



2010 Supervisors Forum  
ENVIRONMENTAL ISSUES

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Service Areas Where Counties are Involved with N.R. protection

Solid Waste Management

Wastewater Treatment

Erosion and Sediment Control

Stormwater (Construction and Post Construction)

Land Use Regulations

Drinking Water/Water Supply Planning

Onsite Wastewater Treatment



## Solid Waste Management

Applicable Laws: Federal Resource Conservation and Recovery Act and Virginia Waste Management Act, Sec. 10.1-1400, VA Code.

### Chief Local Responsibilities

Ensuring that solid waste facilities (e.g. landfills, transfer stations) are constructed in compliance with permit requirements.

Ensuring that state minimum recycling goals are met (25% for most localities, 15% in more rural communities with higher unemployment rates.)



## Wastewater Treatment

Applicable Laws: Federal Clean Water Act and State Water Control Law, Sec. 62.1-44.2 et seq. VA Code

Chief Local Responsibility: Ensuring that treatment facilities are constructed and operated in compliance with permit requirements under Virginia Pollutant Discharge Elimination System (VPDES).  
Renewal required once every 5 years.



## Erosion and Sediment Control

(Applicable Law: VA Erosion and Sediment Control Law, Sec. 10.1-560 et. Seq., VA Code)

Chief local responsibility: Ensuring that local programs (ordinances, administration, inspections and enforcement) are in compliance with Virginia's E&S Law and related regulations.



## Stormwater

Applicable Laws: Federal Clean Water Act, VA Stormwater Management Law (Sec. 10-903.2 et seq., VA Code) and Chesapeake Bay Preservation Act (Sec. 10.1-2100 et seq., VA Code)

Chief local responsibilities: Vary depending upon location and population of locality and whether it has a Municipal Separate Storm Sewer System ("MS4s").

- State regulatory program in some state of flux.
- Chief objective is to protect state waters from pollutants generated by development in both construction and post construction phases.



## Land Use Regulations

(Applicable Laws: General provisions in Title 15.2, Code of VA., Chesapeake Bay Preservation Act, and HB 3202 from 2007 GA session)

General responsibilities are set out in various parts of the Code of Virginia (mostly Title 15.2). Specific statutes with certain requirements are found in Chesapeake Bay Preservation Act (applying to localities generally east of I-95) and provisions of HB 3202 requiring certain localities to designate “*Urban Development Areas*” (UDAs) in local comprehensive plans.



## Drinking Water/Water supply planning

Applicable laws: Federal Safe Drinking Water Act, Virginia Health Code (Title 32.1, Chapter 6) (public waterworks and private wells) and SB 1221 (2003 GA session) requiring development of water supply plans.

### Chief Local Responsibilities:

- Water Supply Planning – all local/regional water supply plans must be submitted to DEQ by November, 2011.
- Construction and operation of local waterworks must be in compliance with requirements of Safe Drinking Water Act and parallel state laws.



## Onsite Wastewater Treatment Systems

**Applicable laws:** “Environmental Health Services” portion of VA Health Code (Title 32.1, Chapter 6) and Chesapeake Bay Preservation Act (Section 10.1-2100)

**Local Responsibilities:** Permits for standard septic systems are approved by the Department of Health. Local governments do have authority to apply additional requirements to standard systems. Under legislation passed in 2009 (HB 1788/SB 1276), this same authority does not apply to alternative systems. Under CBPA, “Tidewater localities” are required to enforce “5 year pump out.”



## Federal Environmental Laws with Most Direct Impacts on Local Governments:

- Clean Water Act
- Resource Conservation and Recovery Act
- Safe Drinking Water Act
- National Environmental Policy Act (NEPA)
- Clean Air Act.



## FEATURES OF REGULATORY APPROACH IN FEDERAL STATUTES

- Minimum National Standards are set through a National Permit Program.
- States may seek approval of state regulatory programs after parallel state laws and regulations are enacted.
- Where a state chooses not to adopt and implement a conforming program, the U.S. EPA runs the permit program in that state.
- **Virginia has obtained federal approval to implement nearly all aspects of the permit and enforcement programs required under federal statutes.**



## Elements generally common to state and federal environmental permitting programs:

- Permit programs
- Permit fees
- Ambient standards (They specify the level of pollution that can be tolerated in the environment without causing adverse effects. Measures presence of pollutants in the environment.)
- Minimum performance standards (e.g. “end of pipe” limit to pollutants in discharges into air or water from point sources.)
- Reporting and inspection requirements



## Major state agency web sites:

- <http://www.deq.state.va.us> (Department of Environmental Quality; permitting programs, solid waste, "point source" water quality issues, air quality, land application of biosolids.)
- <http://www.dcr.state.va.us> (Department of Conservation and Recreation; parks, erosion and sediment control, stormwater, Chesapeake Bay Preservation Act.)
- <http://www.dgif.state.va.us> (Department of Game and Inland Fisheries; wildlife issues, hunting, fishing.)
- <http://www.dhr.state.va.us> (Department of Historic Resources; information on protection of historic resources.)
- <http://www.vdh.state.va.us> (Department of Health – sanitation, onsite wastewater treatment, drinking water.)
- [www.state.va.us/mrc/homepage](http://www.state.va.us/mrc/homepage) (Virginia Marine Resources Commission: various wetland issues, saltwater fishing licenses, aquatic resource and habitat management.)
- <http://valocalfinance.org/> (VACo/VML Finance Program: Major Funding Source for important capital projects)
- <http://www.virginiaresources.org/> (Virginia Resources Authority: Major Funding Source for important capital projects.)



## Major environmental issues affecting counties in the future:

- Funding for Natural Resources programs.
- Water quality (Statewide TMDL, Chesapeake Bay-wide TMDL, Stormwater,)
- Protection of open space and agriculture.
- Improvements in energy efficiency.



## What is a TMDL?

Stands for Total Maximum Daily Load defined by EPA as:

“a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that load among the various sources of that pollutant.”



## What's *GO GREEN* VIRGINIA?



- A partnership that began last year between VACo and VML to encourage practical actions by local governments to improve energy efficiency and reduce carbon footprint.
- In 2009 ten counties were recognized and certified as “Go Green Communities.”



Learn more at [www.GoGreenVA.org](http://www.GoGreenVA.org).

