



Guide to Stormwater Requirements in the Chesapeake Bay

This comparative summary is accurate as of March 30, 2010, but readers should be mindful that specific requirements may become more stringent or complex (or weaker) depending on state actions.

Please consult the individual state web links provided at the end of this handout. Also, stormwater requirements may change in the future due to pending legislative actions, legal challenges, federal or state permit requirements or as regulations proceed from draft to final stage. Local governments have the option to adopt more stringent requirements or criteria.



**Table 1
Comparison of Current Stormwater Requirements in the Bay States**

STATE	Water Quality	Channel Protection?	Redevelopment
DC	Prevent/Reduce runoff volume from 75% One-inch event + 25% treatment Higher requirements for Anacostia (3.2 inches)	2-year Post- back to Pre-developed peak rate; and Anacostia WQ requirements should provide channel protection	Nearly all development in City is redevelopment: Reduce runoff volume from 75% of the 1 inch rainfall event, and treat the remaining 25%
DE	Runoff reduction for all storm events up to one year design storm event (RPE, Resource Protection Event)	Yes , Must provide runoff reduction or detention for runoff volume for the 1yr storm event (2.6 inches, which is included in the RPE)	Criteria for redevelopment, infill and brown-field compliance being developed in early 2010
EPA	Runoff Volume Reduction From 95 th percentile rainfall event (1.5 to 1.9 inches in watershed)	No , but the 95 th percentile storm should provide some channel protection	Full runoff volume reduction for the 95 th percentile rainfall event (1.5 to 1.9 inches in watershed)
MD	Reduce runoff volume at least up to from 1 inch rainfall event and strive for 1 year event (2.6 inches)	Yes , first reduce, then detain runoff volume up to one-year 24 hour design storm (2.6 inches)	Reduce or treat runoff volume from 0.5 inch rainfall event, although some possibility of weakening in MD legislature in April 2010
NY	Maintain preconstruction hydrology for 90 percentile event. At min. a portion of the WQv must be in the form of runoff reduction, based on site-specific factor (20 to 55% depending on hydrological soil group). One year event control is required in P-limited watersheds.	Yes , runoff reduction and/or detention of one-year 24 hour design storm	New IC: Reduce or Treat Runoff Volume from 1 inch rainfall event Existing IC: Reduce by 25% through IC reduction, BMPs or alternative practices
PA	Runoff reduction up to the 2-year design storm event or Treatment/reduction and infiltration of the first 2 inches of rainfall	Yes , the CG-1 is presumed to provide adequate channel protection	20% WQ treatment for the site (0.2 inches)
VA	Post development TP load no more than 0.45 lbs/ac/yr using runoff reduction practices	Yes , 4 different criteria depending on the nature of the receiving stream channel	Reduce existing phosphorus load by 10 to 20% depending on project location and site area
WV	Provide full runoff reduction for runoff from the first inch of rainfall	No .	Runoff volume reduction for 0.25 to 1.0 inches of rainfall, depending on nature of redevelopment project



Table 2
Comparison of Current Stormwater Requirements in the Bay States (continued)

STATE	Min. Area Threshold	Limits	Status	Grandfathering
DC	5000 sf	None	Draft regulations offered for public comment in summer 2009. Final expected in 2010.	January 1, 2012 at the earliest
DE	5000 sf	State-wide	Draft regulations offered for comment in 2009, Final regulations expected in 2010	Unknown, likely only for projects submitted prior to promulgation
EPA	5000 sf	Construction or redevelopment of new facilities	Final Section 438 guidance Released in Dec. 2009, may be modified by Section 502 in 2010	New projects as of 2010
MD	5000 sf	State-wide	Final regulations issued in May of 2009	Most projects after May 2010, but some grandfathering
NY	One acre	State-wide	Requirements are set forth under MS4 and General Construction Stormwater Permits	Not applicable
PA	5000 sf*	State-wide, but not triggered until locally adopted	Stormwater requirements are were introduced in 2009 Draft Small MS4 General Permit	Variable, but likely several years
VA	2,500 sf in areas subject to CBPA, 1 acre elsewhere	Potentially different criteria in non-Chesapeake Bay watershed	Final regulations are expected in May 2010, although March legislative changes in extend effect date to 2011 with local adoption deadline (15 to 21 months after effective date)	Variable, up to 2014 or 2019 subject to local zoning or other prior approval act and continued Permit coverage.
WV	One Acre	Only applies to small MS4s in state	Stormwater requirements are were introduced in June 2009 Final Small MS4 General Permit	Two years from their MS4 program approval (2011-12)

Notes:



