

**FAIRFAX COUNTY PLANNING COMMISSION
ENVIRONMENT COMMITTEE
THURSDAY, SEPTEMBER 13, 2012**

COMMITTEE MEMBERS PRESENT:

Frank A. de la Fe, Hunter Mill District
James R. Hart, At-Large, Chairman
Kenneth A. Lawrence, Providence District
Timothy J. Sargeant, At-Large

COMMITTEE MEMBERS ABSENT:

Walter L. Alcorn, At-Large
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District

OTHER COMMISSIONERS PRESENT:

Ellen J. Hurley, Braddock District
James T. Migliaccio, Lee District

FAIRFAX COUNTY STAFF PRESENT:

Pamela G. Nee, Chief, Environment and Development Review Branch (EDRB), Planning Division (PD), Department of Planning and Zoning (DPZ)
Noel H. Kaplan, Senior Environmental Planner, EDRB, PD, DPZ
Maya P. Dhavale, Planner III, EDRB, PD, DPZ
Michelle Brickner, Director, Land Development Services (LDS) Division, Department of Public Works and Environmental Services (DPWES)
John Friedman, Chief, Site Code Research and Development Branch, LDS, DPWES
Ellen N. Eggerton, Green Building Ombudsman, LDS, DPWES
Dawn M. Ashbacher, Assistant Director, Planning Commission Office
Kara A. DeArrastia, Clerk to the Planning Commission

OTHERS PRESENT:

Flint Webb, Co-Chairman, Fairfax Federation of Citizens Associations' Environmental Committee
Inda Stagg, Senior Land Use Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC
Linda Burchfiel, At-Large Representative, Fairfax County Environmental Quality Advisory Council
Lisa M. Chiblow, Land Use Planner, McGuireWoods LLP
Mike Rolband, President, Wetland Studies and Solutions, Inc.

ATTACHMENTS:

- A. "Outstanding issues to be resolved from the July 2011 Draft Strawman/November 2011 comment response" document, dated September 13, 2012
- B. "Fairfax County Stormwater Management Ordinance: Stakeholder Introductory Meeting July 24, 2012" PowerPoint Presentation

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Chairman James R. Hart called the meeting to order at 6:55 p.m., in the Board Conference Room, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Commissioner Lawrence MOVED THAT THE ENVIRONMENT COMMITTEE MINUTES OF JULY 12, 2012, BE APPROVED.

Commissioner de la Fe seconded the motion which carried unanimously.

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DISCUSSION OF GREEN BUILDING POLICY REVIEW COMMENTS/RESPONSE DOCUMENT

Maya Dhavale, Planner III, Environment and Development Review Branch (EDRB), Planning Division (PD), Department of Planning and Zoning (DPZ), reviewed the “Outstanding issues to be resolved from the July 2011 Draft Strawman/November 2011 comment response” document, dated September 13, 2012, as shown in Attachment A. She also explained staff’s rationale for the proposed draft language for Policy h.

Following discussion among Commissioners, staff, and meeting attendees, it was the consensus of the Committee to revise Policy h to read, “Encourage and participate in periodic regional and local evaluations of the outcomes achieved through the application of sustainable land use principles and technology, in coordination with the energy and resources providers and industry. Such evaluations should be based on pooled, anonymous-source data, and should provide information helpful in decisions regarding the costs and benefits of green practices, including evaluations focused on innovative approaches and technology.”

In response to a question from Chairman Hart, Ms. Dhavale said the bullet point under Policy a, “Energy and water usage data collection and performance monitoring,” would not need to be altered as long as Policy h was included in the strawman.

Regarding Policy f (“Encourage private companies involved in public-private partnerships where land is leased or provided by the County to meet or exceed County guidelines for green building certification for capital projects”), Ms. Dhavale noted that Department of Public Works and Environmental Services (DPWES) staff had initially expressed concern that this policy would impose an expectation that would make it difficult for the County to make arrangements with private entities to develop County land. However, she stated that based on subsequent discussions between DPZ and DPWES staff, DPWES staff was more comfortable with the proposed language after learning that “encourage” did not mean that there was an expectation associated with it. Ms. Dhavale said staff sought further guidance from the Committee on whether Policy f should be deleted or refined to achieve a distinction between categories/use of public-private partnerships where green building certification might not be problematic. She pointed out that staff believed that retaining this language for the purposes of advertising the

proposed Policy Plan Amendment was preferable rather than removing it entirely. She added that the Committee could also consider removing “or exceed” so that it was not construed as the County seeking a higher green building commitment than was expected on its own land.

Chairman Hart said he thought that refining Policy f to achieve a distinction between categories/uses of public-private partnerships where green building certification might not be problematic was more substantive than removing it entirely because it recognized that certain types or characteristics of buildings would face more difficulty in achieving green building certification than others. He commented that the overall purpose of this policy was to encourage the development of County land according to the green building standards for County buildings under the Sustainable Development Policy for Capital Facilities.

Commissioner Sargeant questioned whether Fairfax County Public Schools’ (FCPS) green building standards would be determined to meet or exceed the County’s minimum expected level of LEED Silver certification. Chairman Hart replied that public-private partnerships typically did not involve public schools.

Commissioner Hurley cited the joint Braddock District applications scheduled for public hearing before the Planning Commission this evening, PCA 87-A-011-2 and PCA 89-A-001-2, Board of Supervisors’ Own Motions, involving County-leased Adult Day Care space to Inova Health Care Services (INOVA) to operate a Program of All-inclusive Care for the Elderly (PACE). She questioned whether green building measures would be expected for this existing facility even though the applications simply sought to permit additional participants in the adult day care programs and associated modifications to proffers. Chairman Hart replied that this would not be the case, noting that if a zoning application did not propose any physical or material changes to an existing building, the County would not expect a commitment to retrofit green building practices within that building. He commented that the inclusion of Policy f in the Plan would not impose another burden on private companies involved in public-private partnerships with the County to develop County land. Commissioner Hurley said she believed that such exceptions would occur frequently.

Inda Stagg, Senior Land Use Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, pointed out that South County Secondary School had been built with the use of a private-public partnership with Clark Construction Group, Inc. and Pulte Home Corporation. She said she thought that it would be fair to hold all developers to the same green building standard and questioned why the County would want to hold itself to a higher expected level of green building performance, including FCPS.

Chairman Hart said he thought that for the purposes of the strawman and advertisement of a Green Building Policy Plan Amendment, Policy f should be left unchanged. Commissioner de la Fe said he concurred and further suggested retaining “or exceed” for the purposes of advertising to receive public input on this question.

Commissioner Hurley asked whether the construction of a public school would be required to achieve the minimum expected level of LEED Silver performance for County facilities or the standards set forth in the CHPS (Collaborative for High Performance Schools) program. Ms. Stagg said she did not understand why FCPS used a different program, noting that school facilities were not considerably different from other types of buildings. She also expressed concern when a governmental entity held itself to a different standard than it imposed on other entities.

Chairman Hart commented that Policy f would more likely apply to private development on County land than to a public school application. Ms. Dhavale cited past public-private partnerships in the County involving hospitals, medical buildings, and the County-owned parking garage located near the Wiehle-Reston East Metrorail Station. She indicated that a public school could potentially be involved in such a partnership but she was not aware of any. In addition, she noted that public-private partnerships tended to involve unusual types of buildings that could still be considered under an established green building rating system.

Replying to a question from Chairman Hart, Ms. Dhavale noted that the Committee had given her enough guidance. She said she understood that Policy f would remain unchanged for the purposes of advertisement.

Commissioner de la Fe said he believed that the government should hold itself to the same or a higher standard.

