

**Stormwater Local Government Advisory Committee
Thursday, September 13, 2012
Pocahontas Building, Auditorium
Richmond, Virginia**

SLGAC Members Present

Danielle Bishop, City of Roanoke
Barbara Brumbaugh, City of Chesapeake
Debbie Byrd, Goochland County
Todd Flippen, Augusta County
Normand Goulet, NVRC
Steve Hubble, Stafford County
Sam Johnson, Northern Neck SWCD
William Johnston, City of Virginia Beach
Larry Land, VACO
Joe Lerch, VML
Bruce McGranahan, Fairfax County
Ginny Snead, DCR
Alyson Sappington, Thomas Jefferson SWCD
Jenny Tribo, Hampton Roads PDC
Wayne Strickland, Roanoke County
Brian Stokes, Campbell County
Cabell Vest, Aqualaw/VAMSA
Keith White, Henrico County
Joe Wilder, Frederick County

DCR Staff Present

Michael Fletcher
Doug Fritz
Larry Gavan
V'lent Lassiter
John McCutcheon
Joan Salvati
Gerry Seeley
Shawn Smith
Michelle Vucci

Others Present

Joe Battiata
Brian Daniel, Madison County
James Golden, DEQ
Joseph Maroon, Maroon Consulting

Ms. Snead opened the meeting and thanked members for participation. She then reviewed the agenda.

Update on DCR Relevant Activities and Regulatory Actions

Ms. Snead gave an update on regulatory actions.

MS4 Update

- Phase I MS4
 - Arlington Draft July 31, 2012 to EPA
 - EPA requested 90 day review extension
 - EPA comments expected October 31, 2012
- Phase II MS4
 - RAP concluded last week (5 meetings)
 - Proposed Regulations to VSWCB September 28
- Phase I and Phase II Consistency

Construction GP Reissuance

- Accelerated Timeframe – Model Ordinance
 - 1st RAP Meeting August 29
 - Proposed Regs to Board Dec. 2012 to have Effective July 2014
- Next Meeting Sept 19
- Primary Issues
 - Define Common Plan of Development – Fact Sheet
 - Specificity of ELGs
 - Cross Jurisdictional Issues
 - Simplification
 - Address TMDL WLA

Nutrient Trading Expansion

- 2012 Legislation
- Regulator Action
 - VSWCB June Authorized DCR for NOIRA
 - NOIRA DPB June 2012
 - Public Comment Period Sept. 10 – Oct.10
 - RAP Fall 2012
 - @ 2 Year Process

Legislative and Regulatory Update

- Integration Bill Exempt Actions
 - Proposed Regs to Board September 2012
 - VSMP
 - ESC

- ESC Certification
- Bay Act
- Final Regs to Board December 2012

General Update

- RFP Local Stormwater Program Development
- Individual DCR Staff Assigned Each Locality
- Phase I Regional Meetings: Initial Outreach
 - 12 Meetings Statewide
 - Positive Feedback
- Phase II Regional Meetings: Training (Fall)
 - Likely 8 Locations Statewide
 - Day-long Meetings
 - Tier I Training

Training Update

Mr. McCutcheon gave an update regarding training.

4 Target Audiences

1. DCR Staff – Responsible for delivering and carrying out the program.
2. Local Government Staff – Responsible for carrying out the program.
3. The Development Community – Responsible for complying with the program.
4. Individuals Seeking Certification – Includes persons from all of the above groups.

2 Training Programs

1. General SWM Training
 - Broad, comprehensive information.
 - Content determined by DCR staff.
 - Presented free of cost.
2. Certification – Detailed Technical Information
 - Focused on knowledge and skills needed to demonstrate competence to practice as a professional.
 - Subject matter and testing criteria to be determined by peers practicing in the field.
 - Fees will be charged to cover the cost of the training.

Training Implementation Plan

1. General SWM Training
 - First round of training will be presented in October and November in several locations around the state. The intent is to cover all regions.

- Training will continue through the spring.
2. Certification – Detailed Technical Information
- Certification program is target to being in spring of 2013.

General Training

Covering all aspects of the SWM program. Aimed at people who may not be working directly in the SWM program, but need to be knowledgeable.

Developed by experienced DCR plan reviewers, inspectors and trainers.

- Training will be offered in a classroom setting by DCR personnel.
- Will initially be presented as a one day class.
- Offer the opportunity for questions and answers.
- Organized in Modules
 - Law and Regulations
 - Design and Implementation Tools
 - Developing a Local Program
- Modules that will be developed into webinars that will be accessible from the DCR website

Certification

- Newest requirement
- Effective July 1, 2012
- Required by House Bill 1065, the Integration Bill

Requires VSMP personnel reviewing plans and performing inspections to have certificates of competence. Requires the Board to issue certificates of competence in:

- Program Administration
- Plan Review
- Inspection

§10.1-603.4:2. Education and training programs. “As part of education and training programs authorized pursuant to subsection E of §101-561, the Department shall develop or certify expanded components to address program administration, plan review, and project inspection elements of the Stormwater Management Act (§ 10.1-603.2 et seq.) and attendant regulations.”

