



## Virginia Environmental Law

### Easy or Not, the Development of Local Stormwater Programs Charges Forth

**By: Ann Neil Cosby. Wednesday, April 25th, 2012**

Local **stormwater** management programs will soon be coming to a locality near you, namely, to all of them.

As the state's new stormwater permitting regime for construction projects shifts to the local level, the many different components of these programs, from the ordinances that will establish them, to the staff that will administer and enforce them, to the funds that will pay for them, are currently being developed at break-neck pace. All of these complexities in the development of local programs, and more, were discussed yesterday during the second meeting of the Department of Conservation and Recreation's Stormwater Local Government Advisory Committee meeting. The group is trying to identify issues and processes that will lead to a successful transition of the current state administered program, to the local level.

For some localities, this may just mean modifying existing programs. For others however, particularly those west of I-95 where stormwater programs and Chesapeake Bay Act criteria have not been imposed, adoption of such programs is a wholesale change to the way development has been regulated at the local level. Localities have until July 1, 2014, to have such programs in place. This means local staff will need to be trained, ordinances will need to be developed and debated, and funding sources for program implantation identified. That is a lot of work to do in a very short time. Additionally, because those charged with training local staff are still receiving necessary training themselves, and because local funding will not be considered until the next fiscal year budget cycle beginning June 1, 2013, two of the most important components of such programs are essentially at a stand-still.

That being said, much work is being done on program checklists and a model ordinance for localities to adopt. Having been asked by DCR to assist in reviewing this ordinance, I am particularly hopeful that this program component can reach local governments sooner, rather than later.

So if you are involved in land development projects in Virginia, now is the time to get involved. Any advice to DCR or to local governments as they charge forth? Any specific concerns? If so, let me know.

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