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DPWES PRESENTATION ON NEW VIRGINIA STORMWATER REGULATIONS

Michelle Brickner, Director, Land Development Services (LDS) Division, DPWES, delivered a PowerPoint presentation on the Fairfax County Stormwater Management Ordinance, as shown in Attachment A. She noted that this presentation had also been delivered at a stakeholder introductory meeting held on Tuesday, July 24, 2012, at the Government Center Board Auditorium, to present an overview of the new Virginia Stormwater Management Regulations and to review the goals and process for stakeholder input. Ms. Brickner discussed the Stormwater Ordinance timeline, agenda, purpose, stakeholder input goals, small group process consisting of small group issue workshops, a large group/wrap-up meeting, small group organizations, and the participation process for interested individuals.

Answering a question from Chairman Hart, Ms. Brickner indicated that the new Stormwater Management Ordinance would not necessitate amendments to the Resource Protection Area (RPA) maps.

Continuing her presentation, Ms. Brickner presented an overview of the new Virginia stormwater regulations, including a more detailed timeline for adoption, overall purpose, and the applicability of the regulations and any exceptions.

Responding to a question from Commissioner de la Fe, John Friedman, Chief, Site Code Research and Development Branch, LDS, DPWES, noted that other regulations were applicable to agriculture, mining, and similar activities.

Answering a question from Commissioner Sargeant, Mr. Friedman said geothermal system drillings would fall under the land disturbing activities category. Ms. Brickner added that typically, geothermal wells did not disturb an area greater than 2,500 square feet, but horizontal trenches frequently reached the 2,500 square feet threshold area of land disturbing activity in a Chesapeake Bay Preservation Area.

Continuing her presentation Ms. Brickner described the impact on Fairfax County, affected County Ordinances/standards, other implementation activities, key provisions, and the runoff reduction method.

In response to a question from Commissioner Lawrence, Ms. Brickner explained that some of the water quantity requirements were less stringent than current County requirements and the County would need to decide whether it should adopt the more stringent requirements.

Replying to a question from Chairman Hart, Ms. Brickner stated that the County was allowed to adopt stormwater technical provisions that were more stringent than the minimum requirements.

Continuing her presentation, Ms. Brickner discussed the water quality requirements and offsets, water quantity requirements, and associated practical impacts.

Answering questions from Commissioner Lawrence, Ms. Brickner said staff had not decided to lower the County requirements, but to simply note instances where Virginia requirements were less stringent. She explained that staff would solicit input from stakeholders and Commissioners through the workshops and public hearing process to discuss such issues where the County had flexibility or the ability to adopt more stringent requirements than the Virginia standards.

Continuing her presentation, Ms. Brickner explained the grandfathering provisions.

Responding to a question from Chairman Hart, Ms. Brickner explained that for land-disturbing activities grandfathered under the Virginia regulations, construction must be completed, or portions of the project not under construction were required to satisfy the new stormwater technical criteria.

Mike Rolband, President, Wetland Studies and Solutions, Inc., pointed out that sites with a Virginia Stormwater Management Program (VSMP) general permit issued after July 1, 2009 would be covered under that permit criteria for an additional two permit cycles. He added that the current (2009) permit expired June 30, 2014, and each subsequent permit was 5 years; therefore, projects could be grandfathered until June 30, 2024.

In reply to a question from Commissioner de la Fe, Ms. Brickner stated that for plans approved before July 2012 and obtaining a VSMP permit before July 1, 2014, that permit would end on June 30, 2019. She said if the project was still ongoing beyond June 30, 2019, the permit would expire, and the developer would be required to apply for coverage under the new permit. Mr. Friedman added that this was contingent on a five-year permit cycle. He commented that the grandfathering provisions were difficult to decipher as they were currently written.

Continuing her presentation, Ms. Brickner described the Virginia Best Management Practices (BMP) Clearinghouse and plan submittal requirements.

Answering a question from Chairman Hart, Ms. Brickner noted that County inspectors would administer VSMP construction permits including plan review and inspections. She said these administrative activities could be funded by the collection of a permit issuance fee from the applicant of \$290 and an annual maintenance fee of \$50 for such land-disturbing activities. She added that the County could exceed these fee limits with explanation.

Continuing her presentation, Ms. Brickner explained the additional proposed features.

In response to questions from Chairman Hart, Ms. Brickner explained that if an underground stormwater management facility constructed with stackable modular plastic units (e.g., StormTank™, RainStore3™, RainTank™, Stormbloc™, and CUDO™) failed and the site was still under construction bond, it was the developer's responsibility to repair the facility before DPWES would release the bond. She noted that if the site was off bond and it was a private facility, the County could enforce its repair through the Private Maintenance Agreement. Calling attention to the recent failure of this type of facility at Mason Crest Elementary School, she said the school would be responsible for repairing this facility. Ms. Brickner pointed out that there had been other failures in the County regarding the use of stackable modular plastic units for underground stormwater management facilities; therefore, the County had placed a moratorium on the use of these facilities effective February 9, 2012, so they were no longer allowed under the innovative BMP provisions of the Public Facilities Manual (PFM) or as an alternative to pipes or vaults for underground detention. *(Note: A Land Development Notice on this moratorium is available online at www.fairfaxcounty.gov/dpwes/publications/lti/stackable.htm.)*

Concluding her presentation, Ms. Brickner discussed some of the identified stakeholder issues: impacts on pro-rata share calculations, impacts of infill development, single-family home exemptions, and adequate outfall and detention. She then asked for additional comments or questions from the Commissioners.

Replying to questions from Commissioner Sargeant, Mr. Friedman reported that the two small group stakeholder meetings would be held on Monday, September 24, 2012, from 1 to 5 p.m., and Wednesday, October 17, 2012, from 1 to 5 p.m., in Room 106/107 of the Herrity Building, 12055 Government Center Parkway in Fairfax. Ms. Brickner said she would send those invitations to all the Commissioners.

Chairman Hart thanked Ms. Brickner and Mr. Friedman for their informative presentation.

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Chairman Hart announced that the Committee would next meet on the following dates at 7:00 p.m. in the Board Conference Room:

- Thursday, October 4, 2012 – Continue the discussion with staff on the implementation of green building commitments or certification and the geographic areas of expectation; and
- Thursday, November 29, 2012 – Complete the review of the Green Building Policy strawman document.

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The meeting was adjourned at 8:04 p.m.
James R. Hart, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved: January 10, 2013

Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission

September 13, 2012 Planning Commission Environment Committee meeting

Outstanding issues to be resolved from the July 2011 Draft Strawman / November 2011 comment response document

- Monitoring – as discussed in both policy a. and policy h.
- Policy f – need consensus from committee. Previous discussions ended with recommendation to either delete policy, or refine policy to achieve a distinction between categories/uses of public-private partnerships where green building certification may not be problematic
- Implementation/geographic issues (to be discussed October 4)

Current language for policy h.:

Encourage periodic recording of aggregated energy and water consumption data for a defined period of time following construction for use in monitoring and evaluating performance of green building strategies and technology.

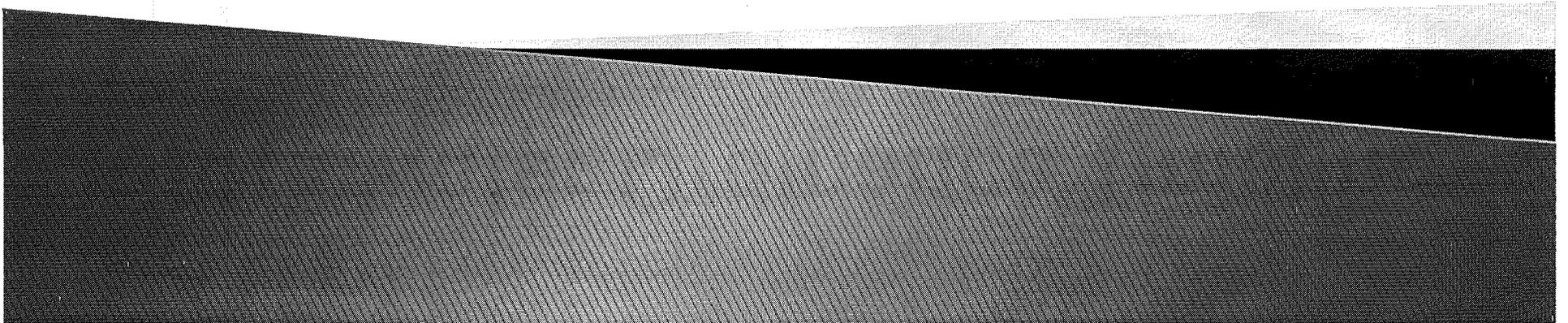
Draft language for policy h.:

Encourage and participate in periodic Regional and local assessments of the end states achieved through the application of sustainable land use principles and technology, in coordination with energy and resource providers and industry. Such assessments should be based on pooled, anonymous-source data, and should provide information helpful in decisions on the costs and benefits of green practices, including assessments focused on innovative approaches and technology.

