

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

# STAFF REPORT

## ADDENDUM

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- PROPOSED COUNTY CODE AMENDMENT
- PROPOSED PFM AMENDMENT
- APPEAL OF DECISION
- WAIVER REQUEST

Proposed Amendments to Chapter 6 (Storm Drainage) and Chapter 12 (Vegetation Preservation and Planting) of the Public Facilities Manual Re: Water Quality Controls, Adequate Outfall, Detention, Maintenance of Stormwater Management Facilities, and Replanting of Disturbed Areas.

Authorization to Advertise

September 10, 2013

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Planning Commission Hearing

October 9, 2013

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Board of Supervisors Hearing

January 28, 2014

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Prepared by:

Code Development and  
Compliance Division  
JAF (703) 324-1780  
January 28, 2014

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## STAFF REPORT ADDENDUM

Proposed amendments to Chapter 6 (Storm Drainage) and Chapter 12 (Vegetation Preservation and Planting) of the Public Facilities Manual (PFM) related to water quality controls, adequate outfall, detention, maintenance of stormwater management facilities, and replanting of disturbed areas. The proposed amendments are necessary to implement the proposed Stormwater Management Ordinance and the Virginia Stormwater Management Program (VSMP) Regulations (9 VAC 25-870 et seq.).

### A. Recommended Action:

Staff recommends that the Board of Supervisors (the Board) adopt the proposed amendments to Chapter 6 (Storm Drainage) and Chapter 12 (Vegetation Preservation and Planting) of the Public Facilities Manual (PFM) as recommended by the Planning Commission except that Alternative #1, which does not expand the BMPs eligible for public maintenance, be selected instead of Alternative #2 which was recommended by the Planning Commission. Staff further recommends that the Board authorize staff to review plans, at the request of an applicant, based on the new Stormwater Management Ordinance and amendments to the PFM beginning two months in advance of the effective date. Plans could not be approved under the new Stormwater Management Ordinance and amendments to the PFM prior to the effective date.

### B. Background:

Subsequent to the publishing of the original Staff Report on September 10, 2013, the regulations were republished on September 23, 2013, with an effective date of October 23, 2013, to make them consistent with the numbering sequence assigned to State Water Control Board regulations in the Virginia Administrative Code, as follows: VSMP Regulations (9 VAC 25-870 et seq.); Virginia Erosion and Sediment Control Regulations (9 VAC 25-840 et seq.); and Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 25-830 et seq.). On December 17, 2013, the State Water Control Board adopted additional amendments to the VSMP Regulations, with an effective date of February 15, 2014, related to grandfathering, the general permit for discharges from construction sites, and fees. These amendments do not necessitate any changes to the proposed PFM amendments.

The proposed amendments to the PFM are a part of the implementation of the proposed County Stormwater Management Ordinance and the Virginia Stormwater Management Program (VSMP) Permit Regulations (9 VAC 25-870 et seq.). The County is required to submit the new and revised ordinances, revised PFM, a funding and staffing plan, and associated policies and procedures for administering the stormwater management program to DEQ for review. The deadline for the

required submission has been extended from December 15, 2013, to January 15, 2014, and the deadline for final submission of the adopted ordinances and PFM has been extended from April 1, 2014, to May 15, 2014. See Agenda Item for full background statement.

C. Fiscal Impact:

See updated fiscal impact statement in Agenda Item.