

DATE: August 16, 2011 (Revision) **Yellow highlighted text denotes change from previous version**

TO: All Architects, Builders, Contractors, Developers, Engineers, Surveyors, and Property Owners

SUBJECT: Revised Compliance Policies for Chesapeake Bay Preservation Ordinance On-site Stormwater Quality Management

EFFECTIVE DATE: October 1, 2011 (January 1, 2012, for individual single-family home projects)

- For Site Plans submitted per Administrative Regulation 4.1: Preliminary Application after October 1, 2011
 - Projects that have already filed their preliminary application but that have not yet been accepted by the County Manager: Applicant must meet with staff and work to maximize compliance with this revised policy.
- For Use Permits for Unified Commercial/Mixed Use Development, Unified Residential Development, and Schools, and for Zoning Proffers: Application after October 1, 2011
- For all Form Based Code projects: Preliminary application after October 1, 2011
- For all other development projects except 'by-right engineering plans' and individual single family home projects: Building permit application after October 1, 2011
- **For 'by-right engineering plans:' Engineering plan submittal after October 1, 2011**
- For single-family home projects: Building permit application after January 1, 2012

BACKGROUND AND PURPOSE

More stringent State stormwater management regulations are currently scheduled to take effect in October 2011, with local implementation required by July 1, 2014. These new regulations are driven by the stormwater pollution reduction requirements of the Chesapeake Bay 'Total Maximum Daily Load' (TMDL). In addition, the TMDL may result in even more stringent requirements than the new State standards.

The Bay TMDL will also require Arlington County to implement a more stringent local stormwater management program through its Municipal Separate Storm Sewer System (MS4) permit, issued by the Virginia Department of Conservation and Recreation. The County's next MS4 permit, expected to be issued during 2011, will require tighter controls for development as well as extensive 'retrofitting' requirements for existing development. There will also be increased emphasis on stormwater management approaches that control stormwater volume in addition to removing pollutants.

As a result of these pending requirements and the need for substantially increased stormwater controls for both new/redevelopment and existing development, Arlington County is revising its policies for determining compliance with the on-site stormwater quality management requirements for the Chesapeake Bay Preservation Ordinance (Chapter 61). The revised policies described below are authorized by Chapter 61 of the County Code and Administrative Regulation 4.1.

Please note that the new State stormwater management regulations will require comprehensive revisions to Chapters 60 and 61 of the County code for implementation by July 1, 2014, including a completely new framework for regulating stormwater quality and quantity.

REVISED COMPLIANCE POLICY

Summary:

- On-site stormwater management required to meet stormwater treatment requirements
- Watershed Management Fund contribution allowed only under specific circumstances
- Implementation of stormwater volume reduction measures as part of a project's stormwater compliance strategy

Details:

1. All projects with more than 2,500 square feet of land disturbance covered by Chapter 61

On-site Stormwater Quality Treatment

Compliance with stormwater quality treatment requirements shall be achieved with on-site stormwater management techniques. Contribution to the Watershed Management Fund shall only be allowed under specific circumstances where it can be demonstrated that full compliance is not physically possible with on-site stormwater management techniques. These circumstances will be outlined in updated guidance materials to be issued in the near future.

Stormwater Volume Reduction

Projects must also incorporate techniques that reduce stormwater runoff volumes as part of the overall compliance strategy. The specific criteria for this requirement will be outlined in updated guidance materials to be issued in the near future.

2. Specific additional requirements for Site Plans submitted per Administrative Regulation 4.1

Conceptual Stormwater Management and Compliance Plan

Administrative Regulation 4.1 requires the final submittal to include a *"...conceptual Stormwater Management and Compliance Plan that addresses Chesapeake Bay Act and stormwater detention requirements, as well as any proposed LEED stormwater-related credits...."*

This plan must show not only what a project's Stormwater Detention and Chesapeake Bay Preservation Ordinance requirements are but also how the project intends to meet these requirements via specific stormwater management techniques (pending full engineering).

In addition, the final submittal must discuss your evaluation of LEED stormwater-related credits.

REGULATORY BASIS FOR REVISED COMPLIANCE POLICY

On-site Stormwater Quality Treatment and the Watershed Management Fund

Per 61.10.F.2.b of the Chesapeake Bay Preservation Ordinance, contribution to the Watershed Management Fund to achieve full compliance with the ordinance's stormwater treatment requirements is **subject to the approval of the County Manager**.

Stormwater Volume Reduction

Section 61.10.F.3 of the Chesapeake Bay Preservation Ordinance requires the following:

61.10.F.3. Site design standards: All development shall incorporate site design standards recognized by the County Manager as a means of minimizing impervious cover, stormwater runoff, and nonpoint source pollution and protecting or improving indigenous vegetation and habitat.

The ordinance therefore requires specific site design elements that minimize impervious cover and stormwater runoff volume and pollution.