- SWM Certification will closely parallel the structure of the present E&S Certification Program.
- Mandated by HB1065, otherwise a full regulatory process would be required to establish the program.

- Changes to the Regulations are being done through an exempt action, taken to the SWC Board for review in September and to be voted on in December.
- The primary task will be to determine what are the specific competencies that a person must have to obtain and maintain certification.
- A Subject Matter Expert panel of experienced working professionals will develop the minimum criteria an individual must meet and develop a test and procedures.
- Then DCR will build a program of training, testing, and awarding certificates based on these criteria.
- New Certificates to be offered
 - Program Administrator – SWM
 - Inspector – SWM
 - Plan Reviewer – SWM
 - Combined Administrator – SWM
- Anyone who presently holds a Certificate for E&S who successfully goes through the SWM training may obtain a Dual Certificate.
- Target date for beginning Certification is Spring 2013.

Mr. Lerch asked if DCR would consider combining the training models to save on timing.

Mr. McCutcheon said that was not currently under consideration, but did not rule out the possibility. He said that right now the Erosion and Sediment training is working well. Erosion and Sediment Control and Stormwater Management remain separate programs and require separate approvals.

Ms. Brumbaugh asked for clarification regarding the Erosion and Sediment Control Certification, the Stormwater Management Certification and the combined Certification.

Mr. McCutcheon said that it would be referred to as a Dual Certificate.

Ms. Snead said that it was an extra certification if an individual has both Erosion and Sediment Control certification and Stormwater Management certification. She said there was no additional fee associated.

Ms. Brumbaugh noted that it still would require two separate trainings. She said that the process should be made as simple as possible.

Mr. McCutcheon said that there were people who did not want both certifications. He said the intent was to allow an individual to have dual certification and pay one fee on the same date.

Ms. Brumbaugh asked how re-certification would work. Would that still require two training programs?

Mr. McCutcheon said the current plan was to retain the two training modules.

Ms. Sappington said that she would delay the process for dual certification until there is a dual program.

Mr. Goulet said that the key would be to have the recertification test be a dual process.

Mr. Lerch asked if the fees for Stormwater Management certification would be similar in cost to Erosion and Sediment Control certification.

Mr. McCutcheon said that the fees were set by the Department and that they would be similar in structure.

Mr. McCutcheon said that an expert panel would review the certification and training to make sure that it reflects current trends in the industry.

Mr. McCutcheon reviewed the draft training agenda. A copy of that draft agenda is available from DCR. He said that the training scheduled would be developed in the next weeks.

Draft Model Ordinance Comments

Ms. Smith reviewed the changes to the draft model ordinance. A copy of the draft is available from DCR.

Ms. Smith said that DCR would like to receive comments by Friday, September 26.

A member expressed concern over the requirement for localities to review the SWPPP.

Ms. Snead said that the way the law was written localities could review everything but the Pollution Prevention Plan (PPP).

Ms. Salvati said that if a locality wanted to put in their ordinance the requirement to review the PPP that would be a matter for the local attorney to review.

Ms. Smith said that because that provision was not in the Code, if the locality is challenged by a contractor, the locality might not win that challenge.

Mr. Gooch clarified that localities do not have the authority to review the PPP.

Subcommittee Reports

Roles and Responsibilities

Mr. Hubble said that the Roles and Responsibilities subcommittee was at a stopping point waiting for committee review. He said their draft would be distributed with the model ordinance.

ePermitting

Mr. Seeley said that both an alpha and beta version had been developed. He said that the intent is to get the beta version ready for testing by July 1, 2013.

Tool Box, FAQ and Survey Updates

Ms. Salvati said that staff was finalizing the overall tool box which will provide at trainings and will be provided to all localities.

Some of the items contained in the tool box will be:

- FAQ document
- Final model ordinance
- Sample BMP maintenance agreements
- Sample BMP inspection forms
- Policies and procedures
- Sample checklists
- Examples of MOUs between districts and localities

Ms. Salvati said that the draft tool box will be distributed with the draft model ordinance.

Ms. Tribo said that she was still confused regarding when the VSMP permit would be issued. She said that in the model ordinance, the permit application for local approval must include the VSMP registration statement.

Ms. Salvati said that coverage would come under the general permit. She said there were two approvals:

1. Coverage provided by DCR for the General Permit
2. Local approvals to allow for the commencement of land disturbing activity

Ms. Salvati said that she would develop a flow chart for the process.

Ms. Salvati said that the survey was sent out to localities on August 10. Only 40 responses were received so the survey was again sent to localities. An additional 15 responses have been received. The new deadline for response to the survey is September 24. Staff will do an analysis of the responses and share with the committee.

Committee Issue Identification and General Questions

Mr. Hubble said that he would appreciate a presentation on the BMP handbook.

Ms Snead said that would be arranged for the October 11 meeting.

Mr. Land asked about the process for reviewing grant applications.

Ms. Snead said DCR was developing a spreadsheet to aid in the evaluation of the applicants. A committee will review and make recommendations to the DCR Director. Grants will be announced on October 5. Currently DCR has received 60 applications representing over 80 localities.

Next Meeting

The next meeting date was set for Thursday, October 11.

Public Comment

There was no public comment and the meeting was adjourned.