

Office of Regulatory Management

Economic Review Form

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9 VAC 25-840 (repeal); 9 VAC 25-850 (repeal); 9 VAC 25-870 (repeal); 9VAC25-875 (new)
VAC Chapter title(s)	Erosion and Sediment Control Regulations (repeal); Erosion and Sediment Control and Stormwater Management Certification Regulations (repeal); Virginia Stormwater Management Program (VSMP) Regulation (repeal); Virginia Erosion and Stormwater Management Regulation (new)
Action title	Consolidation of Virginia Erosion Control and Stormwater Management Programs
Date this document prepared	November 3, 2023
Regulatory Stage (including Issuance of Guidance Documents)	Final Exempt

Background

Chapters 68 and 758 of the 2016 Acts of Assembly (the “Consolidation Bill”) combine and enhance the Department of Environmental Quality’s (DEQ) existing statutory programs relating to soil erosion and sediment control and stormwater management. The ninth enactment in the Consolidation Bill directs the State Water Control Board (Board) to adopt regulations to carry out the purposes of the Acts. The Virginia Erosion and Stormwater Management Regulation (9VAC25-875, Chapter 875) carries out the purposes of the Acts by consolidating the requirements of the current Erosion and Sediment Control Regulations (9VAC25-840); Erosion and Sediment Control and Stormwater Certification Regulations (9VAC25-850); and Virginia Stormwater Management Program Regulation (9VAC25-870) into one chapter of the Virginia Administrative Code.

Chapter 875 contains program enhancements for the Virginia Erosion and Stormwater Management Program (VESMP) from the Consolidation Bill and reduces three existing regulatory chapters into one to clarify program requirements, eliminate redundancies, and correct inconsistencies that exist in the current regulations. However, the Consolidation Bill and Chapter 875 do not make any substantive changes to existing erosion and sediment control minimum standards or to the post-construction stormwater management technical criteria that are

the fundamental requirements for localities, persons that conduct land-disturbing activities, and DEQ to follow and enforce to protect water quality in the Commonwealth.

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Direct Costs:</p> <p>Under the Erosion and Sediment Control Law, as it is effective until July 1, 2024, counties and cities are required to adopt and administer an erosion and sediment control program. Towns may adopt their own program or become subject to their county’s program. (Va. Code § 62.1-44.15:54.)</p> <p>Separately, the Stormwater Management Act (effective until July 1, 2024), requires any locality that operates a municipal separate storm sewer system (MS4) to adopt a Virginia Stormwater Management Program (VSMP) for land-disturbing activities. Localities that do not operate a MS4 may adopt a VSMP or choose to let the Department of Environmental Quality (DEQ) serve as the VSMP authority. (Va. Code § 62.1-44.15:27.)</p> <p>There are 327 localities in Virginia. Each one either operates an erosion and sediment control program or is subject to another locality’s program. In addition, 92 localities are also VSMP authorities. The 92 VSMP authorities serve a total of 168 localities within their programs (i.e., Henrico County serves one locality – Henrico County; Accomack County serves multiple localities – the county and 14 towns within the county). DEQ is the VSMP authority for 159 localities.</p> <p>The Consolidation Bill, as it will be implemented through this regulatory action, becomes effective July 1, 2024. (Chapters 665 and 666 of the 2023 Acts of Assembly.) It requires the 92 localities that are currently</p>
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VSMP authorities to combine their erosion and sediment control and stormwater management programs into one program, the Virginia Erosion and Stormwater Management Program (VESMP). (Va. Code § 62.1-44.15:27 A, effective July 1, 2024.) Other localities have the option to adopt and administer a VESMP or continue to have DEQ serve as the VSMP authority.

Each of the 92 VSMP authorities will have an indeterminate direct cost to comply with the requirements in the Consolidation Bill and Chapter 875 because each will have to develop and adopt an ordinance for their VESMP. However, the VSMP authorities will not need to make substantive changes to their plan review, inspection, or enforcement programs to ensure compliance with the erosion control and stormwater management requirements in Chapter 875. As part of the process to implement Chapter 875, DEQ will develop and provide localities a model ordinance prior to the effective date of the regulation.

