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SENATE JOINT RESOLUTION NO. 271

Offered January 16, 1995

Requesting the Departments of Environmental Quality and Conservation and Recreation and the Chesapeake Bay Local Assistance Department to jointly conduct a study of watersheds under 200 acres in size and the impact of stormwater facilities placed in them.

Patrons—Howell and Nolen; Delegates: Abbitt, Robinson and Wagner

Referred to the Committee on Rules

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 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 proposals balance numerous interests, particularly as they apply to the placement of stormwater facilities in watersheds of less than 560 acres in size, and are based on the experience and expertise of the scientific community and of those dealing with the siting issue 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 approach applicable to watersheds 200 to 560 acres in size will generate needed information on the nature of those watersheds and the impact of instream stormwater facilities upon the water quality and habitats therein; and

WHEREAS, similar information will not be generated for watersheds of under 200 acres in size; 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 of under 200 acres in size and the impact of instream stormwater facilities placed in them; and

WHEREAS, it appears that there are grant moneys available from federal and private sources which may be obtained by state agencies for the conduct of studies on the impact of stormwater facilities on wetlands, habitat values and water quality; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Departments of Environmental Quality and Conservation and Recreation and the Chesapeake Bay Local Assistance Department be requested to jointly conduct a study of: (i) the number of watersheds 200 acres and smaller in which stormwater facilities are, or are likely to be, placed along with their geographic distribution; (ii) the character of water quality and habitat in watersheds under 200 acres in size; (iii) the positive and negative water quality and habitat impacts of instream stormwater facilities in watersheds of under 200 acres in size; (iv) the creation of a uniform method for reporting impacts; and (v) the development of a methodology for use by the regulated community in assessing the character of the aquatic habitat in these small watersheds, particularly those with ephemeral water flow, to aid in determining the propriety of placing instream stormwater facilities in them; and, be it

RESOLVED FURTHER, That the agencies requested to undertake this study make every effort to obtain grant moneys for the conduct of the study; and, be it

RESOLVED FINALLY, That the agencies shall not be required to undertake this study or portions thereof until grant moneys have been awarded for its conduct or portions thereof.

The Departments of Environmental Quality and Conservation and Natural Resources and the Chesapeake Bay Local Assistance Department shall provide staff support for the study. The Department of Environmental Quality shall act as the lead agency in the conduct of this study. All agencies of the Commonwealth shall provide assistance upon request.

The agencies shall, within two years of the award of grant money, complete their work and submit findings and recommendations to the Governor and the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents. The agencies

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60 shall, beginning with 1996 Session of the General Assembly, submit annual status reports to the
61 Governor and the General Assembly on efforts to obtain grants and the progress of the study.