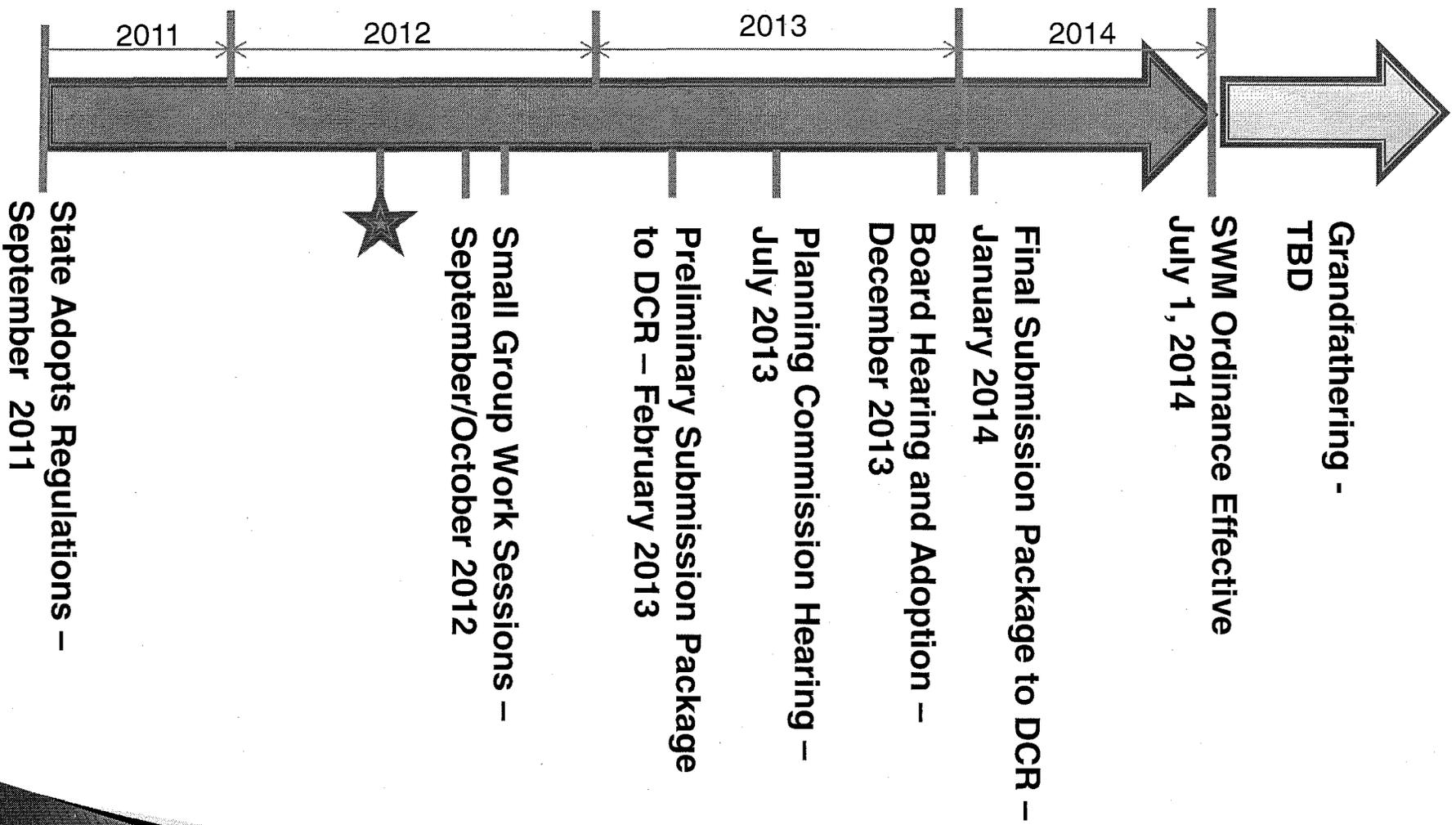
Fairfax County Stormwater Management Ordinance

Stakeholder Introductory Meeting

July 24, 2012

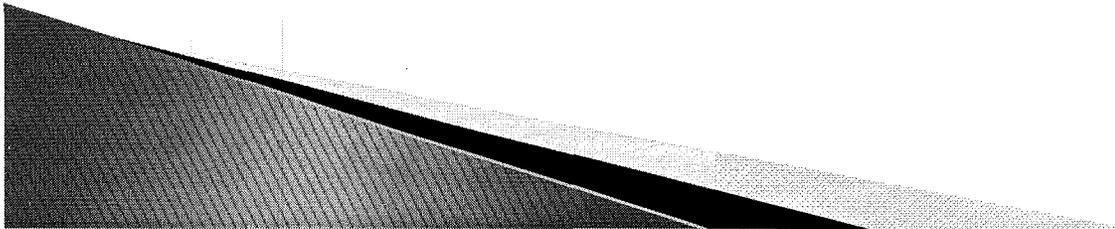


Stormwater Ordinance Timeline



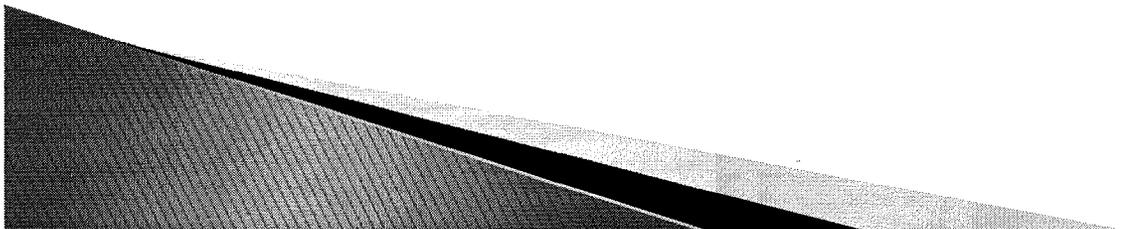
Agenda

- ▶ Stakeholder Goals and Process
- ▶ Overview of the Regulations
- ▶ Key Issues and Decision-Points
- ▶ Questions and Comments
- ▶ Next Steps



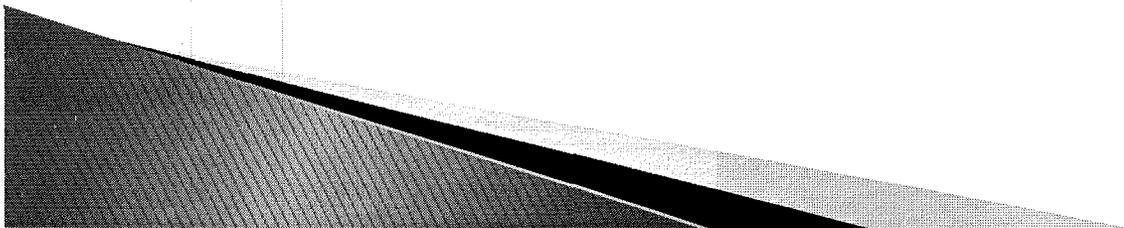
Purpose

- ▶ Comply with the new Virginia Stormwater Management Regulations
- ▶ Identify and consider:
 - Areas where the County has flexibility or may want to adopt more stringent requirements; and,
 - Opportunities to strengthen program coordination and effectiveness.
- ▶ Stakeholder feedback will be used to inform changes presented to the Board of Supervisors.