The Consolidation Bill allows the 159 localities that currently have DEQ serve as the VSMP authority to either adopt and administer a VESMP or continue to operate their erosion and sediment control program and have DEQ serve as the VSMP authority. (Va. Code § 62.1-44.15:27 B, effective July 1, 2024). If localities that are erosion and sediment control program authorities continue to operate their programs, they will need to update their ordinances to reflect the change to Chapter 875 but will not need to make any substantive changes to their plan review, inspection, or enforcement requirements.

With respect to the actual requirements for plan submittal, permitting, and meeting technical standards for erosion and sediment control and stormwater management, none of these change in Chapter 875. The Consolidation Bill and Chapter 875 change the organizational structure of programs by creating the VESMP, but do not change the substance of the programs for localities, DEQ, or the regulated community. As a result, the direct and indirect costs of the existing Chapters 840, 850, and 870 that are detailed in Table 1b remain the same under Chapter 875. There are no significant new direct or indirect costs associated with the proposed changes.

Direct Benefits:

The 92 localities that adopt and operate a VESMP will have an indeterminate direct benefit from having one program, the VESMP, instead of separate programs and ordinances for erosion and sediment control and stormwater management. Localities that currently use DEQ as the VSMP authority and operate erosion and sediment control programs may also have an indeterminate direct benefit from adopting a

	<p>VESMP and assuming oversight over all aspects of land-disturbing activity in their jurisdiction.</p> <p>Alternatively, localities that have chosen to have DEQ serve as the VSMP authority will continue to have that option and will not see any operational change in their erosion and sediment control programs. As a result, they receive the indeterminate benefit of not having to change their programs.</p> <p>Moving forward with this regulatory action provides indeterminate benefits for owners of properties where land-disturbing activities occur, and designers, engineers, and operators at construction sites. Chapter 875 provides localities, regulated parties, and the public a more concise, better organized, clearer regulation that address requirements for both construction and post-construction activities to protect water quality.</p> <p>From a technical standpoint, there are not any substantive changes to existing erosion and sediment control minimum standards or to the post-construction stormwater management technical criteria. They have been carried forward, so designers, engineers, planners, and regulators continue to follow and work toward the same standards to protect water quality.</p> <p>Indirect Benefits:</p> <p>Completing this regulatory action allows the Consolidation Bill to become effective on July 1, 2024, eliminating duplicate sections in more than 40 sections of the State Water Control Law (Chapter 3.1 of Title 62.1 of the Code of Virginia). Simplifying the statutory and regulatory requirements for erosion control and stormwater management programs will benefit localities that are required to implement programs, developers, engineers, and contractors that plan and conduct land-disturbing activities, and the Commonwealth, which is responsible for oversight and program implementation.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) While not quantifiable, there will be minimal costs because the Consolidation Bill and resulting regulation require localities to either adopt ordinances for the new VESMP or update existing ordinances	(b) See above

	to reflect the new regulation.	
(3) Net Monetized Benefit	No conclusive statement can be made about specific net monetized benefits. However, the benefits to localities and the regulated community due to the provisions of the Consolidation Bill and resulting regulation that combine erosion and sediment control and stormwater management program requirements provides outweigh the indeterminate costs associated with the existing system of separate programs and multiple, sometimes inconsistent regulatory chapters with program requirements.	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable	
(5) Information Sources	Chapters 68 and 758 of the 2016 Acts of Assembly; Chapters 665 and 666 of the 2023 Acts of Assembly. Stormwater program information at: https://www.deq.virginia.gov/permits/water/stormwater-construction and VSMP Authority table .	

