

VML Comments on VSMP Permit Regulations

Joint Commission on Administrative Rules – 9/16/09

- 76 VML members (32 cities, 36 towns and 8 counties required) must adopt local program. 131 members (7 cities, 2 counties, 122 towns) will have the option of administering the program.
- Cost to administer the local program will be expensive and not covered by fees. Local governments will have to rely on real estate taxes.
- Local governments will need greater flexibility in administering the program.

Given that DCR and local program activities under this proposed rule face a highly variable revenue source, DCR and local governments should develop clear plans to manage its variable revenue stream in a way that does not disrupt monitoring and enforcement of these regulations.

Economic Impact Analysis of Revisions to the Virginia Stormwater Regulations

Stephenson & Beamer 12/31/08

VML Recommendations

Separate the administration of the VSMP “General Permit for Discharges of Stormwater from Construction Activities” from the technical requirements to treat the discharge from post-construction stormwater runoff.

1. The general permit is for construction activity only which is substantially different from stormwater runoff activities.
2. Intent of 2004 SWM Law – to be combined with the currently required Erosion and Sediment Control permit program administered by local governments.
3. Developers are aware of the design standards to be met on site for post-construction runoff and plan accordingly regardless of the timing to apply for a land-disturbance permit.

Allow local governments to take over the VSMP General Permit beginning July 1, 2010, but maintain the statutory deadline for localities to assume administration of technical criteria for stormwater quality and quantity.

1. 166 local governments already administer the Erosion and Sediment Control permit program
2. By having the VSMP General Permit authority, local governments can collect revenue, hire required staff, and plan for budgetary adjustments as needed to successfully manage the technical criteria for stormwater quality and quantity.

Strengthen the state and local financial commitment to achieve clean water goals by empowering localities to permit and adopt their own fee schedules for reviewing, inspecting & maintaining stormwater BMPs for post-construction runoff.

1. To carry out this state law and regulations, local governments must hire engineers, inspectors, and others to apply the new technical criteria.
2. A state-issued “one-size-fits all” fee schedule cannot take into account vastly different local workloads. Allowing local governments to adopt the fee schedules will allow for greater flexibility in adjusting revenues to meet the demands of program administration.