Table 3
Comparison of Current Stormwater Requirements in the Bay States

STATE	Specs or Design Manual?	Compliance Tool ?	BMP Preferences ?	Off-Site Mitigation?
DC	CWP updating DC Stormwater Design Handbook in 2010	Compliance spreadsheet to be developed and tested in 2010	Yes , for specific runoff reduction practices	Yes , developer off-site mitigation first, then fee-in lieu
DE	CWP is assisting with development of technical support documents	Yes , DNREC has maintained and tested compliance model, which will be updated when regs finalize	Yes , for specific runoff reduction practices	Possible, fees and offsets currently under consideration
EPA	Developing a Best Practices Guide for Chesapeake Bay in 2010	Sort of . The 2009 Section 438 report describes a method, but no spreadsheet tool yet	Yes . The volume requirement must be met by LID, runoff reduction and green infrastructure practices.	No , req't waived if the project exceeds maximum extent technical feasibility
MD	Updated Chapters to 2000 Design Manual Released in 2009. More systematic re-write likely by 2011	Yes , CSN and other agencies are testing MD spreadsheet compliance model	Yes , New Chapter 5 outlines 15 ESD micro-practices that must be used to maximum extent practicable	Yes , either local or developer off-site mitigation or mitigation fee
NY	5 Chapters of 2002 Design Manual being updated in early 2010	Yes , Several different models available	Yes . LID, runoff reduction and green infrastructure all strongly promoted	Maybe , may be a local option
PA	Manual released in 2006, undergoing updates in 2010	No , local compliance tool has not yet been developed	No Preferences , but need to maximize runoff reduction and/or infiltration practices	Maybe , but must be specified in local ordinance
VA	New Design Specifications for 15 Practices Released in February 2010	Yes , VA DCR Compliance Spreadsheet Tested and Finalized in 2009	No Preferences , but it is difficult to comply without extensive use of non-structural credits and runoff reduction practices	Yes , local watershed plan, pro-rata fee, or off-site mitigation, or state mitigation (buy-down) fee
WV	WVDEP developing Stormwater Design Manual in 2010	Soon , Spreadsheet tool to be developed in 2010	Yes , LID or runoff reduction Practices Required	Yes , off-site mitigation or mitigation fee



Table 4: BAY STATE STORMWATER WEBLINKS

District of Columbia Stormwater Links

http://ddoe.dc.gov/ddoe/cwp/view,a,1209,q,495820,ddoeNav_GID,1486,ddoeNav,|31375|31377|.asp

Draft Stormwater and Erosion and Sediment Control Regulations Released

http://www.ddoe.dc.gov/ddoe/frames.asp?doc=/ddoe/lib/ddoe/stormwaterdiv/Proposed Stormwater Regs_06.09.pdf

Delaware Stormwater Links

<http://www.dnrec.state.de.us/dnrec2000/Divisions/Soil/Stormwater/StormWater.htm>

Working Draft of New Stormwater and Sediment Rules Released

<http://www.swc.dnrec.delaware.gov/Drainage/Pages/RegRevisions.aspx>

EPA National http://cfpub.epa.gov/npdes/home.cfm?program_id=6

EPA Region 3 <http://www.epa.gov/reg3wapd/stormwater/index.htm>

New Stormwater Requirements for Federal Facilities

<http://www.epa.gov/owow/nps/lid/section438/>

MDE Stormwater Links

<http://www.mde.state.md.us/Programs/WaterPrograms/SedimentandStormwater/index.asp>

Final Stormwater and ESD Regulations Released

<http://www.mde.state.md.us/Programs/WaterPrograms/SedimentandStormwater/swm2007.asp>

New York DEP Stormwater Webpage

<http://www.dec.ny.gov/chemical/41392.html>

Proposed Revisions to New York Stormwater Manual Offered for Review

<http://www.dec.ny.gov/chemical/41392.html>

Pennsylvania DEP Stormwater Home Page

<http://www.dep.state.pa.us/dep/deputate/watermgt/wc/subjects/stormwatermanagement/default.htm>



Stormwater BMP Manual Released

<http://www.depweb.state.pa.us/watershedmgmt/cwp/view.asp?a=1437&q=529063&watershedmgmtNav=|>

Virginia DCR Stormwater Links

http://www.dcr.virginia.gov/soil_&_water/stormwat.shtml

Final Stormwater Regulations Released <http://www.dcr.virginia.gov/lr2d.shtml>

New VA DCR Stormwater Specs Released

<http://www.vwrrc.vt.edu/swc/NonProprietaryBMPs.html>

West Virginia DEP Stormwater Homepage

<http://www.dep.wv.gov/WWE/Programs/stormwater/MS4/Pages/default.aspx>