



# **Consolidation of Virginia Erosion and Sediment Control and Stormwater Management Regulations**

Update & Input Requested

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Land Use Policy Committee  
October 17, 2023

# Timeline

2016 – Virginia Erosion and Stormwater Management Act (VESMA) adopted.



2017 – VESMA effective July 1, 2017, or 30 days after adoption of associated regulations, whichever is later.

2023 – VESMA amended to be effective July 1, 2024.

2023 – Consolidated regulations adopted by State Water Control Board (SWCB) on June 22, 2023.

2024 – County Code amended to incorporate VESMA and associated regulations.



# Background

## VESMA

- VESMA combines the Erosion Sediment Control Law and Stormwater Management Act.
- VESMA directs the State Water Control Board (SWCB) to consolidate the Erosion and Sediment Control and Stormwater Management Regulations to create the Virginia Erosion and Stormwater Management Regulation (9VAC25-875).
- New regulation exempt from the Administrative Process Act.



# Background

## Consolidated Regulation

- Combines:
  1. Erosion and Sediment Control Regulations.
  2. Erosion and Sediment Control and Stormwater Certification Regulations.
  3. Virginia Stormwater Management Program Regulations.
- Clarifies program requirements, eliminates redundancies, and corrects inconsistencies between erosion and sediment control regulations and stormwater management program regulations.



# Background

## Consolidated Regulation

- No substantive changes to existing erosion and sediment control minimum standards or to the postconstruction stormwater management technical criteria are part of the new regulation.
- However, in the intervening years between the original adoption of the Act and today, some additional changes to the VA Code were adopted and are incorporated into the regulations.



# County Actions Required

- Update County Code to comply with the Act and regulations.
- The Act and regulations do not require us to combine our existing Erosion and Sedimentation Control and Stormwater Management ordinances and we are not proposing to do so.



# Board Input Requested

- Under current laws and regulations, the county created a limited exemption from both storm water quantity and quality control for land disturbing activities greater than 2,500 sq. ft. for single-family detached residential structures in our Stormwater Management Ordinance.
- Under VESMA, quantity control is required and the County may only exempt land-disturbing activities 2,500 sq. ft. or more for single-family detached residential structures from water quality control.
- **Does the Board want to require water quality controls for all land disturbing activity of 2,500 sq. ft. or more?**



# Discussion

## County's current limited exemption

- Single-family dwellings separately built and disturbing less than 1 acre including additions, accessory structures and demolitions exempt for both water quantity and quality:
  1. Total impervious area less 2,500 sq. ft. or 18% of lot area whichever is greater; or
  2. Total lot area is ½ acre or less and no more than 500 sq. ft. of new impervious area will be added.
- We can keep the existing limited exemption but it would only be for water quality control.





# Discussion

## Impacts of requiring water quality control

- Improved stream water quality.
- No impacts on additions that do not require grading plans.
- Limited impacts on infill lot grading plans.
  1. Infill lot grading plans that do not meet current exemption criteria already provide quantity and quality controls.
  2. Infiltration facilities used to meet the required water quantity control will also provide a measure of water quality control.
  3. Water quality control may be provided using credits from a nutrient bank.



# Summary

- Erosion and Sedimentation Ordinance and Stormwater Management Ordinance will be updated next year effective July 1, 2024
- Minimal substantive changes to technical criteria.
- Water quantity control required for all land disturbance equal to or greater than 2,500 sq. ft.
- Need Board recommendation on requiring water quality controls for all land disturbance equal to or greater than 2,500 sq. ft.
- Outreach to begin early next year.



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# Questions



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LAND DEVELOPMENT SERVICES