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs:</p> <p>Maintaining the current requirements would have no additional direct economic cost to regulated entities. However, continuing to maintain the status quo would be inconsistent with the Consolidation Bill and prevent DEQ from updating the erosion and stormwater management program to include enhancements in the legislation that passed in 2016 and subsequent amendments which have addressed concerns from the regulated community.</p> <p>The State Water Control Law, Chapter 3.1 of Title 62.1 of the Code of Virginia, requires any person who conducts land-disturbing activity in the Commonwealth to comply with erosion and sediment control and stormwater management requirements if the land-disturbing activity affects more than the specified thresholds. (See e.g., Va. Code § 62.1-44.15:55 A (erosion and sediment control plan required) and Va. Code § 62.1-44.15:34 A (registration statement and stormwater management plan required).)</p> <p>Localities are required to adopt and administer programs for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural</p>
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resources. (Va. Code § 62.1-44.15:54 A, called a “Virginia Erosion and Sediment Control Program” (VESCP).) Localities that operate a regulated municipal separate storm sewer system (MS4) are also required to operate a program to manage the quality and quantity of runoff resulting from land-disturbing activities through such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement. (Va. Code § 62.1-44.15:27 A, called a “Virginia Stormwater Management Program” (VSMP).) Localities that do not operate a regulated MS4 may choose to administer both a VESCP and VSMP, or have the DEQ serve as the VSMP authority. (Va. Code § 62.1-44.15:27 A.)

Persons who conduct land-disturbing activities submit the required erosion and sediment control plans and stormwater management plans (if required) to the VESCP and/or VSMP authority in the locality where the activity will occur for approval; or to DEQ if the agency is the VSMP authority. In localities that administer both a VESCP and VSMP, both are typically within the same department. For example, in Henrico County, both are within the Department of Public Works’ Engineering and Environmental Services; in Roanoke County, both are within Development Services.

State agencies, federal entities, and other specified entities (primarily linear utilities) can submit annual standards and specifications to DEQ for approval to serve as VESCP and/or VSMP authorities rather than submitting erosion and sediment control plans and/or stormwater management plans to DEQ for approval. (See e.g., Va. Code § 62.1-44.15:56 and Va. Code § 62.1-44.15:31.)

Under the current regulations, there are direct costs to DEQ and localities for staffing and time that is required to review and approve erosion and sediment control and stormwater management authorities and to operate erosion and sediment control and stormwater management programs. DEQ and localities offset some (DEQ) or all (localities) program costs through fees which are authorized by law and set out in the regulations. Note that the fees in Chapter 875 are the same as the fees in Chapter 870, so the regulatory change does not result in any change or impact with respect to fees. However, localities continue to have discretion to reduce or increase the fees.

The direct costs of the current regulations to operators are the staff, time, and technology costs to comply with the minimum requirements of Chapters 840 and 870; costs associated with personnel certification under Chapter 850; and the costs of any applicable fees under Chapter 870. In FY 2023, DEQ’s total personnel and discretionary costs for the

stormwater program were approximately \$8.8 million. The MS4 program, which is included in Chapter 870 cost approximately \$1.4 million to administer.

In 2018, DEQ submitted a Local Government mandate assessment for the Stormwater Management Program to the Commission on Local Governments as required by Executive Order 58 (2007). As part of this assessment, five localities that operate stormwater programs provided DEQ with information on the financial impact associated with the mandate. The impact varied depending on the size of the community and amount of development occurring.

Grayson County reported it had a net expenditure of less than \$5,000 to administer an erosion and sediment control program (DEQ is the VSMP authority). There was one staff member involved with the program in Grayson County.

Loudoun County reported it had annual operating costs of \$695,438, received \$218,791 from the state (for general permit registrations for projects located in the county), collected \$410,686 in permit fees, resulting in a net expenditure of \$66,522. There were 27 staff members involved with the stormwater program in Loudoun County.

Hanover County reported it had annual operating costs of \$3,039,524, received \$683,017 from state revenues, resulting in a total annual cost of \$2,356,507 to the locality. There were 12 staff members involved with the stormwater program in Hanover County.

Gloucester County reported it had annual operating costs of \$90,315, received \$20,300 in VSMP Permit fee revenue, resulting in a total annual cost of \$70,015. There were approximately 1.425 full time equivalent staff members involved with the stormwater program in Gloucester County.