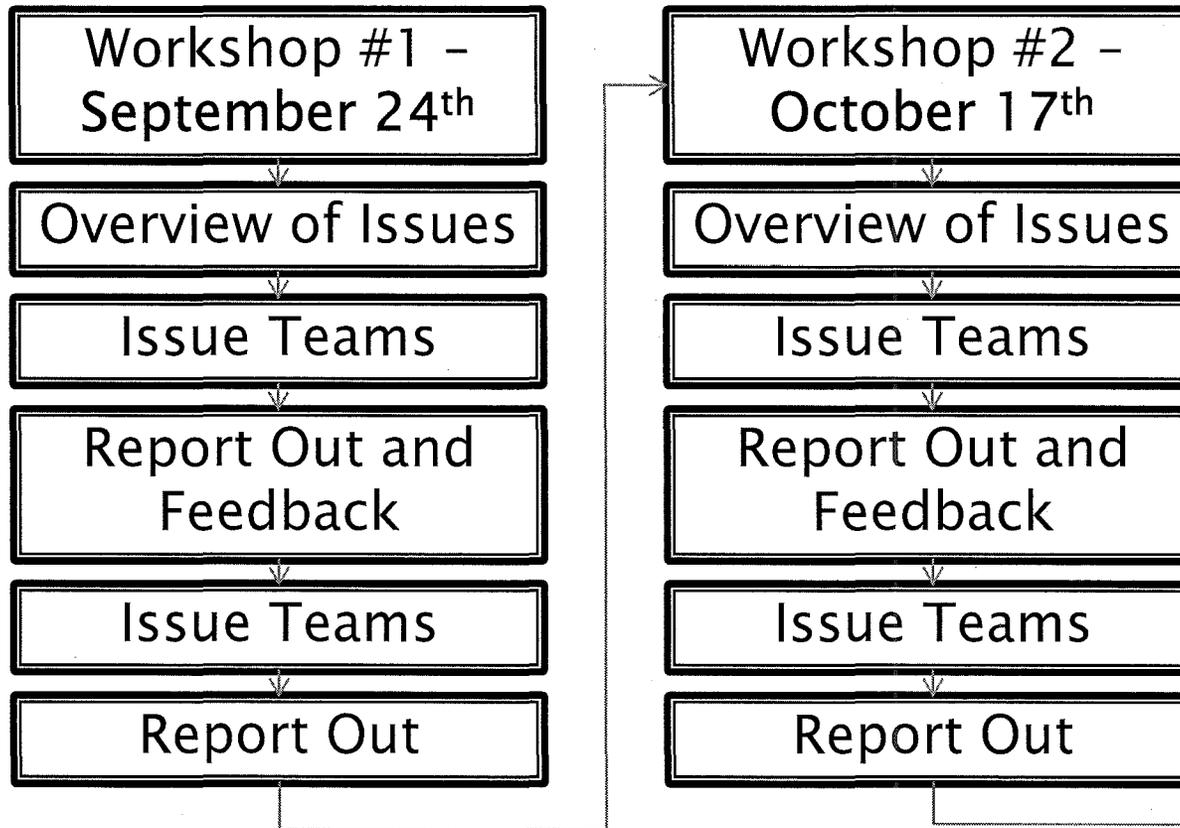
Stakeholder Input Goals

1. Identify other issues for discussion and consideration – what did we miss?
2. Ensure feedback represents a broad range of interests and perspectives.
3. Keep groups focused to ensure meaningful dialogue.
4. Achieve consensus where possible; identify pros and cons where consensus is not possible.



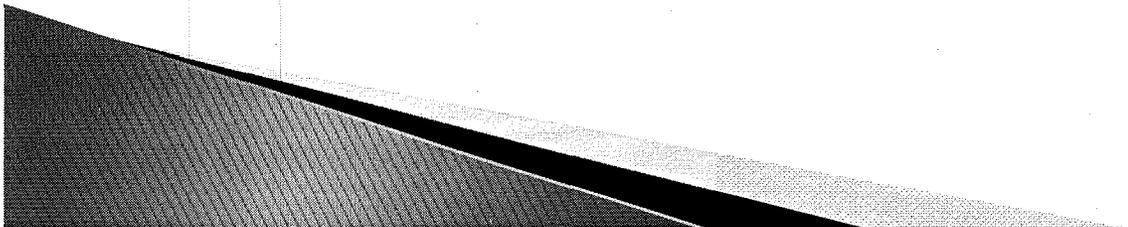
Small Group Process

Small Group Issue Workshops

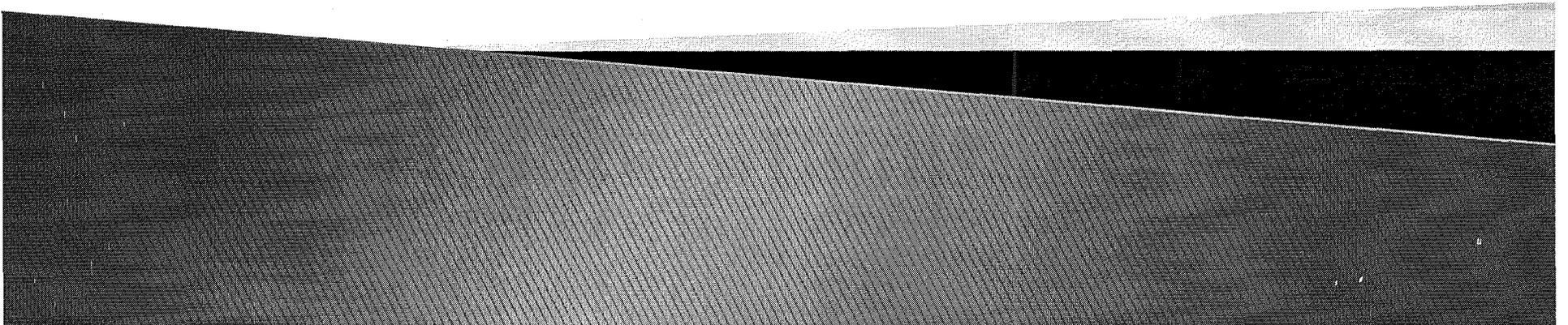


Large Group/Wrap Up Meeting - January 2013

Small Group Organizations

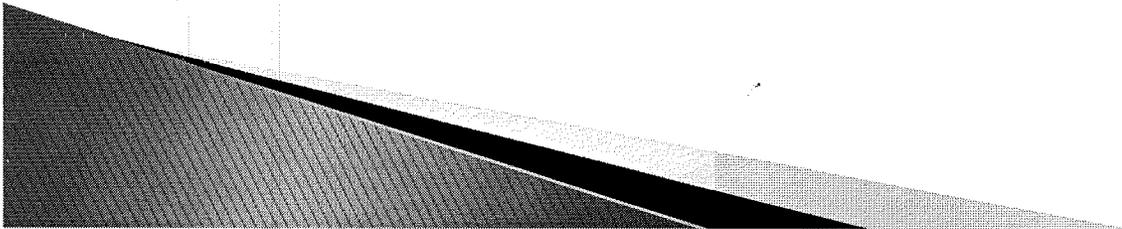
- ▶ Associated Builders and Contractors
 - ▶ Coalition for Smarter Growth
 - ▶ Environmental Quality Advisory Committee
 - ▶ Engineers and Surveyors Institute
 - ▶ Engineering Standards Review Committee
 - ▶ Federation of Citizen Associations
 - ▶ League of Women Voters
 - ▶ Apartment and Office Building Association
 - ▶ NAIOP
 - ▶ Northern Virginia Building Industry Association
 - ▶ NOVA Soil and Water Conservation District
 - ▶ NVRC
 - ▶ Sierra Club
 - ▶ Tree Commission
 - ▶ Wetlands Board
 - ▶ Government Organizations
 - ▶ Commissions and Councils
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Overview of Regulations



