



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation</b>	9VAC25-830
<b>Regulation title</b>	Chesapeake Bay Preservation Area Designation and Management Regulations
<b>Action title</b>	<b><i>Incorporation of statutory changes related to Chesapeake Bay Preservation Act general performance criteria</i></b>
<b>Final agency action date</b>	June 26, 2014
<b>Document preparation date</b>	June 26, 2014

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The purpose of this regulatory action is to incorporate statutory changes made to § 62.1-44.15:34 A by HB 1173/SB 423 and HB 1217 during the 2014 General Assembly session related to the general performance criteria for localities subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and the regulation of Chesapeake Bay Preservation Act land-disturbing activities in accordance with § 62.1-44.15:28.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

The Board at its meeting on June 26, 2014 adopted the amendments to 9VAC25-830.

**Public comment**

*Please summarize all comments received during the public comment period and provide the agency response. If no comment was received, please so indicate.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Paul Shirey, P.E., Director, Code Development and Compliance Division, Fairfax County	<b>9VAC25-830-130 6 General performance criteria.</b>  Typographical error: Replace the word "Area" in "Chesapeake Bay Preservation Area" with the word "Act".	Proposed text corrected based on comment received.

Enter any other statement here

**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>
9VAC25-830-130	9VAC25-830-130 6	General performance criteria.	Add new subsection to incorporate revisions made to § 62.1-44.15:27:  "6. Any Chesapeake Bay Preservation Act <u>land-disturbing activity as defined in § 62.1-44.15:24 of the Code of Virginia shall comply with the requirements of 9VAC25-870-103 and 9VAC25-870-51.</u> "
9VAC25-830-130 6	9VAC25-830-130 7	General performance criteria.	Revise numbering to account for insertion of new criteria: " <del>6</del> -7."

9VAC25-130 6 a (2)	9VAC25-130 7 a (2)	General performance criteria. On-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES).	Revise text to include requirements from HB 1217:  (2) Furthermore, in lieu of requiring proof of septic tank pump-out every five years, local governments may allow owners of on-site sewage treatment systems to submit documentation every five years, certified by a <del>sewage handler permitted by the Virginia Department of Health</del> <u>an operator or on-site soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 as being qualified to operate, maintain or design on-site sewage systems</u> , that the septic system has been inspected, is functioning properly, and the tank does not need the effluent pumped out of it.
9VAC25-830-130 7	9VAC25-830-130 8	General performance criteria.	Revise numbering to account for insertion of new criteria: " <del>7-8</del> ."
9VAC25-830-130 8	9VAC25-830-130 9	General performance criteria.	Revise numbering to account for insertion of new criteria: " <del>8-9</del> ."
9VAC25-830-130 9	9VAC25-830-130 10	General performance criteria.	Revise numbering to account for insertion of new criteria: " <del>9-10</del> ."

Enter any other statement here

**Regulatory flexibility analysis**

*Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

This action is being taken as a result of a statutory change and will conform the regulation to the Code of Virginia.

### Family impact

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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It is not anticipated that this regulatory action will have any impact on the institution of the family and family stability.

### Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

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HB – House Bill;  
SB – Senate Bill; &  
VPDES – Virginia Pollutant Discharge Elimination System