

## **Senate Bill 395/House Bill 1220**

### **Stormwater Management Suspension**

#### **What the Regulations Do:**

- Create the authority for local governments to administer the Stormwater Management Permit for Land Disturbing Activities.
- Change the method by which stormwater runoff is calculated from both new development and redevelopment.
- Change the technical criteria for controlling stormwater runoff post-development.
- Increase the cost of stormwater management across the Commonwealth without providing real benefit to the Chesapeake Bay, thereby increasing the cost of doing business and living in Virginia.

#### **What are the Problems with the Regulation:**

- The process under which the technical criteria were developed did not allow for substantive input and analysis. All changes were reactive to comments and done internally at DCR.
- Even the Department of Planning and Budget with the assistance of Virginia Tech economist Dr. Kurt Stephenson could not accurately determine the cost associated with the new regulation.
- Those preliminary data show that Virginia is very close to meeting its goals in reducing pollution to the Chesapeake Bay.
- The new regulations take effect in July 2010, provide very little grandfathering protection, and will need to be changed in December 2010 upon completion of the Virginia Chesapeake Bay TMDL Implementation Plan.
- The added expense of the new requirements in the regulation and the additional engineering required will put a stop to some plans that have the potential to create jobs.
- The new regulations create vast uncertainty in the development and business communities on how to move forward with plans to bring jobs to Virginia.
- The regulations create at least a one year period where it will be unclear under what rules your stormwater management plan should be designed.

#### **How Does This Legislation Fix the Problem:**

- It is a “compromise” between all interested parties and postpones the effective date of the regulations until 280 days after EPA’s new rules for the Chesapeake Bay are completed but no longer than December 1, 2011.
- It instructs DCR to enact new regulations based upon the EPA’s new rules after they become final.
- It allows development and business to have some surety in the market for the next several months.
- It protects the Bay and the Economy by allowing for a scientific process to commence to develop the most appropriate regulations for stormwater runoff.