

State Law and Virginia Administrative Code Citations for Provisions in the Stormwater Management Ordinance

Co. SWM Ordinance		Virginia SWM Law/Regulations	County Requirements that are More Stringent than Virginia SWM Law/Regulations
Article 1	General Provisions	Regs. Parts I & II	
§ 124-1-1.	Title.		
§ 124-1-2.	Authority. ¹	§ 62.1-44.15:27A 9 VAC 25-870-30 § 15.2-1200 § 15.2-2109 § 15.2-2122	
§ 124-1-3.	Enactment.	§ 62.1-44.15:27 9 VAC 25-870-45	
§ 124-1-4.	Purpose and Intent.	§ 62.1-44.15:27 9 VAC 25-870-20 9 VAC 25-870-46	
§ 124-1-5.	Definitions.	9 VAC 25-870-10	
§ 124-1-6.	Areas of Applicability.		
§ 124-1-7.	Exemptions.	§ 62.1-44.15:34C	Proposed exemption for single-family residences more restrictive than the full exemption provided in the Act but within the authority granted by the Act to Chesapeake Bay localities. Proposed exemption for single-family residences is less stringent than current requirements in the County's Chesapeake Bay Preservation Ordinance.
§ 124-1-8.	Right of Entry.	§ 62.1-44.15:39	
§ 124-1-9.	Severability.		

§ 124-1-10.	Applicability of and Conflicts with Other Laws and Regulations.	§ 62.1-44.15.27K § 62.1-44.15.52 9 VAC 25-870-47 9 VAC 25-870-66.A 9 VAC 25-870-104.B 9 VAC 25-870-104.C	
§ 124-1-11.	Time Limits on Applicability of Approved Design Criteria.	9 VAC 25-870-47.1	
§ 124-1-12.	Grandfathering. ²	9 VAC 25-870-48	
§ 124-1-13.	Chesapeake Bay Preservation Act Land-Disturbing Activity. ³	9 VAC 25-870-51	
Article 2	General Administrative Criteria for Regulated Land-Disturbing Activities.	Regs. Part IIA	
§ 124-2-1.	Applicability	9 VAC 25-870-53	
§ 124-2-2.	Permit Required. ⁴	§ 62.1-44.15:34A 9 VAC 25-870-108.B 9 VAC 25-870-108.D	
§ 124-2-3.	Annual Standards and Specifications for State Agencies, Federal Entities, and Other Specified Entities.	§ 62.44.15:31	
§ 124-2-4.	Security for Performance.	§ 62.44.15:34A 9 VAC 25-870-104.D	

§ 124-2-5.	Monitoring, Reports, Investigations, and Inspections.	§ 62.44.15:37 9 VAC 25-870-114 9 VAC 25-870-1170 Section III para. D	
§ 124-2-6.	Stormwater Pollution Prevention Plan Requirements.	9 VAC 25-870-54	
§ 124-2-7.	Stormwater Management Plans.	9 VAC 25-870-55	
§ 124-2-8.	Pollution Prevention Plans.	9 VAC 25-870-56	
§ 124-2-9.	Stormwater Management Plan Review.	9 VAC 25-870-108	
§ 124-2-10.	Long-term Maintenance of Permanent Stormwater Management Facilities.	§ 62.44.15:27E2 9 VAC 25-870-58 9 VAC 25-870-112	
§ 124-2-11.	Construction Record Drawings.	9 VAC 25-870-55.D 9 VAC 25-870-108.E	
Article 3	Fees. ⁵	Regs. Part XIII	
§ 124-3-1.	General	9 VAC 25-870-700 9 VAC 25-870-730 9 VAC 25-870-750 9 VAC 25-870-770 9 VAC 25-870-790	
§ 124-3-2.	Exemptions.	9 VAC 25-870-740	
§ 124-3-3.	Fees for Coverage Under the General Permit for Discharges of Stormwater from Construction Activities and Permits for Chesapeake Bay Preservation Area Land-Disturbing Activities.	9 VAC 25-870-820	
§ 124-3-4.	Fees for the Modification or Transfer of Registration Statements for the general permit for Discharges of Stormwater from Construction Activities.	9 VAC 25-870-825	

