

General

1. Will the construction general permit require submission of a BMP maintenance agreement?

*No. However, when a locality is authorized as a VSMP authority, stormwater management plans that are submitted for local approval must be accompanied by BMP maintenance agreements for any permanent BMPs proposed to be constructed on the site. This requirement does not apply to single BMPs placed on residential lots that treat runoff from only those individual home sites that are not part of a common plan of development. This requirement appears in Parts II and III of the Virginia Stormwater Management Regulations and will be referenced in Part XIV (General VSMP Permit for Discharges of Stormwater from Construction Activities).*

2. What kind of help is available from DCR to encourage localities to allow the use of nutrient offsets?

*DCR currently has guidance regarding the allowance of nutrient offsets and will be developing regulations and additional guidance regarding the nutrient credit exchange process.*

3. Will this presentation discuss any technical information that would be of value to private consultants?

*Yes.*

4. Are there any annual reporting requirements associated with this?

*There will be reporting requirements, but they are generally the same as those that are currently required for MS4 communities.*

5. When will the DCR website be updated so that all of its links to the stormwater management regulations actually refer to the new stormwater management regulations.

*The DCR website already provides a link to the new regulations, at:  
<http://www.dcr.virginia.gov/lr2d.shtml>*

6. What about the fee increases?

*The regulations contain a fee schedule that was adopted by the Soil & Water Conservation Board. However a locality can request that the Virginia Soil and Water Conservation Board approve an alternative fee schedule for the local program upon demonstration of adequate program funding. The local government's authority to have different fees other than the standard fees is provided in 4 VAC50-60-700 of the regulations. In either case [lower fees or higher fees], the Board must authorize it.*

7. Is DCR comfortable allowing the use of provisions of the new regulations prior to their official adoption?

*Because the requirements of the VSMP may change somewhat, based on the new construction G, localities may not adopt local programs in advance of the July 1, 2012 implementation date. However,*

*localities may allow the use of the runoff reduction method and new BMP design specifications in advance. The current regulations allow localities to adopt more stringent provisions than those in the state regulations. Using this approach, such provisions should be adopted into the local ordinance and administered uniformly. The current regulations also allow localities to allow the use of “innovative” BMPs. However, if a locality were to allow the use of the new BMP design specifications, they must also require that compliance be calculated using the new Virginia Runoff Reduction Method Spreadsheet. The pollution reductions credited to the new design specifications are based on the new regulatory criteria, which are reflected in the new spreadsheet, not the old compliance equations. (NOTE: Until such time that the Construction General Permit is reissued, the current design criteria required by the Permit are found in Part II.C. of the modified regulations.)*

8. This webinar should be broadcast again with updated information as it develops. DCR should reach out to local city/county attorneys who will be key in drafting SW ordinances.

*The webinar was recorded and will be available on the DCR website. Furthermore, DCR is scheduling Regional Outreach Meetings that provide much of the same information. DCR has also provided the pre-draft model ordinance to a committee of local attorneys and has also asked an attorney who represents multiple localities to assist with the drafting of the final model ordinance.*

### State and federal projects

9. Will the approval date for a state agency, university or federal agency stormwater management permit coincide with that for local programs?

*The timeframe for state agency, university and federal agency permits is still under development.*

10. Briefly discuss the process for approval of state and federal agency programs (similar to local programs). Would there be different requirements for an approval process for a state or federal program. Our understanding is that without an approved program, each state or federal project must be submitted to DCR for approval.

*Effective with reissuance of the VSMP Construction General Permit, each project will be required to have an approved erosion and sediment control plan and an approved stormwater management plan prior to land disturbance. Plans are required to be approved by the appropriate agency. Where a state or federal program has not been approved by the Board, individual plans will be required to be submitted to DCR for review and approval (with the exception of State college and university erosion and sediment control plans, which are required to be submitted to the appropriate local government if annual standards and specifications for the college or university have not been approved by the Board). Specific details are still being worked out regarding these state and federal programs.*

### Grandfathering

11. What happens with plans which are submitted to localities after the July 2012 grandfathering deadline, but before a local stormwater program is adopted, and for which there will be no permit coverage by July 1, 2014? i.e., before a local government has the necessary ordinance in place to utilize the new technical criteria.

*If the project has not been grandfathered by a local government consistent with the grandfathering provisions of the revised regulations and has not obtained permit coverage by July 1, 2014, it must comply with the local VSMP requirements and the new General Permit for discharges from*

construction sites. DCR has developed a Guidance Document pertaining to the grandfathering provisions (still under review at the Attorney General's Office) at: <http://www.dcr.virginia.gov/documents/lrswlgacdoc17.pdf>

### Training and Certification

12. Will DCR offer stormwater inspection training classes?

*Scott Crafton: Yes. There will actually be a variety of training offered, as well as additional certifications. Also, DCR is currently developing a certification program to begin in the Spring of 2013. More information will be available in the Fall of 2012.*

13. How will certification training affect those already certified as combined administrators?

*The current combined administrator certification for ESC will remain intact. Additional certification will be required for administrators of Stormwater Programs.*

### Hearings and Appeals

14. Will the state provide some guidance on hearing boards for enforcement? What will be eligible to go in front of the board? Such boards will make enforcement far more difficult for local governments.

*DCR is developing guidance to assist localities with local program adoption and requirements of the Board submittal packages. A "Required Program Elements Checklist" that details the minimum requirements is available on DCR's website at:*

<http://www.dcr.virginia.gov/documents/lrswlgacdoc18.pdf>

15. In the pre-draft model ordinance, Section 1-14 "Appeals," what local governing body may conduct the judicial review? Do localities need to set up a separate Board for this purpose?

