

Stormwater Stakeholder Advisory Group
Wordsmithing Work Group
Wednesday, May 6, 2015
Final Meeting Notes²

Location: DEQ Central Office
11th Floor Conference Room
629 E. Main Street
Richmond, VA

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

Work Group Members Present:

Adrienne Kotula, James River Association
Elizabeth A. Andrews, DEQ
Chris Pomeroy, Aqua Law

Katie Frazier, Va. Agribusiness Council
M. Ann Neil Cosby, Sands Anderson
Philip F. Abraham, VACRE

Work Group Members Absent:

Bart Thrasher, VDOT
Douglas Beisch, Stantec

Facilitator: Mark Rubin, VCU
Recorder: Debra Harris, DEQ

Guests and Public Attendees:

Christine Watlington, VDOT
Fred Cunningham, DEQ

Drew Hammond, DEQ
Cindy Berndt, 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, (ii) 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: Land-Disturbing Activity Definition

Discussion: The WWG discussed the definition of land-disturbing activity as provided in both the SWMA and the ESCL. The two definitions are different and the WWG discussed these differences and how best to harmonize the definition for both articles. The differences between the two articles were noted and the WWG noted that some issue will require further consideration such as the exception and exemption differences. The WWG discussed options for how to best to harmonize the different land-disturbing activity terms.

III. Agenda Item: CBPA Land-Disturbing Activity Definition

Discussion: The WWG discussed the definition of CBPA land-disturbing activity as it is provided in the SWMA. A suggestion outlined in the matrix is to delete this term and to just state the CBPA localities' threshold in the regulated activities section of the SWMA. The WWG discussed the suggestion and noted that further discussion would be necessary in order to harmonize the exemption and exceptions.

IV. Agenda Item: Water Quality Volume Definition

Discussion: The WWG discussed the use of the term "water quality volume" that is defined in the SWMA and the ESCL. The WWG then discussed the use of "water quality volume" in the SWMA and the ESCL under § 62.1-44.15:28.A.10 and 44.15:52.A, respectively. The term is used only once in both of the articles. Therefore, the WWG discussed the option to delete the definition in the Definitions section and to, instead, just put the definition in the provisions where the term currently is used.

¹ See Attachment A - List of Acronyms.

² 5/21/15 WWG Meeting

V. Agenda Item: Owner Definition

Discussion: The WWG discussed the definition of owner. Owner is defined in the SWCL and also in the ESCL. How to best harmonize owner for the SWMA and the ESCL was discussed. It was noted that as the SWMA does not have a definition of owner, the SWCL definition applies. The WWG discussed the issues on how best to harmonize the articles and noted that further discussion was necessary as there are differences that need to be considered before a harmonized definition can be developed.

V. Agenda Item: State Permits

Discussion: The WWG discussed the provisions for state permits under § 62.1-44.15:26 of the SWMA and under § 62.1-44.15(5a) of the SWCL. The question asked was whether the provisions under the SWMA for state permits are covered under the existing SWCL or could the SWCL be amended to address the SWMA's state permit requirements. It was noted that the state permit issued is a VPDES permit and the requirements for all VPDES permits, including its term, are addressed in the SWCL.

An overview of today's meeting will be provided to the SAG at their 5/11 meeting. The WWG meeting was then adjourned.

Attachment A List of Acronyms

Acronyms:

CBPA – Chesapeake Bay Preservation Act

DEQ – Department of Environmental Quality

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