§ 124-3-5.	Permit Maintenance Fees	9 VAC 25-870-830	
Article 4	Technical Criteria for Regulated Land-Disturbing activities	Regs. Part IIB	
§ 124-4-1.	Applicability.	9 VAC 25-870-62	
§ 124-4-2.	Water Quality Design Criteria Requirements. ⁶	9 VAC 25-870-63	WSPOD requirements may be more stringent than minimum state requirements for redevelopment. These requirements have been in effect since 1980 and are derived from the Zoning Ordinance.
§ 124-4-3.	Water Quality Compliance.	9 VAC 25-870-65	See the PFM for limitations on use of specific BMPs. New BMPs approved by the state also must be approved by the County prior to use.
§ 124-4-4.	Water Quantity.	9 VAC 25-870-66	Proposed requirements for channel protection and flooding are more stringent than minimum requirements of the Regulations. Forested conditions are assumed for pre-development when utilizing the detention method. An option has been added that if adequate outfall can be demonstrated then existing conditions can be used in to determine detention requirements for the 1-year storm when discharge is to a natural channel. Definition of localized flooding added. Detention requirements added. These requirements are consistent with existing provisions in the PFM.
§ 124-4-5.	Offsite Compliance Options.	§ 62.1-44.15:35 9 VAC 25-870-69	
§ 124-4-6.	Design Storms and Hydrologic Methods.	9 VAC 25-870-72	
§ 124-4-7.	Stormwater Harvesting.	9 VAC 25-870-74	
§ 124-4-8.	Linear Development Projects.	9 VAC 25-870-76	
§ 124-4-9.	Comprehensive Stormwater Management Plans.	9 VAC 25-870-92	

Article 5	Technical Criteria for Regulated Land-Disturbing Activities: Grandfathered Projects and Projects Subject to Time Limits on Applicability of Approved Design Criteria.	Regs. Part IIB	
§ 124-5-1.	Definitions. ⁷	9 VAC 25-870-93.1	
§ 124-5-2.	Applicability. ⁸	9 VAC 25-870-94	
§ 124-5-3.	General.	9 VAC 25-870-48 9 VAC 25-870-95	
§ 124-5-4.	Water Quality. ⁹	9 VAC 25-870-96	
§ 124-5-5.	Stream Channel Erosion.	9 VAC 25-870-97	
§ 124-5-6.	Flooding.	9 VAC 25-870-98	
§ 124-5-7.	Regional (watershed-wide) Stormwater Management Plans.	9 VAC 25-870-99	
Article 6	Exceptions		
§ 124-6-1.	Exceptions	9 VAC 25-870-57 9 VAC 25-870-122	
Article 7	Appeals		
§ 124-7-1.	Right to Administrative Review.	§ 62.1-44.15:44 9 VAC 25-870-118	
§ 124-7-2.	Hearings.	§ 62.1-44.15:45 § 62.1-44.26 9 VAC 25-870-118	
§ 124-7-3.	Appeals of Final Orders.		
Article 8	Violations and Penalties		

§ 124-8-1.	General Provisions .	§ 62.1-44.15:37 § 62.1-44.15:42 § 62.1-44.15:48.D.1 § 62.1-44.15:49 9 VAC 25-870-116.A	
§ 124-8-2.	Criminal Violations and Penalties.	§ 62.1-44.15:48.B § 62.1-44.15:48.C	
§ 124-8-3.	Civil Penalties.	§ 62.1-44.15:48.A § 62.1-44.15:48.D.2 § 62.1-44.15:49 9 VAC 25-870-116.C	
Article 9	Illicit Discharges to the Storm Sewer System and State Waters		
§ 124-9-1.	Purpose.	§ 62.1-44.5 County MS4 Permit County Code Chapters 105 & 106	
§ 124-9-2.	Responsibilities of the Director.		
§ 124-9-3.	Illicit Discharges to the Storm Sewer System and State Waters.	§ 15.2-1200 § 15.2-2109 § 15.2-2122	
§ 124-9-4.	Standards for Inspection of Industrial and Commercial Property Discharging to the County's Storm Sewer System.	County MS4 Permit	
FOOTNOTES			
1) Reference to § 15.2-1200 § 15.2-2109, and § 15.2-2122 added for provisions in Article 9 Illicit Discharges to Storm Sewer System and State Waters.			
2) List of grandfathered plans reflects County terminology and includes all plans that the County would consider to be equivalent to the types of plans listed in the regulations.			

3) Language added to make it clear that land-disturbing activities that are part of a larger common plan of development or sale equal to or greater than one acre would require a VSMP permit.
4) Language from law modified to reflect that VSMP permits are not required for Chesapeake Bay Act Land Disturbing Activities.
5) Fees incorporated into Appendix Q of the County Code.
6) WSPOD and TMDL requirements have been included in this section.
7) Additional definitions specific to existing Fairfax County requirements added
8) Allowance for compliance with Article 4 in lieu of Article 5 added.
9) State requirements replaced with reference to current PFM requirements. Current PFM requirements and methodology and were approved by the Chesapeake Bay Local Assistance Board as an acceptable alternative to the State's requirements and methodology.