*The model ordinance is under review in the Attorney General's Office during the summer of 2012, and this is one of the issues they are examining. DCR will provide further guidance when this review is done.*

### Consolidated ESC and SW programs

16. Does DCR expect localities to consolidate E&S control, stormwater management, and CBPA programs to mirror the State program?

*DCR's overall goal is to have a consolidated local programs. However, how this consolidation occurs locally is up to each individual local government and their legal counsel. Where feasible, local governments should at least attempt to consolidate and streamline local project reviews in a coordinated manner so they can be implemented as efficiently as possible, facilitating ease of compliance. A good example of such consolidation is the process for local site plan review team conferences at which the developer receives input from staff from all applicable reviewing departments (including those for Erosion & Sediment and CBPA). (NOTE: The state SWM, E&S and CBPA programs are, legally and technically, still three distinct programs authorized and regulated under three separate authorities.)*

## Staffing and funding

17. Will DCR provide recommendations or a guidance document to assist localities with estimating staffing and program funding needs?

*DCR recommends each locality examine their current ESC program, looking at staffing and levels of plans submitted for review to determine staffing levels required to run the Stormwater Management Program. DCR has documents on its website that provides estimates, based on a survey of local government and DCR field staff, of the amount of time involved in conducting inspections or reviewing plans for projects of varying sizes and complexity – this could help localities estimate their staffing needs. DCR used these documents as the basis for setting the permit fee levels found in Part XIII of the regulations. See the following website links:*

<http://www.dcr.virginia.gov/documents/swmtacestpt13.pdf>

<http://www.dcr.virginia.gov/documents/swmdisdocfees.pdf>

18. Can the localities seek assistance from private consulting companies for training and/or implementation?

*Yes, localities can obtain assistance from private consultants to help them develop their programs and ordinances. They could also contract with private consultants to administer certain parts of a stormwater management program (e.g., plan review, inspection, etc.). However, the locality should probably handle receipt of permit applications and fees and must handle enforcement issues.*

## Technical Criteria

19. Will the energy balance approach effectively reduce the hydrograph peak for the Q1- Q2 channel-forming (bankfull) flow in natural streams? If so, we may see unanticipated stream channel morphology changes (e.g., reduced ability of Q1-Q2 bankfull flow to transport bedload, and subsequent potential for increased stream channel aggradation and lateral migration).

*The Energy Balance equation is intended to prevent stream channel erosion and, moreover, to provide an incentive to match pre-development and post-development discharge volumes and rates. If that is not possible, then the methodology provides an objective criterion to use in determining how much detention is needed to reduce channel erosion caused by any increased peak and volume. From a practical point of view, most watersheds where active development is taking place have either already been (1) converted to agricultural practices from forest (causing a large increase in peak flow and volume), (2) partly developed, or (3) a combination of those. So using the Energy Balance method in new development and redevelopment projects is unlikely to be employed to a great enough extent (as a percentage of the stream's total drainage area) to cause a measurable negative effect. If there is a valid concern regarding channel aggradation and migration, the designer can easily analyze potential impacts through use of a sediment delivery ratio analysis, such as can be performed with HEC-RAS and similar software tools. There is a thorough explanation of the Energy Balance equation in the July-August issue of **Stormwater Magazine** entitled **The "Energy Balance" Method of Stormwater Management**, authored by Michael Rolband and Frank Graziano of Virginia's own Wetland Studies and Solutions, Inc.*

20. Is the final pre-development condition forested or meadow when employing the energy balance equation?

*This is not specified in the regulation. However, the regulation (4 VAC 50-60-66 B 3 a) does state that “under no condition shall  $Q_{Developed}$  be greater than  $Q_{Pre-developed}$  nor shall  $Q_{Developed}$  be required to be less than calculated in the equation  $(Q_{Forest} \times RV_{Forest})/RV_{Developed}$ .”*

21. Is the type of receiving channel determined at the property line or a certain distance downstream? For example, if the site discharges to a storm sewer which ends 50 feet past the property line, is that still considered a manmade channel?

*The regulations include provisions for the limits of analysis downstream of the discharge point, a transition such as that described in the question must be taken into account.*

22. Do increased leaching losses with increased infiltration reduce the value/credit of a SW BMP?

*No. The Virginia Runoff Reduction Method Spreadsheet gives the full pollution reduction credit for whichever design level of the BMP is selected, based on the volume of runoff delivered to that BMP.*

23. Is there any change to the 2-foot separation requirement for infiltration basins. In the coastal plain region two feet is almost impossible to achieve.

*The Chesapeake Stormwater Network’s Coastal Plain technical bulletin, which will also be included as an Appendix in Chapter 6 of the new Virginia Stormwater Management Handbook (due out late summer/early fall 2012), provides some great guidance on coastal plain issues. A shallower profile may be allowed with the use of an underdrain.*

24. Will there be classes to teach the new methods in the blue book in a more formal educational arena. (e.g., local community colleges)?

*This decision will be made for each community college based on the availability of willing and qualified faculty, the college’s interest in adding such a course(s), and the demand from those in the community for such a class(es). For example, J. Sargeant Reynolds Community College in Richmond has offered a two-semester Drainage series taught by the VDOT State Hydraulics Engineer for many years; however, the class hasn’t been held for the past several years due to lack of students signing up for it. DCR is also having dialogue with the Virginia Chapter of the American Society of Civil Engineers about developing a set of stormwater management training sessions focused on the engineering aspects of the program. Stay tuned.*