans and stormwater master plans grandfathered from the new regulations?

A. The grandfathering provision applies specifically to land-disturbing activities and does not apply to locally developed regional or watershed management plans or stormwater master plans. Regional and watershed stormwater management plans and stormwater

master plans will need to be reviewed and modified in order to ensure compliance with new stormwater design criteria.

Q. Can a locality adopt more stringent program regulations?

A. Localities are authorized to adopt more stringent stormwater management ordinances provided that the more stringent ordinances are based upon findings of local or regional comprehensive watershed management studies or findings developed through the implementation of a MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources or to address specific existing water pollution. Localities shall report to the Board when more stringent stormwater management ordinances are determined to be necessary.

Q. Will a local government be required to remit a portion of the stormwater permit registration fees collected to the Commonwealth?

A. Local governments will retain 72% of the state permit registration fees and 100% of the maintenance fees for program operation. Local governments can request to modify their fee structure to adjust for local economic conditions. In the event a locality waives the fee, the locality will still be responsible for remitting the 28% to the Commonwealth.

Required elements for a local stormwater management program application package to the Virginia Soil and Water Conservation Board shall include at a minimum:

- A copy of the most recent Stormwater Management Ordinances(s) reflecting current law.
- A description of staffing needed to operate the SWM Program and how funds will be distributed.
- If applicable, a copy of the agreement, MOUs or contracts used to set up and administer a multi-jurisdictional program.
- A description and documentation of the plan review processes for erosion and sediment control and for stormwater management plans.
- Provide a description where the procedures for obtaining and releasing bonds are located, either within the local Stormwater Management Ordinance(s) or elsewhere.

- A description and documentation of the local program for the inspection of land disturbing activities and stormwater management facilities.
- A description where the recordkeeping and reporting procedures are located, either within the local Stormwater Management Ordinance(s) or elsewhere.
- A description and documentation of local program to track and maintain permanent BMPs.
- Provide a description where the fee structure is located, either within the local Stormwater Management Ordinance or elsewhere.
- Provide a description and/or location of enforcement provisions, either within the local Stormwater Management Ordinance or elsewhere in the local code.
- An identification of the TMDLs that have been developed in the locality.
- A description and copy of local BMP design criteria. If the locality adopted the local BMP design criteria that differ from State Stormwater Management Handbook/Virginia BMP Clearinghouse, documentation that these BMPs were approved by the Board shall be provided.

Action	2011		2012				2013				2014			
	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Stormwater Regulations Approved	[Yellow bar]													
SWM Effective Date		[Green diamond]												
Program Guidance and Program Tools	[Grey arrow pointing right]													
Local Government Notification				[Orange diamond]										
Local SWM Program Development (Mandated and Voluntary Localities)					[Orange bar]									
VSMP General Permit Effective Date													[Green diamond]	
SWM Implemented													[Green diamond]	
Local Programs Initiated													[Orange diamond]	

Additional Information:

http://www.dcr.virginia.gov/stormwater_management/stormwatlocopt.shtml

