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HOUSE BILL NO. 2190

Offered January 10, 2013

A *BILL to amend and reenact § 10.1-603.7 of the Code of Virginia, relating to stringency of stormwater management ordinances.*

Patron—Cosgrove

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 10.1-603.7 of the Code of Virginia is amended and reenacted as follows:****§ 10.1-603.7. Authorization for more stringent ordinances.**

A. Localities are authorized to adopt more stringent stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of a *an* MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources, to address TMDL requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is held after giving due notice. *Notwithstanding the provisions of this subsection, localities shall not prohibit or otherwise limit the use of any compliance method or best management practice (BMP) approved by the Board or by the Virginia Stormwater BMP Clearinghouse Committee.* Localities shall report to the Board when more stringent stormwater management ordinances or more stringent requirements authorized by such ordinances, such as may be set forth in design manuals, policies, or guidance documents developed by the localities, are determined to be necessary pursuant to this section and the Board shall review all other supporting materials provided by the locality to determine that the requirements of this section have been met and that any determination made by the locality pursuant to this section is reasonable. Any ordinance or other requirement found to exceed the Board's minimum regulations that the Board determines does not comply with this section shall be null and void.

B. Any provisions of a local stormwater management program in existence before January 1, 2005, that contains more stringent provisions than this article shall be exempt from the analysis requirements of subsection A. However, such provisions shall be reported to the Board as part of the locality's VSMP approval package.

C. *Notwithstanding any other provision of law, no locality shall exact any stormwater requirement more stringent than, in excess of, or in addition to those necessary to ensure compliance with the Board's minimum regulations except as authorized pursuant to this section.*

INTRODUCED

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