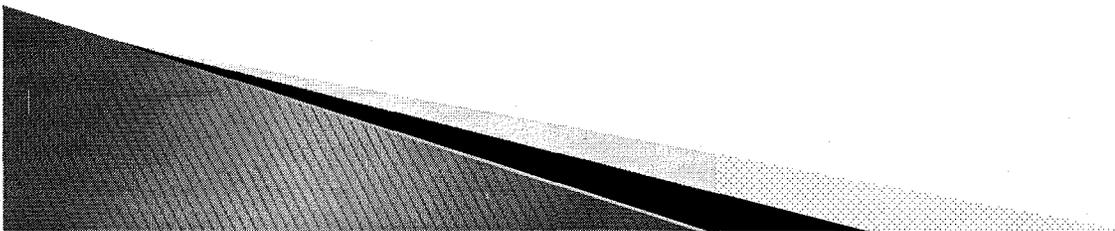
Time Line for Adoption

- ▶ Regulations effective 9/13/11.
- ▶ Window for adoption 15 – 21 months from effective date, i.e. 12/13/12 – 6/13/13.
- ▶ Adoption can be extended to 6/13/14 with approval of the Virginia Soil and Water Conservation Board.
- ▶ “Go-live” date for local programs 7/1/14.



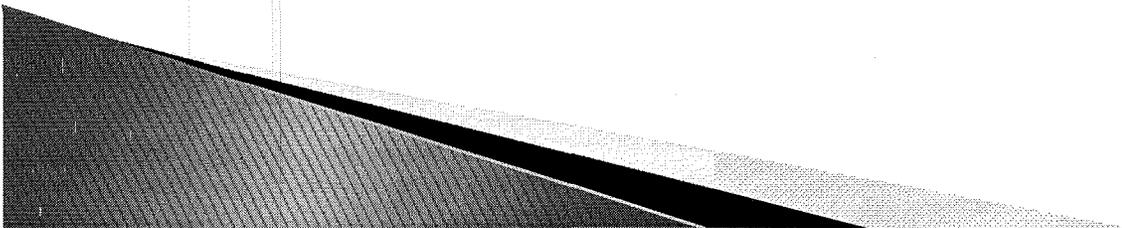
Overall Purpose of Regulations

- ▶ Maintain, protect, or improve the “physical, chemical, biological, and hydrologic characteristics and the water quality and quantity of the receiving state waters.”
- ▶ Provide a framework for the implementation and enforcement of the Virginia Stormwater Management Act.
- ▶ Delineate the procedures and requirements to be followed in connection with VSMP stormwater construction permits.



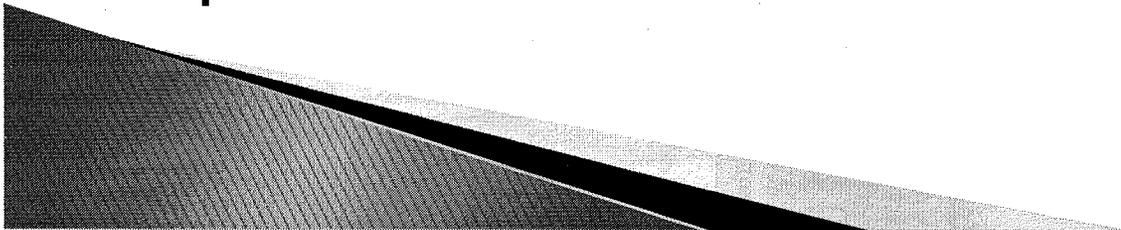
When do the regulations apply?

- ▶ Land disturbing activities that disturb one acre or greater.
- ▶ The regulations allow for some exemptions:
 - Clearing for agriculture, mining, and similar activities.
 - Single-family residences separately built disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures.
 - Land disturbing activities that disturb less than one acre of land area except for activity exceeding an area of 2,500 square feet in Chesapeake Bay Preservation Areas.



Impact on Fairfax County

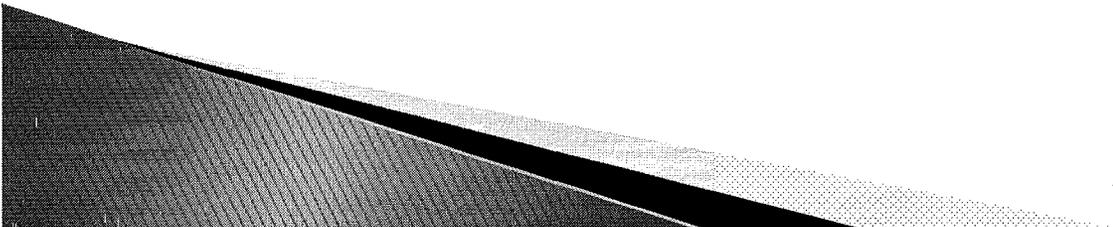
- ▶ Change technical criteria for when and how development will manage stormwater runoff.
- ▶ Require changes to County codes and engineering standards.
- ▶ Result in changes to plan submittal, review and approval, bonding, inspections, bond release, and maintenance policies and procedures.



County Ordinances/Standards

- ▶ New Stormwater Management Ordinance (Chapter 124)
 - ▶ Pollution of State Waters (Chapter 105) and Storm Drainage (Chapter 106)
 - ▶ Subdivision Ordinance (Chapter 101)
 - ▶ Erosion and Sedimentation Control (Chapter 104)
 - ▶ Zoning Ordinance (Chapter 112)
 - ▶ Chesapeake Bay Ordinance (Chapter 118)
 - ▶ Land Development Services Fees (Appendix Q)
 - ▶ Public Facilities Manual (engineering design standards)
- 

Other Implementation Activities

- ▶ Update plan review and inspection processes.
 - ▶ Update plans/agreements/waivers tracking system.
 - ▶ Update inspections tracking system.
 - ▶ Create an accounting/financial system or a procedure for transferring funds to state.
 - ▶ Update bonds and agreements procedures.
 - ▶ Update private maintenance agreement language.
 - ▶ Update fees.
 - ▶ Training.
 - ▶ Develop funding and staffing plan.
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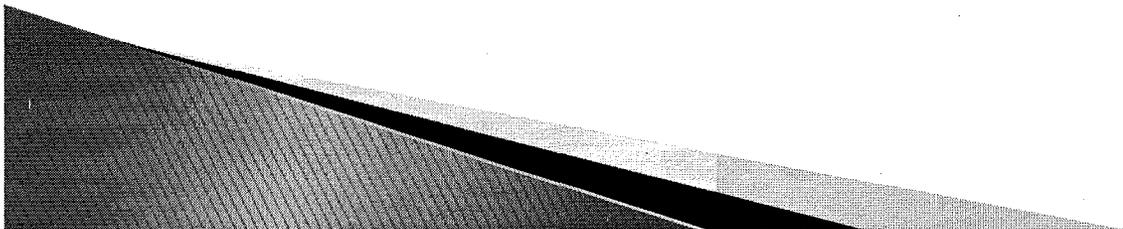
Key Provisions

- ▶ Water Quality
 - Total Phosphorus still used as benchmark pollutant
 - Runoff Reduction Method
 - New Development
 - Redevelopment
 - Offset Provisions
 - Virginia BMP Clearinghouse
- ▶ Water Quantity
 - Channel Protection
 - Flood Protection
- ▶ Grandfathering
- ▶ Plan Submittal Requirements

