



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-880
Regulation title	General Permit for Discharges of Stormwater from Construction Activities
Action title	<i>Incorporation of statutory changes related to general permit applications and registration statements for single-family detached residential structures.</i>
Final agency action date	June 26, 2014
Document preparation date	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 § 62.1-44.15:28 A by HB 1173 and SB 423 during the 2014 General Assembly session related to the change in terminology identifying a "single-family residence" as "a single-family detached residential structure".

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 9VAC25-880.

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.

Commenter	Comment	Agency response
Rappahannock County Board of Supervisors – John W. McCarthy – County Administrator	Encourage the adoption of proposed amendments to the Virginia Stormwater Management Regulations that allow localities to opt in to establishing a VSMP authority and to allow for an agreement in lieu of a stormwater plan for construction of a single family detached residence – Urge the adoption of these provisions.	Comment acknowledged.

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.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
9VAC25-880-30 A 4 a		Authorization to discharge.	Revise to incorporate statutory changes: "4. The operator obtains approval of: a. An erosion and sediment control plan...unless the operator receives from the VESCP <u>authority an "agreement in lieu of a plan"..."</u> "
9VAC25-880-30 A 4 b		Authorization to discharge.	Revise to read: "A stormwater management plan from the appropriate VSMP authority as authorized under the Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870), unless the operator <u>receives</u>

			from the VSMP authority an <u>"agreement in lieu of a stormwater management plan" as defined in 9VAC25-870-10</u> or prepares the stormwater management plan in accordance with annual standards..."
9VAC25-880-40		Delegation of authorities to state and local programs.	Revise text to incorporate statutory changes: "A board-approved VSMP authority is authorized to administer requirements of this general permit, including but not limited to: (i) registration statement acceptance; (ii) fee collection; <u>and (iii) stormwater management plan review and approval; and (iv) permit compliance and enforcement</u> dependent upon conditions established as party of the board approval."
9VAC25-880-50 A 1 c		General permit application (registration statement).	Revise text to incorporate statutory changes: " c. Any operator proposing a new stormwater discharge associated with the construction of a single-family residence separately built, disturbing less than one acre and part of a larger <u>single-family detached residential structure, within or outside a common plan or development or sale</u> , is authorized to discharge under this general permit and is not required to submit a registration statement or the department portion of the permit fee, provided that the stormwater management plan for the larger common plan of development or sale provides permanent control measures (i.e., stormwater management facilities) encompassing the single family residence.
9VAC25-880-50 A 2 b (1) & (2)	9VAC25-880-50 A 2 b	General permit application (registration statement).	Revise text to incorporate statutory changes: "b. Any operator with an existing stormwater discharge associated with the construction of a single-family residence separately built disturbing less than one acre and part of a larger <u>single-family detached residential structure within or outside a common plan of development or sale</u> , and that intends to continue coverage under this general permit, is authorized to discharge under this general permit and is not required to submit a registration statement or the department portion of the permit fee, provided that; (1) The stormwater management plan for the larger common plan of development or sale provides permanent control measures (i.e., stormwater management facilities) encompassing the single family residence; and (2) The the operator updates its stormwater pollution prevention plan to comply with the requirements of this general

			permit no later than 60 days after the date of coverage under this general permit."
9VAC25-88-70 Part II A 1 a		General information.	Revise text to include statutory changes: "a. A signed copy of the registration statement, <u>if required</u> , for coverage under the general VPDES permit..."
9VAC25-880-70 Part II A 3 a		Stormwater management plan – new construction activities.	Revise text to incorporate statutory changes: "a. New construction activities. A stormwater management plan approved by the VSMP authority as authorized under the Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870), <u>or an "agreement in lieu of a stormwater management plan" as defined in 9VAC25-870-10</u> , or a stormwater management plan prepared in accordance with annual standards and specifications..."

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.

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.

HB – House Bill; &
SB – Senate Bill