The City of Hopewell reported it had annual capital costs of \$275,000, annual operating costs of \$523,620, resulting in the total annual cost of \$798,620 to the locality. There were 5 staff members involved with the stormwater program in the City of Hopewell (3 office personnel and 2 public works maintenance crew positions).

Indirect Costs:

The current regulations may have an indeterminate indirect cost to local economic development. This cost can vary locality by locality based on how localities decide to implement their erosion and sediment control

	<p>and stormwater management programs and on the fees that localities decide to set.</p> <p>Direct Benefits:</p> <p>The current regulations provide the direct benefit of protecting water quality during and after land-disturbing activities associated with construction, development, remediation, road building, and other types of activities that could result in the potential for unmanaged stormwater runoff. By providing minimum standards for erosion and sediment control during construction and technical criteria for water quantity and water quality post-construction, developers, engineers, contractors, and landowners have established standards to follow and implement. Note that these standards will not change under Chapter 875.</p> <p>Indirect Benefits:</p> <p>Protecting water quality has the indirect benefits of protecting public health through improving drinking water resources and promoting recreation use and resulting economic activity in state waters.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	<p>(a) Direct costs are based on state fee schedules for different types of permits. Fee ranges for different permits are:</p> <p style="padding-left: 40px;">(1) Fee schedules for MS4 new permit issuance- \$4,000-\$16,000.</p> <p style="padding-left: 40px;">(2) Fee schedules for major modification of MS4 individual permits requested by the operator- \$2,500-\$5,000.</p> <p style="padding-left: 40px;">(3) Fees for individual permit or coverage under the General VPDES Permit for Discharges of</p>	<p>(b) Cost varies and is not quantifiable because the type, scale, and level of development varies across the Commonwealth.</p>

	<p>Stormwater from Construction Activities- \$209-\$15,000.</p> <p>(4) Fees for the modification or transfer of individual permits or of registration statements for the General VPDES Permit for Discharges of Stormwater from Construction Activities- \$0-\$5,000.</p> <p>(5) Permit maintenance fees- \$0-\$8,800.</p>	
(3) Net Monetized Benefit	Not applicable	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable	
(5) Information Sources	<p>Fee schedules from the Virginia Stormwater Management Program Regulation (9VAC25-870-700 et seq.). The fees in the Virginia Erosion and Stormwater Management Regulation (9VAC25-875-1380 et seq.) are the same as in 9VAC25-870-700 et seq.</p> <p>2018 Local Government mandate assessment for the Stormwater Management Program (SNR.DEQ039) to the Commission on Local Governments as required by Executive Order 58 (2007)</p>	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs and Benefits:</p> <p>Enactment 9 of the Consolidation Bill requires the State Water Control Board (Board) to adopt regulations to implement the requirements of the Acts. Consistent with the Notice of Intended Regulatory Action, the Board did not have discretion to make substantive changes to the erosion and sediment control and stormwater management programs unless the changes were specified in amendments to the State Water Control Law, as it would become effective following promulgation of the regulations.</p>
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	<p>Chapter 875, as adopted by the Board, satisfies those criteria. Programmatic changes specified in law are included in the regulation; the minimum standards for erosion and sediment control, technical requirements for water quality and quantity, and fees have not changed.</p> <p>The alternatives DEQ considered were the best ways to organize the regulation – as one new chapter, as amendments to the existing regulations, or possibly as three or more subject-specific regulatory chapters. However, for any of the alternatives, the overall content and requirements (minimum standards, technical criteria, fees, etc.) would ultimately be the same as Chapter 875. Consequently, DEQ is not aware of any substantive alternatives to the current regulation short of maintaining the status quo.</p> <p>The direct and indirect costs of Chapter 875 that are described and Table 1a and the comparable costs of the existing Chapters 840, 850, and 870 that are described in Table 1b would be the same regardless of the format of the regulation.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable	(b) Not applicable
(3) Net Monetized Benefit	Not applicable	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable	
(5) Information Sources	Not applicable	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs:</p> <p>The direct cost of this action to local partners is the time and resources necessary to update local ordinances. This cost will vary by locality depending on whether they currently operate a Virginia Stormwater Management Program (VSMP) or choose to operate a combined Virginia</p>
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Erosion and Stormwater Management Program (VESMP) under the consolidated regulation.