1
2
3 Part I
4 Definitions, Purpose, and Applicability
5
6 The following words and terms used in this chapter have the following meanings unless the
7 context clearly indicates otherwise.
8 "Act" means the Virginia Stormwater Management Act, Article 1.1 (§ 10.1-603.1 et seq.) of
9 Chapter 6 of Title 10.1 of the Code of Virginia.
10 "Administrator" means the Administrator of the United States Environmental Protection
11 Agency or an authorized representative.
12 "Applicable standards and limitations" means all state, interstate, and federal standards and
13 limitations to which a discharge or a related activity is subject under the Clean Water Act (CWA)
14 (33 USC § 1251 et seq.) and the Act, including effluent limitations, water quality standards,
15 standards of performance, toxic effluent standards or prohibitions, best management practices,
16 and standards for sewage sludge use or disposal under §§ 301, 302, 303, 304, 306, 307, 308,
17 403 and 405 of CWA.
18 "Approval authority" means the Virginia Soil and Water Conservation Board or its designee.
19 "Approved program" or "approved state" means a state or interstate program that has been
20 approved or authorized by EPA under 40 CFR Part 123 (2009).
21 "Average monthly discharge limitation" means the highest allowable average of daily
22 discharges over a calendar month, calculated as the sum of all daily discharges measured
23 during a calendar month divided by the number of daily discharges measured during that month.
24 "Average weekly discharge limitation" means the highest allowable average of daily
25 discharges over a calendar week, calculated as the sum of all daily discharges measured during
26 a calendar week divided by the number of daily discharges measured during that week.
27 "Best management practice" or "BMP" means schedules of activities, prohibitions of
28 practices, including both structural and nonstructural practices, maintenance procedures, and
29 other management practices to prevent or reduce the pollution of surface waters and
30 groundwater systems from the impacts of land-disturbing activities.
31 "Board" means the Virginia Soil and Water Conservation Board.
32 "Bypass" means the intentional diversion of waste streams from any portion of a treatment
33 facility.
34 "Channel" means a natural or manmade waterway.
35 "Chesapeake Bay Preservation Act Land-Disturbing Activity" means a land-disturbing
36 activity including clearing, grading, or excavation that results in a land disturbance equal to or
37 greater than 2,500 square feet and less than one acre in all areas of jurisdiction designated as
38 subject to the Chesapeake Bay Preservation Area Designation and Management Regulations
39 adopted pursuant to the Chesapeake Bay Preservation Act.
40 "Chesapeake Bay watershed" means all land areas draining to the following Virginia river
41 basins: Potomac River Basin, James River Basin, Rappahannock River Basin, Chesapeake Bay
42 and its small coastal basins, and York River Basin.
43 "Common plan of development or sale" means a contiguous area where separate and
44 distinct construction activities may be taking place at different times on different schedules.
45 "Comprehensive stormwater management plan" means a plan, which may be integrated
with other land use plans or regulations, that specifies how the water quality components,
quantity components, or both of stormwater are to be managed on the basis of an entire

Runoff Reduction Method

- ▶ Replaces the Simple Method.
- ▶ Determines a BMPs' capacity to capture/reduce the overall volume of runoff as well as mass pollutant removal.
- ▶ Goal is to mimic pre-development site hydrology.
- ▶ Incorporates built-in incentives for forest preservation and the minimization of impervious surfaces.

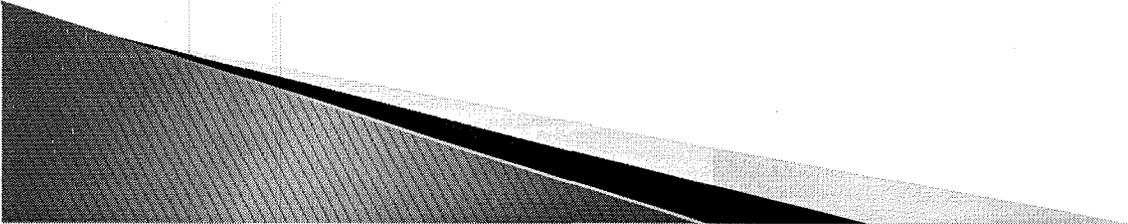


Water Quality Requirements

▶ New Development

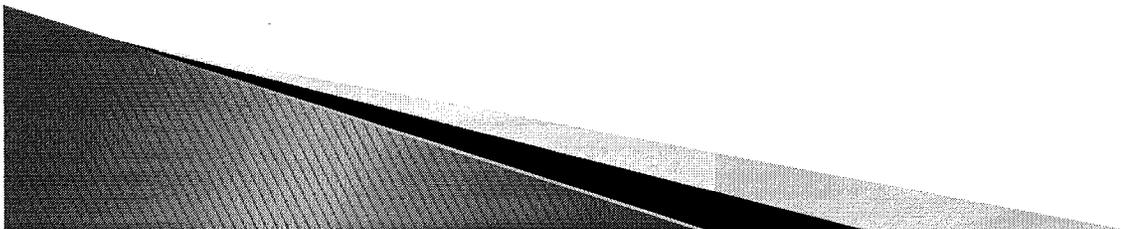
- 0.41 lbs/ac/yr total phosphorus associated with the Impervious Cover Model.
- Based on 10% impervious cover, 30% turf, and 60% forest.
- The Impervious Cover Model focuses on protecting water quality in local streams.

▶ Redevelopment

- 10% reduction < one acre.
 - 20% reduction \geq one acre.
 - Backstop: Maximum required reduction 0.41 lbs. phosphorus/acre/ year.
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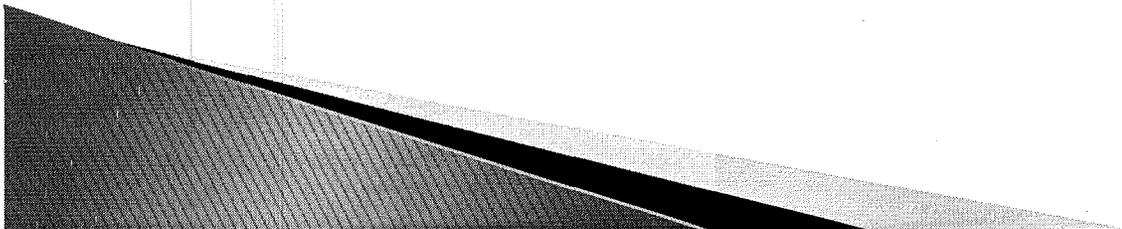
Water Quality Offsets

- ▶ Old rules – local governments were authorized to allow nutrient offsets under certain circumstances.
- ▶ New rules – developers are allowed to use offsets under described conditions:
 - Under five acres disturbed;
 - Less than 10 lbs reduction required; or
 - Onsite control of at least 75 percent of the required nutrient reductions.
- ▶ Offsets are not allowed for water quantity.



Practical Impacts

- ▶ Water quality control requirements are more stringent than current requirements.
- ▶ Increase in the number of BMPs required to control stormwater quality.
- ▶ Results:
 - Greater difficulty in meeting water quality requirements.
 - Better water quality in local streams and the Chesapeake Bay.
 - Greater long-term maintenance burden.



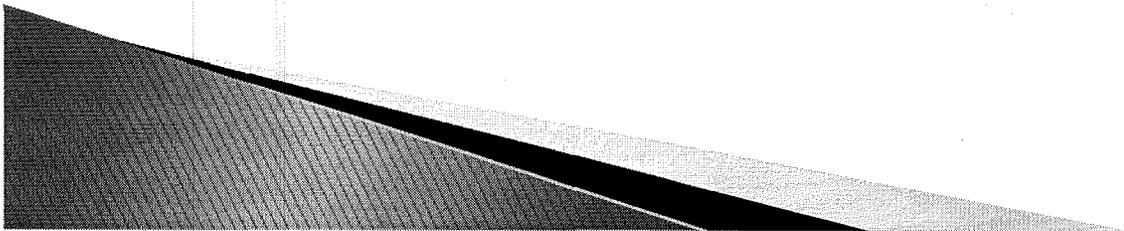
Water Quantity Requirements

- ▶ Channel Protection
 - Protection criteria are now situational – manmade, modified, and natural channels.
- ▶ Flood Protection
 - Also situational – existing localized flooding vs. no existing localized flooding.
 - Not well defined for natural channels.
 - Less stringent than current County requirements.
- ▶ Increased Sheet Flow
 - Must be evaluated – can't adversely impact downstream property, cause erosion, sedimentation, or flooding.
 - The same as current County requirements.



