



Virginia Environmental Law

Stormwater Regs not over the finish line...yet.

By: Ann Neil Cosby. *This was posted Friday, March 11th, 2011*

On March 9, 2011, the [Virginia Stormwater Management Program Regulatory Advisory Panel](#) met, for what should be its last time, to discuss Virginia's Proposed Stormwater Management Regulations before the draft regulations are noticed for public comment.

These are the regulations which were adopted by the [2010 Virginia General Assembly](#) after a long and at times very contentious vetting, and then were immediately suspended until amendments were devised.

We have been following these developments, which you can read about [here](#) and [here](#). The suspension and amendments were required, in part, because it was unclear to what extent the regulations might need to be modified once the Environmental Protection Agency established new Total Maximum Daily Load (TMDL) targets for the Chesapeake Bay. The General Assembly gave regulators 280 days to finalize the regulations after the TMDL was established by EPA. EPA did so on December 29, 2010.

During the RAP's meeting, [Secretary of Natural Resources Doug Domenech](#) noted, that while close, "we're not at the finish line yet." Issues that the RAP went on to discuss included proposed modifications to existing water quantity standards, and the extent to which certain erosion and sediment control criteria should be incorporated into the stormwater regulations. A final draft of the proposed regulations are scheduled to be published in the Virginia Register on March 28, 2011, which date also begins a 30-day public comment period. Draft regulations are available [here](#).

Here's the anticipated schedule:

- March 28, 2011, Publication of notice in Virginia Register and beginning of 30-day public comment period
- April 27, 2011, Close of 30-day public comment period (staff will summarize comments and modify regulations accordingly)
- May 17, 2011, Target mailing to Board of Conservation and Recreation
- May 24, 2011, Board of Conservation and Recreation adopts final regulations
- June 10, 2011 thru August 5, 2011 (about 60-days), Review by the Administration

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- August 10, 2011, Deadline for submittal of regulatory materials to the Registrar for publication
- August 29, 2011, Publication in Virginia Register (30-day final adoption period)
- September 28, 2011, End of 30-day final adoption period
- October 5, 2011, Statutory Effective Date Target (280 days)

The rules would then be in force as of July 1, 2014.

Are there still concerns with the proposed Stormwater Regulations? Or have other requirements to clean-up the Chesapeake Bay taken center stage?

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