

Docket Item #5
Article XIII – Environmental Management Ordinance
Minor Updates
Section 13-102 through 13-126

Consolidation of the Virginia Stormwater Management Program and
Erosion and Sedimentation Control Program

Effective July 1, 2024

Zoning Text Amendment #2024-0003

Planning Commission

March 5, 2024



This presentation is subject to changes prior to hearing



Why are the amendments needed?

- Virginia State Water Control Board / Virginia Department of Environmental Quality consolidated regulations and code for erosion and sediment control and stormwater management
- What does it do: clarify requirements, eliminate redundancies, and correct inconsistencies between program regulations
- *No substantive changes to existing erosion and sediment control minimum standards or to the post-construction stormwater management technical criteria are part of this regulatory action.* (Notice of Intended Regulatory Action)
- Must be effective July 1, 2024, to coincide with state effective date

Consolidation requires text amendments

- Virginia Erosion and Sediment Control Program (VESCP) + Virginia Stormwater Management Program (VSMP) = Virginia Erosion and Stormwater Management Program (VESMP)
- (ESC) 9VAC25-840 & 850 + (VSMP) 9VAC25-870 = (VESMP) 9VAC25-875
- Changes to ZO: definitions, program names, and reference numbers



Proposed text amendments

13-103 – Definitions

(N) General permit. The state permit titled General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities found in 9VAC25-880 et seq.) of the ~~Virginia Stormwater Management Regulations~~ Virginia Erosion and Stormwater Management Regulations authorizing a category of discharges under the federal Clean Water Act and the ~~Virginia Stormwater Management Act~~ Virginia Erosion and Stormwater Management Act within a geographical area of the Commonwealth of Virginia.

13-104 - Administration.

(D) Establishment of fees. The director of T&ES shall by general rule approved by city council establish a schedule of fees required for each application under this Article XIII to be paid at the time an application is submitted. The schedule of fees shall include those authorized by ~~9VAC25-870-700~~ 9VAC25-875-1290 et seq. The schedule of fees is set per approved council docket.

13-126 - Penalties.

(A) Under the authority of ~~9VAC25-870-116~~ 9VAC25-875-150 the director of T&ES shall have the following authority to enforce provisions of this Article XIII required or authorized under Section 62.1-44.15:24 et seq. of the Code of Virginia (the ~~Virginia Stormwater Management Act~~ Virginia Erosion and Stormwater Management Act) and its attendant regulations:



Schedule

- Planning Commission hearing: March 5th
- City Council hearing: March 16th
- City Council Legislative Meeting: April 2nd
- City Council hearing: April 13th

Amendments must be adopted effective date July 1, 2024



Staff recommends approval