

Stormwater Stakeholder Advisory Group
Wordsmithing Work Group
Thursday, May 21, 2015
Final Meeting Notes²

Location: DEQ Central Office
2nd Floor Conference Room C
629 E. Main Street
Richmond, VA

Start: 1:03 p.m.
End: 4:15 p.m.

SAG Work Group Members Present:

Adrienne Kotula, James River Association
Elizabeth A. Andrews, DEQ
Melanie Davenport, DEQ

Katie Frazier, Va. Agribusiness Council
Philip F. Abraham, VACRE

Work Group Members Absent:

Bart Thrasher, VDOT
Chris Pomeroy, Aqua Law

Douglas Beisch, Strantec
M. Ann Neil Cosby, Sands Anderson

Facilitator: Mark Rubin, VCU

Recorder: Debra Harris, DEQ

Guests and Public Attendees:

Whit Marshall, Goochland County
Christine Watlington, VDOT

Fred Cunningham, DEQ
Drew Hammond, DEQ

I. Agenda Item: Welcome and Overview of Handouts

Discussion: Mark Rubin welcomed all to the meeting and briefly went over the meeting purpose and the handouts (see Attachment B). Mr. Rubin reminded the WWG that the issues as noted on the handout matrix (see Attachment B) for the WWG will be reviewed at today's meeting.

The process for each topic reviewed will be: (i) review the differences and similarities of the three articles (SWMA, ESCL, and CBPA¹); (ii) where possible, harmonize the provisions of the three articles; and, (iii) once harmonized, the SAG will reconsider the structure issue. *[Editorial Note: It is understood and recognized that all three articles are already components within the SWCL, but for ease of reference, overarching provisions of the SWCL are being referenced as the "SWCL" in these notes.]*

II. Agenda Item: CBPA Land-Disturbing Activity

Discussion: The WWG revisited the recommendation (see Attachment B) regarding the definition of CBPA land-disturbing activity in the SWMA as the word "exception" is still used in the recommended §62.1-44.15:34.C.4 and "new" C.5 language. Based on the discussions, the language was modified. The WWG also discussed the language in 44.15:35.C.3 to make sure it was harmonized.

III. Agenda Item: Owner

Discussion: The WWG discussed the definition of "owner" as it is provided in the ESCL and SWCL. The DEQ had looked at the definition as requested by the WWG. The WWG discussed the suggestion to either keep the ESCL definition or to modify the SWCL. The WWG discussed: (i) keeping the ESCL definition; (ii) not modifying the definition of owner in SWCL as it applies to other programs beyond stormwater; and, (iii) providing a reference in the SWMA that owner is as defined by the SWCL.

III. Agenda Item: Regulated Activities

Discussion: The WWG discussed the regulated activities under the SWMA and ESCL. As the deadline is over, subsection B of §62.1-44.15:34 can be deleted. Additionally, the exception for single family homes under §62.1-44.15:34.C.3 was discussed and it was suggested to clarify the CBPA authority. DEQ will look at the exceptions for the SWMA and draft language that is more cohesive and harmonized for further discussion by the WWG. The WWG then discussed the provisions of the SWMA under §62.1-44.15:34 and the ESCL under §62.1-44.15:55 including the inconsistencies. DEQ will review and provide draft language for §62.1-44.15:34 and subsections A, B and C of §62.1-44.15:55.

¹ See Attachment A - List of Acronyms.

² No changes by 7/20 mtg

IV. Agenda Item: Development of the Regulations

Discussion: The WWG discussed the provisions under §62.1-44.15:28, §62.1-44.15:52 and §62.1-44.15:72. Based on the discussion, DEQ will redraft/harmonize the language for §62.1-44.15:28 of the SWMA and §62.1-44.15:52 of the ESCL as the ESCL provisions have a termination date but the SWMA provisions do not.

V. Agenda Item: Recovery of Administrative Costs

Discussion: The WWG discussed the provision under §62.1-44.15:36. This section is noted for contingent repeal. The WWG agreed that the section should be deleted.

VI. Agenda Item: No Limitation on DMME's Authority

Discussion: The WWG discussed the provision under §62.1-44.15:66. This section clarifies the authority of the DMME. The WWG agreed to retain this section as is for the ESCL.

The WWG meeting was then adjourned.

Attachment A
List of Acronyms

Acronyms:

CBPA – Chesapeake Bay Preservation Act

DEQ – Department of Environmental Quality

DMME – Department of Mines, Minerals and Energy

E&SC – erosion and sedimentation control

ESCL – Erosion and Sedimentation Control Law

EWG – Enforcement Work Group (a subgroup of the SAG)

RLD – Responsible Land Disturber

SAG – Stormwater Stakeholder Advisory Group

SWCL – State Water Control Law (in this context the term normally refers to the general provisions)

SWMA – Stormwater Management Act

VSMP – Virginia Stormwater Management Program

WWG – Wordsmithing Work Group (a subgroup of the SAG)

Attachment B
Handouts



WWGMatrixLang.docx



WWGAssignments.docx



DRAFTWWGRecommend.docx