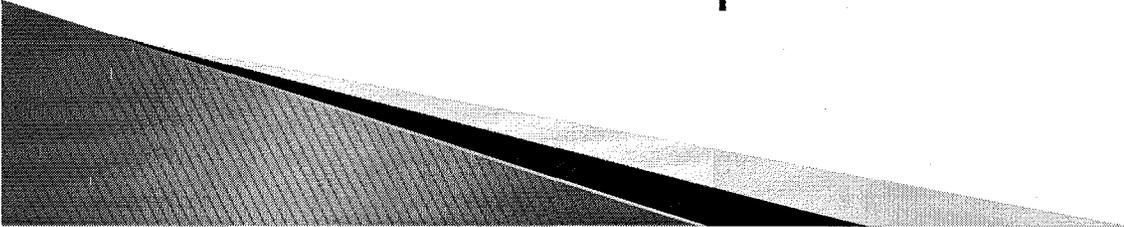
Practical Impacts

- ▶ If new minimum standards are adopted, existing flooding problems would not be addressed.
- ▶ State requirements are geared toward providing on-site detention rather than performing downstream analysis to identify inadequacies.



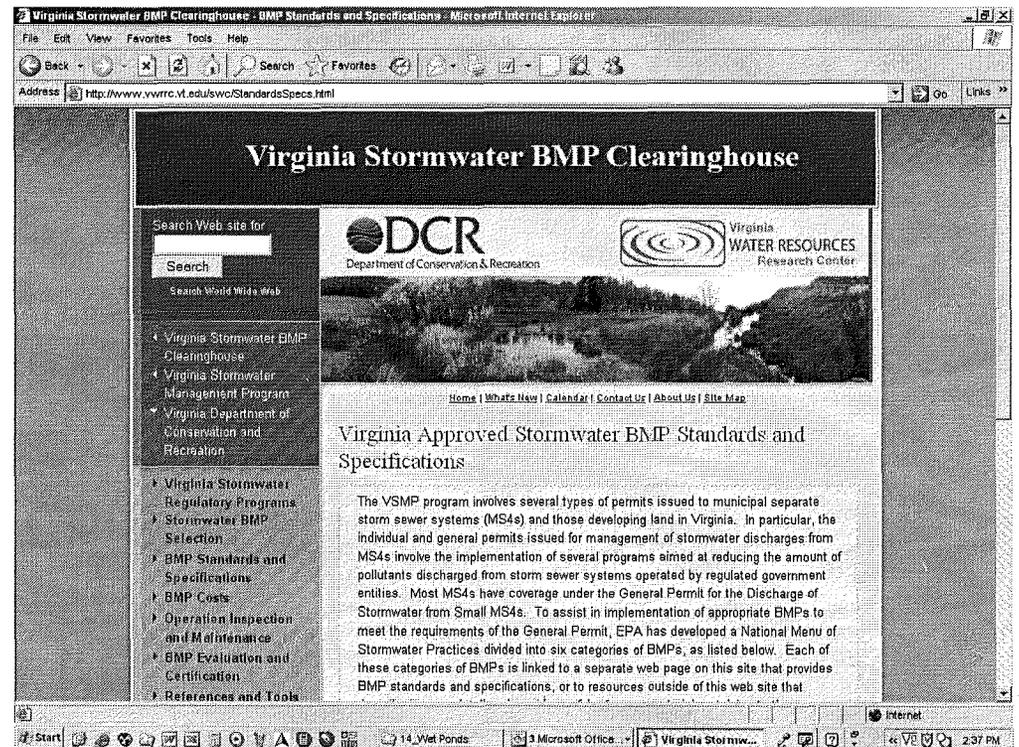
Grandfathering

- ▶ Use current stormwater technical criteria:
 - Plans approved before July 2012 and obtaining a VSMP permit before July 1, 2014.
 - Includes:
 - Proffered or conditional zoning plans
 - Preliminary or final subdivision plats
 - Preliminary or final site plans
 - Zonings with a plan of development

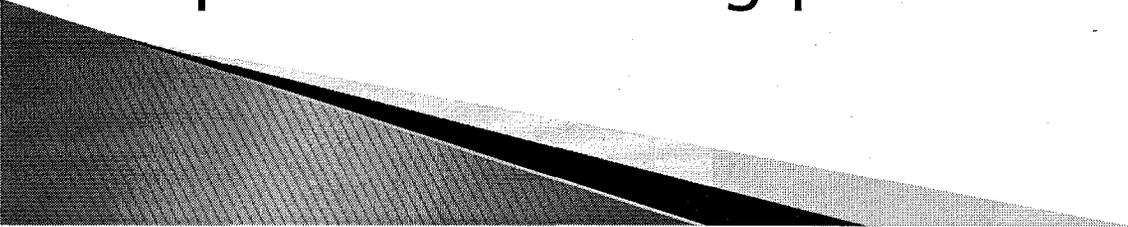
 - ▶ Grandfathering ends June 30, 2019 or termination of permit.
- 

BMP Clearinghouse

- ▶ Designs are now standardized in the Virginia BMP Clearinghouse.
- ▶ Provides more tools / flexibility.
- ▶ Doesn't match County's current PFM.



Plan Submittal Requirements

- ▶ Stormwater Pollution Prevention Plan (SWPPP)
 - Stormwater Plan
 - Erosion and Sediment Control Plan
 - Pollution Prevention Plan
 - Measures to address any TMDL WLA assigned to the construction activities.
 - ▶ VSMP construction permit registration statement.
 - Not required for development under one acre and not part of larger development plan.
 - ▶ County will administer VSMP construction permit including plan review and inspections.
- 

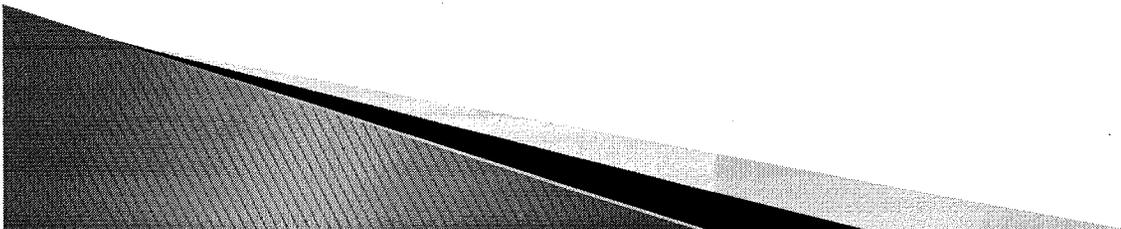
Additional Proposed Features

- ▶ Some provisions may be more stringent than minimum requirements to:
 - Be consistent with current County requirements.
 - Address County-specific goals.
- ▶ Areas of County focus:
 - MS4 permit and Chesapeake Bay TMDL requirements.
 - Process to address non-Bay TMDLs.
 - Enforcement of private stormwater facility maintenance agreements.
 - Enhanced penalties.



