



Virginia Stormwater Management Regulations

Next Steps – Frequently Asked Questions

The revisions to the Virginia Stormwater Management Regulations (SWM) became effective on September 13, 2011 after a significant and successful stakeholder process. These regulations are an important part of the state's efforts to protect the quality of local waters and the Chesapeake Bay.

The Virginia Stormwater Management Act currently provides a number of localities in the state, specifically in the southern and western portions of the state, the option of implementing SWM rules in a local program. The alternative is to have local development be regulated under a DCR run program. Options exist also for localities to find cooperative opportunities to administer a program. Although the regulations allow local governments to notify the Board at any time of their desire, those localities who wish to adopt a local program should notify DCR by March 2012 of their intent to do so.

Realizing there are numerous questions regarding the new regulations, DCR developed this document to address key questions and issues. It is DCR's desire that local adoption of the regulations be as seamless and efficient as possible.

What are the benefits of adopting a stormwater management program for those localities that are not required to adopt a program?

Benefits to a local government adopting stormwater management program include:

1. **Local Development Control.** Local governments will have direct oversight of development activities in their jurisdiction, including the speed with which plans are reviewed and approved. Administering a local program provides an economic development advantage and the ability to address local issues. Localities will also have the ability to quickly and effectively address compliance issues.
2. **One-Stop-Shop.** Implementation of a local program provides "one-stop-shopping" for the development community in that they can comply with all of their stormwater regulatory requirements through local programs.
3. **New Revenue Source.** Local governments will receive a majority of permitting fees for stormwater management program operation, providing a new source of local revenue, and will have the option to set and increase those fees, as necessary, to support the local program activities.

4. **Funding Access.** The Virginia Clean Water Revolving Loan Fund guidelines provide priority ranking points for stormwater projects when the local government requesting the loan has adopted a local stormwater management program.
5. **Protecting Local Waters/Reducing Future Costs.** Administering a local stormwater program, particularly criteria related to managing the quantity of storm water runoff, will avoid future, expensive stream restoration costs and damage to properties.

How does this compare to my existing program(s)?

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 would involve modification to local ordinances and would provide for local plans review and inspection of permanent BMPs.

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

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. 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.

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

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.

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

Yes. DCR staff is also in the process of identifying a variety of 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.

Can a locality adopt a program without hiring additional staff?

Yes. There are several options for running a local program without hiring additional staff. Programs can be run by soil and water districts or in cooperation with other localities. Another option is that management of the program be contracted out to another entity.