Reasonably successful launch for Fairfax County:

- County has had SWM requirements for about 40 years so not entirely new;
- Extensive public process during development of the ordinance;
- Training of staff and private sector occurred both before and after ordinance adoption;
- County outreach to citizen groups, stakeholders, industry representatives.
Local Government Perspectives – One Year In

Regulatory Drivers

- SWM Regs
- MS4 Permit
- Ches. Bay TMDL
- Local TMDLs
- Environmental Protection
It has been a challenge getting staff and private sector trained and state certified.

- Over 60 County staff just in site review and inspections + Maintenance Staff, Capital Facilities Staff, FC DOT, etc.

- Consultants still learning.

- Changes required IT program revisions, changes in enforcement procedures, changes in way plans are processed, state VPDES permit administration, etc.
Program oversight and audits.

- Local programs are not sure what to expect from DEQ and/or EPA program audits.

- More difficult to make ordinance interpretations when implementing state regulations that you may not entirely understand.

  - Local program annual reports - are we collecting the right data? Will it be accessible at report time?
Much of the year was clearing backlog of grandfathered and time limits plans

• Does grandfathering or time limits apply?
• Multi-phase developments under time limits.
• Revisions to time limits plans – how much flexibility before triggering new technical criteria?
• Redevelopment - when do grandfathering/time limits provisions no longer apply?
• Land disturbances served by existing SWM facilities.
Environmental Site Design vs. Lot Yield
(Residential Units or Commercial Floor Area)

• Lot yield wins the tug-of-war;
• SWM still a design after-thought;
• Culture change.
• Are BMPs on residential lots sustainable?
Residential Infill Lot Challenges

- Bungalows to McMansions
- Adjacent drainage complaints already on file;
- Soils unsuitable for infiltration;
- No existing storm drain system (pipe or channels) nearby;
- Flat topography; no where to daylight underdrains.
**SFD** can have total impervious area up to the greater of 2,500 SF or 18% of lot total area and still be exempt

**SFD** can build additional 500 SF of impervious cover if lot is ½ acre or less

Activities* exempt if land disturbance < 2,500 SF

**SFD** exempt if treatment provided by subdivision or regional WQ facility

* Only exempt if disturbing < 1 acre and not part of a larger “common plan of development or sale”
• Single-family detached residential exemptions;
• VPDES “voluntary compliance”;
• Difficult to apply channel and flood protection criteria to SFD infill lots;
• Defining sheet flow.

Image: Urbansplatter.com
Residential Infill Lot Challenges

• BMPs in rear yards of SFD residential lots?

• Offsite nutrient credits is good option but onsite facilities help meet quantity requirements too.

• Easements and restrictive agreements create encumbrances on SFD Lots.

• Homeowners do not understand what a BMP is, importance of it, how to maintain.
• Applying channel and flood protection criteria;
• SWM detention and the energy balance equation (i.e. DOT projects do not have additional right-of-way or funding for SWM facilities);
• BMP maintenance responsibility (local DOT vs. VDOT maintenance);
• Some confusion about when VDOT standards apply vs. local VSMP Authority review / approval.
For additional information, please contact

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