



WILLIAMSBURG
ENVIRONMENTAL
GROUP, INC.

eNewsflash

VIRGINIA GENERAL ASSEMBLY



WEG is dedicated to keeping our clients informed on the ever-changing landscape of environmental regulations. The following eNewsflash provides a brief summary of two pieces of recently approved legislation and one pending regulatory action that may be of importance to you. If you would like more information, please contact WEG. If you have any questions or would like any additional information, please do not hesitate to contact us at any of our office locations listed below or by email at info@wegnet.com.

Senate Bill SB1060 Impounding structure; determination of hazard potential classification, development of general permit

This bill allows owners of regulated dams, which are not currently certified, to request that the Department of Conservation and Recreation (DCR) conduct a simplified dam break inundation zone analysis to determine whether the dam qualifies for a low hazard classification. This procedure is also open for owners that believe the hazard classification of their dam could be reduced to low hazard. Dam owners requesting review under this provision shall pay 50 % of the costs for such services. If it is determined that the dam qualifies as a low hazard impoundment, the owner is eligible for coverage under a general permit (to be developed by the Soil and Water Conservation Board).



The bill further allows the Director of DCR to provide financial assistance for the determination of the hazard classification for impounding structures; dam break analysis, the mapping and digitization of dam break inundation zones, incremental damage analysis, and other engineering requirements such as emergency action plan development. The bill also directs that hazards which are present for the non-flood events shall not be considered for the hazard classification. The effective date for this bill is July 1, 2011. The full text of the bill is available at <http://lis.virginia.gov/cgi-bin/legp604.exe?111+ful+SB1060ER+pdf>. Owners of regulated impoundments are encouraged to contact one of WEG's water resources engineers for more information.

Senate Bill SB1099

Stormwater nonpoint nutrient offsets



This bill provides conditions under which use of off-site stormwater quality compliance options can be granted. The bill establishes that a permittee shall have the right to select between the use of nonpoint nutrient offsets or other off-site options. Permit-issuing authorities are to allow the full or partial substitution of nonpoint nutrient offsets for existing on-site nutrient control when the offsets will compensate for less than 5 acres of land-disturbing or for less than 10 pounds of annual phosphorous requirement associated with the land-disturbing activity, or when existing on-site controls are not functioning as anticipated and the use of the offset can satisfy the deficiency. The bill further stipulates that off-site compliance options can be

used if the applicant demonstrates that at least 75% of the required nutrient reduction is achieved with on-site controls. This bill will streamline the use of nonpoint nutrient offsets for stormwater quality compliance. The bill will affect existing pro-rata and in-lieu fee stormwater quality programs by requiring that nutrient reductions be achieved in advance of credit sales, and by allowing permittees to choose between all available off-site compliance options. The effective date for this bill is July 1, 2011. However, these limitations do not go into effect until July 2014. The full text of the bill is available at <http://lis.virginia.gov/cgi-bin/legp604.exe?111+ful+CHAP0523+pdf>. WEG's staff has actively participated in the development of off-site compliance options and nutrient offset guidance and policy. Please contact one of WEG's water resources engineers for more information.

Virginia Stormwater Management Program

DCR is receiving public comments on Virginia Stormwater Management Program (VSMP) Permit Regulations (Parts I, II, and III). On Dec. 9, 2009, the Virginia Soil and Water Conservation Board (VSWCB) adopted final revisions to the regulations, and then on Jan. 14, 2010, suspended the effective date, in response to 25 petitions received during the 30-day final adoption period, in accordance with §2.2-4007.06 of the Administrative Process Act. In response to legislative action taken by the 2010 General Assembly (Chapter 137 and Chapter 370), DCR convened a Regulatory Advisory Panel (RAP) to further review the regulations and to make recommendations to the VSWCB. Prior to presentation of the revised final recommendations to the VSWCB, DCR is soliciting public comment on the proposed revisions to the regulations. The comment period began on March 28, 2011, and will end at 5 p.m. on April 27, 2011. The revised regulations are available at <http://www.dcr.virginia.gov/lr2d.shtml>.

For More Information:

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