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SENATE JOINT RESOLUTION NO. 270
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Rules
on February 3, 1995)

(Patron Prior to Substitute—Senator Howell)

Requesting that the Departments of Environmental Quality and Conservation and Recreation and the Chesapeake Bay Local Assistance Department undertake certain actions and studies to further the efficiency and consistency of the stormwater management and permitting policies of the Commonwealth.

WHEREAS, the 1994 Session of the General Assembly passed Senate Joint Resolution 44 continuing the Joint Subcommittee Studying the Efficiency and Consistency of the Stormwater Management and Permitting Policies of the Commonwealth; and

WHEREAS, the joint subcommittee convened a group of technical experts composed of engineers, biologists, environmental interests, local and regional government representatives and development interests to make recommendations to the joint subcommittee regarding the siting of stormwater management facilities; and

WHEREAS, after meeting seven times, the technical group made findings and recommendations, which the subcommittee adopted, that will have a significant impact on the efficiency and consistency of the permitting process for the siting of stormwater facilities in the Commonwealth; and

WHEREAS, the technical group and the joint subcommittee found that, in order to further streamline and foster the permitting process and to ensure that the water resources of the Commonwealth are adequately protected, there is a need for a better understanding of watersheds, particularly those under 560 acres in size, and the impact of instream stormwater facilities placed in them; and

WHEREAS, the joint subcommittee's proposals balance numerous interests, particularly as they apply to the placement of stormwater facilities in watersheds less than 560 acres in size, and are based upon the experience and expertise of the scientific community and of those dealing with the siting issues on a daily basis; and

WHEREAS, among the recommendations is a proposal to create slightly different approaches for seeking approval to site stormwater facilities in watersheds of 560 acres in size or less, with one approach applying to areas under 200 acres in size and the other applying to areas 200 to 560 acres in size; and

WHEREAS, the Department of Environment Quality has incorporated these recommendations into its permit guidance so that decisions on siting of stormwater facilities are being done in a more efficient and consistent manner; and

WHEREAS, this approach will generate needed information on the nature of those watersheds and the impact of instream stormwater facilities upon the water quality and habitats therein through the use of bioassessments but additional data on the nature of small watersheds and the impact of stormwater facilities on them is needed; and

WHEREAS, the joint subcommittee recognizes that a standardized protocol for conducting bioassessments of these small watersheds would be useful; and

WHEREAS, research is needed to develop standardized protocols, to determine if protocols for bioassessments in different regions of the state would be useful, and to identify and analyze representative streams to provide baseline conditions against which other streams may be compared through bioassessments; and

WHEREAS, the conduct of the needed research and the establishment of standardized protocols for Virginia is essential to streamlining the permitting process and easing compliance with environmental regulations by the regulated community; and

WHEREAS, the joint subcommittee recognizes that a tracking system for all bioassessment data and monitoring information from storm water facilities in these watersheds is needed to ascertain the importance of small drainage areas to the larger watershed and allow for adjustments to the guidance used in the permitting of stormwater facilities; and

WHEREAS, there may be grant moneys available from federal and private sources which may be obtained by state agencies for the conduct of these studies; and

WHEREAS, the joint subcommittee followed and contributed to the efforts of an interagency committee formed by the Departments of Environmental Quality and Conservation and Recreation and the Chesapeake Bay Local Assistance Department which has been successful in coordinating their respective stormwater management programs; and

WHEREAS, the joint subcommittee and the agencies recognize that the communication among the various interests in proper stormwater management that was fostered through the subcommittee's work,

60 including bringing together technical experts, interest groups and the regulated community, and the work
61 of the interagency committee should be continued by the agencies; now, therefore, be it

62 RESOLVED by the Senate, the House of Delegates concurring, That the Departments of
63 Environmental Quality and Conservation and Recreation and the Chesapeake Bay Local Assistance
64 Department be requested to continue and expand their interagency committee to include representatives
65 of interested stakeholders, including engineers, biologists, environmental interests, local and regional
66 government representatives and development interests to advise the agencies on their continued efforts at
67 coordinating and improving the efficiency and consistency of their stormwater management programs;
68 and, be it

69 RESOLVED FURTHER, That the Department of Environmental Quality, in cooperation with
70 Virginia universities, be requested to evaluate currently available bioassessment methodologies and tools
71 and develop, if needed, additional standardized protocols for the conduct of bioassessments within small
72 watersheds (up to approximately 560 acres in area) and for identification of reference streams and
73 conditions against which the data collected through the bioassessments may be compared; and, be it

74 RESOLVED FURTHER, That the Department of Environmental Quality, is requested to develop a
75 data base tracking system for all bioassessment data and monitoring information that can be used for
76 watersheds, regardless of size; and, be it

77 RESOLVED FURTHER, That the Department of Environmental Quality, in coordination with the
78 Department of Conservation and Recreation and the Chesapeake Bay Local Assistance Department, is
79 requested to conduct, following the implementation of the use of bioassessments by applicants for
80 instream stormwater facilities, a study of the character of water quality and habitat in small watersheds
81 (up to approximately 560 acres in area), and the impact of stormwater facilities on them and, if feasible,
82 the number of watersheds 200 acres and smaller in which stormwater facilities are, or are likely to be,
83 placed along with their geographic distribution; and, be it

84 RESOLVED FURTHER, That the agencies requested to undertake these studies make every effort to
85 obtain grant moneys for the conduct of the studies; and, be it

86 RESOLVED FINALLY, That the agencies shall not be required to undertake the requested studies or
87 portions thereof until grant moneys have been awarded for their conduct or portions thereof or
88 appropriations have been made for their conduct.

89 The Departments of Environmental Quality and Conservation and Natural Resources and the
90 Chesapeake Bay Local Assistance Department shall provide staff support for these studies and the
91 interagency advisory committee. The Department of Environmental Quality shall act as the lead agency
92 in the conduct of these studies. All agencies of the Commonwealth shall provide assistance upon
93 request.

94 The agencies shall, within two years of the receipt of funding for their conduct, complete the studies
95 and submit findings and recommendations to the Governor and the General Assembly as provided in the
96 procedures of the Division of Legislative Automated Systems for processing legislative documents. The
97 agencies shall, beginning with the 1996 Session of the General Assembly, submit status reports to the
98 Governor and the General Assembly on efforts to obtain grants, the progress of the studies, data
99 contained in the tracking system, an assessment of the progress made to further improve the efficiency
100 and consistency of the Commonwealth's stormwater management programs and any resource limitations
101 preventing steady progress at improving these programs.