

Stormwater Stakeholder Advisory Group
Wordsmithing Work Group
Tuesday, June 23, 2015
Final Meeting Notes

Location: DEQ Central Office
4th Floor Conference Room
629 E. Main Street
Richmond, VA

Start: 1:07 p.m.
End: 3:04 p.m.

SAG Work Group Members Present:

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

Melanie Davenport, DEQ
Philip F. Abraham, VACRE

Work Group Members Absent:

Bart Thrasher, VDOT
Chris Pomeroy, Aqua Law
Katie Frazier, Va. Agribusiness Council

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

Facilitator: Mark Rubin, VCU

Recorder: Gary Graham, DEQ

Guests and Public Attendees:

Whitney Marshall, Goochland County
Christine Watlington, VDOT

Fred Cunningham, DEQ
Drew Hammond, DEQ

I. Agenda Item: Draft Meeting Minutes

Discussion: Mark Rubin handed out a copy of the draft meeting minutes (Attachment A) from the May 21, 2015 meeting. Members are responsible for reviewing the draft minutes and sending corrections and comments to Debra Harris (DEQ) at debra.harris@deq.virginia.gov.

II. Agenda Item: Review of new VESMA Straw-man

Discussion: The WWG reviewed the draft language in the Virginia Erosion and Stormwater Management Act (VESMA) straw-man handout (Attachment B) through page 15. Staff is not wedded to this name for the new act and invites the WWG members to propose alternatives. The basis for the straw-man was the Stormwater Management Act (SWMA) through §62.1-44.15:33. It was compared to the Erosion and Sediment Control Law (ESCL) requirements and a recommendation for VESMA language was drawn from the two statutes. A few big picture topics were discussed (as described below) at this meeting.

A concern expressed early-on was that there was no easy way to determine from the document what changes were made to the SWMA and ESCL since "track changes" does not work when working with three statutes, and what the rationale for the changes were. It was decided that descriptive notes would be added to the straw-man to explain what was done. Elizabeth Andrews was tasked with adding these notes and making suggested changes to the straw-man based upon this meeting.

§62.1-44.15:24 Definitions:

The definition of "agreement in lieu of an erosion and storm water management plan" contains the term "residential structure" where "residence" is used elsewhere. This needs to be looked at for consistency. DEQ will check into it.

The definition of "district" can be deleted because where it is used in the Stormwater Management Act, it seems to mean something else (e.g. sanitation district).

The definition of "permittee" should refer to "to *whom* the permit is issued."

§62.1-44.15:25 Further powers and duties of the State Water Control Board:

Because a version of this section was inserted into the voluntary Stormwater Management Act to give DCR authority to run the storm water program, and the Board already has much of this authority under the State Water Control Law, there may be subsections in this section that are redundant (e.g. sections 1 and 2) and may be removed later after further review.

Changes that strike references to "VSMP permits" could compromise the board's authority to manage the erosion and sediment control program. An analysis of inconsistencies and redundancies in the powers assigned to the board by this section and other sections of law needs to be made and a recommendation made to the full SAG (assigned to DEQ).

§62.1-44.15:27 Establishment of of Virginia Erosion and Stormwater Management Programs

In new subsection F, there needs to be some transition language developed so that existing VSMP approvals remain in place until a new program is approved pursuant to the new requirements.

§62.1-44.15:28 Development of Regulations

New subdivisions A 1 – 4 need to be referred back to the SAG to make sure that it is OK to specify new regulatory requirements for the E&S program in the same detail as the Stormwater program, or make the requirements more general for both programs, or combine the requirements for the two programs vs. keeping them separate (as drafted).

III. Agenda Item: Future Meetings

Discussion: A future meeting will be necessary to go over the remainder of the straw-man. WWG members are encouraged to review the straw-man on their own and be ready to discuss changes and the remaining unreviewed sections at the follow-on meeting to be scheduled later for a date after the full SAG meeting on July 13, 2015.

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