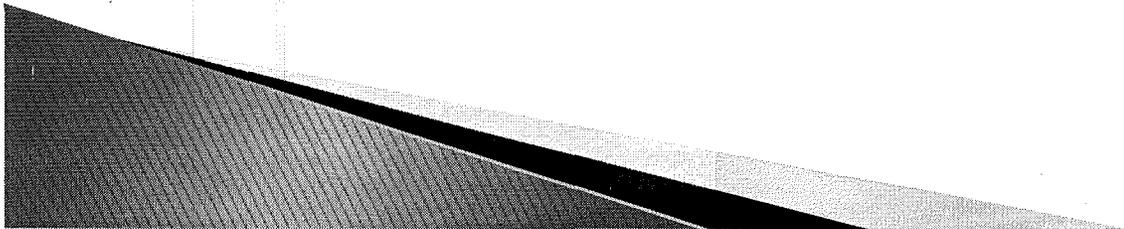
Small Group Issue Areas

- ▶ Single-Family Home Exemptions
- ▶ Adequate Outfall Requirements
- ▶ Maintenance in Residential Areas
- ▶ Restrictions on Use of BMPs
- ▶ Facility Inspections by Owners
- ▶ Offset Provisions



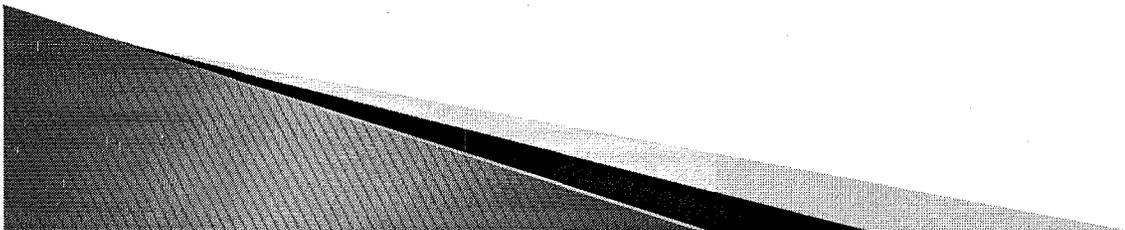
Single-Family Home Exemptions

- ▶ The Virginia Code allows an exemption for single-family properties between 2,500 SF and one acre.
- ▶ Small BMPs required under these circumstances are difficult to site, track, and enforce.
- ▶ Considerations:
 - Should the County provide an exemption?
 - If so, should it be at a cut off less than one acre (for instance 5,000 SF or greater)?
 - Instead of an exemption, should the properties be required/allowed to purchase offsets?



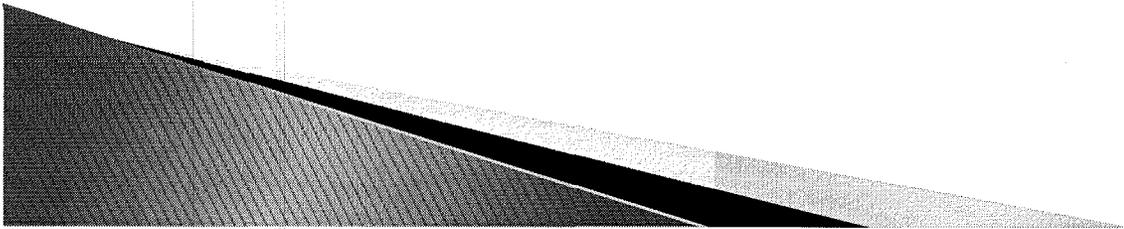
Adequate Outfall and Detention

- ▶ New detention provisions that eliminate the need for a downstream adequacy review are less stringent than current County PFM.
- ▶ The Virginia Code allows Fairfax County to establish a more stringent standard.
- ▶ Considerations:
 - Should the County adopt the more stringent requirements in the current PFM?

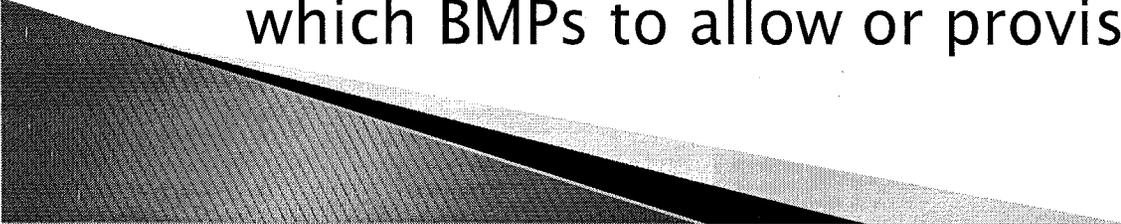


BMPs in Residential Areas

- ▶ New requirements favor implementation of smaller facilities on individual lots.
- ▶ In general, current practice is to require facilities be placed on out-lots.
- ▶ This may create issues and impact lot yield.
- ▶ Considerations:
 - Should certain facilities be allowed on individual lots?
 - Who would perform maintenance (County versus HOA versus property owner)?
 - How would enforcement be handled (maintenance agreement versus other restriction)?

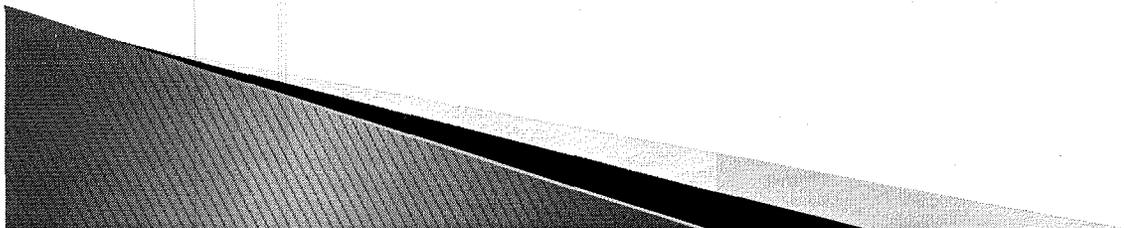


Restrictions on Use of BMPs

- ▶ The Virginia Code and BMP Clearinghouse list the types of BMPs that may be used to meet requirements.
 - ▶ Several are different than what is in the current County PFM or there is no equivalent.
 - ▶ The County may restrict the use of certain BMPs with written justification.
 - ▶ Considerations:
 - Should the use of certain BMPs be restricted?
 - What criteria should the County use to determine which BMPs to allow or provisionally allow?
- 

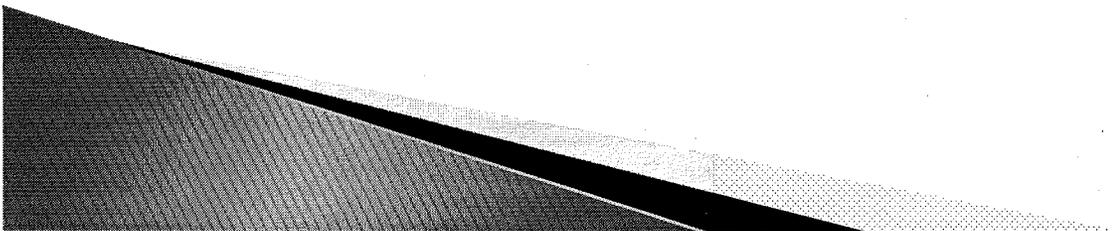
Facility Inspections by Owners

- ▶ Virginia Code requires “submission of inspection and maintenance reports” to the County.
- ▶ Current practice is for the County to perform a compliance inspection every five years.
- ▶ Considerations:
 - What is a reasonable inspection and maintenance report frequency?
 - Should it be different for different BMP classifications?
 - What should be the enforcement requirements?



Offset Provisions

- ▶ Virginia Code requires the County to allow nutrient offset credits under certain circumstances.
- ▶ The County maintains the ability to allow offsets under other circumstances:
- ▶ Considerations:
 - What criteria should the County use for allowing offsets. Should it be linked to land use? Ability to assure long-term maintenance?
 - How much does the County want to push offsets versus on-site facilities.



Questions and Comments

Thank You!

[www.fairfaxcounty.gov/dpwes/
stormwaterordinance.htm](http://www.fairfaxcounty.gov/dpwes/stormwaterordinance.htm)

