

The West Virginia Model Stormwater Ordinance

Specifically Designed for West Virginia Region 9

by Alana Hartman, WVDEP Potomac Basin Coordinator

West Virginia's [Stormwater Strategy for the Potomac Basin](#) outlined short-term objectives to build capacity for better stormwater management. Several of these were achieved in the spring of 2011, when a [Model Stormwater Ordinance](#) was released for consideration by local governments within West Virginia's Eastern Panhandle (Berkeley, Jefferson, and Morgan Counties). This document of 40 pages, plus attachments, was drafted with the input of stakeholders over the course of 11 months, with financial assistance from West Virginia's Chesapeake Bay Implementation Grant. The Eastern Panhandle Regional Planning and Development Council (Region 9) used this funding to contract with Delta Development Group, Inc., to facilitate monthly stakeholder meetings and to guide the development of the model ordinance. Their objective was to engage local planning departments, local government representatives, engineers, attorneys, homeowner associations, etc., to propose minimum criteria for county and municipal codes dealing with post-construction stormwater management. Part of the process was simply to make participants more aware of what is normally contained in a stormwater ordinance. The model regulations largely apply to new land development or construction projects, and include provisions for managing the water *quality* and *quantity* of the developed area following the permitted construction period.

The model ordinance emphasizes water *quality* requirements, and includes among other provisions the standard for managing the first inch of runoff from the impervious cover (hard surfaces) of development. Most WV Potomac Basin communities do not yet have such requirements in their stormwater ordinances, and few even have stormwater ordinances. It also calls attention to special procedures for karst terrain, a feature of limestone geology that means groundwater is particularly vulnerable to contamination from surface water. The model ordinance emphasizes "[Runoff Reduction](#)" and "[Low Impact Development](#)" methods, which aim to capture rainfall and runoff on the site, and let it infiltrate or be used by trees and plants. It lays the framework for good maintenance agreements, so that these management techniques that often involve filters or plants, will not be neglected over time.

The model ordinance is not designed for immediate adoption. As it says in its introduction, it includes gray boxes that indicate points of flexibility that local governments should consider. It references the Virginia Stormwater Management Handbook, because West Virginia's handbook was not yet available when the model ordinance was developed. However, the document has already served many purposes, including catalyzing efforts of local governments to consider improving their stormwater management programs with the adoption of such an ordinance, or the enhancement of an existing one. The Developed Lands Sector's role in West Virginia's Phase I Watershed Implementation Plan (WIP) is to "hold the line" on the nutrient loads it currently sends to the Chesapeake Bay, despite the fact that our communities are growing. Therefore, this model stormwater ordinance is very important in the reasonable assurance we seek to provide in the Phase II WIP, and in the years of implementation that will follow.