Under current statutory requirements and regulations, every locality is required to operate an Erosion and Sediment Control Program (VESCP), while some localities are also required to operate a VSMP. Under the new regulation, localities that operate both a VESCP and a VSMP are required to combine those programs into a VESMP. This will require updating local ordinances to reflect the combined VESMP and to correct citations and references to the new Chapter 875. This does not change the existing requirements under which localities currently operate their separate VESCP and VSMP.

In addition, the 159 localities that currently operate a VESCP only will have the discretion to continue only operating a VESCP or to operate a combined VESMP. Those that choose to operate a combined VESMP will need to adopt a new ordinance establishing that program. Those that choose to continue to operate a VESCP only will need to update citations and references to the new Chapter 875.

Indirect Costs:

There will be an indeterminate indirect cost in the time and effort that local staff members will need to adapt to the new consolidated program regulation. While not mandating additional requirements for localities, the new regulations are organized differently and introduce the combined erosion and stormwater management plan. Local staff will require time to become familiar with the structure of the new regulation and the combined plan.

The substantive requirements for localities to review erosion and sediment control plans, stormwater management plans, inspect land-disturbing activities, and enforce erosion and sediment control and stormwater management requirements do not change under this regulatory action. Further, the technical standards for erosion and sediment control (the “minimum standards”) and stormwater management (post-construction best management practices for water quantity and water quality) that they implement and enforce remain the same.

Direct Benefits:

By repealing three existing chapters (Chapters 840, 850, and 870) and consolidating relevant requirements from each into a single chapter (Chapter 875), clarifying program requirements, eliminating redundancies, and correcting inconsistencies between erosion and

	<p>sediment control regulations and stormwater management program regulations, this regulatory action makes the regulation easier to understand and more user friendly.</p> <p>Indirect Benefits:</p> <p>Improving the ease of use and clarity of program requirements should save localities time and reduce frustration when interacting with the erosion and stormwater management programs.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See Table 1b	(b) See Table 1b
(3) Other Costs & Benefits (Non-Monetized)	See Table 1b	
(4) Assistance	Not applicable	
(5) Information Sources	Not applicable	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	There is no impact of the proposed regulatory action on the institution of the family and family stability.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable	(b) Not applicable
(3) Other Costs & Benefits (Non-Monetized)	Not applicable	

(4) Information Sources	Not applicable
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Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Direct & Indirect Costs:</p> <p>Because Chapter 875 does not change the minimum standards for erosion and sediment control, the technical requirements for water quantity and water quality, plan requirements for erosion and sediment control and stormwater management, or fees, there are only indeterminate direct and indirect costs to small business that engage in land-disturbing activity or plan and design developments. Designers, engineers, planners, and other personnel involved in planning for and conducting land-disturbing activities will need to become familiar with the new regulatory structure and they will need to obtain training to earn and/or maintain certifications. This will result in indeterminate direct costs for small businesses.</p> <p>However, by reorganizing and consolidating existing regulatory chapters into a single chapter, this regulation clarifies program requirements, eliminates redundancies, and corrects inconsistencies between erosion and sediment control and stormwater management program requirements. All requirements in the new regulation are pulled from existing regulatory and statutory requirements. No substantive changes to existing erosion and sediment control minimum standards or to the post-construction stormwater management technical criteria are part of this regulatory action.</p> <p>Direct Benefits:</p> <p>By repealing three existing chapters (Chapters 840, 850, and 870) and consolidating relevant requirements into a single chapter (Chapter 875), this regulatory action clarifies program requirements, eliminates redundancies, and corrects inconsistencies between erosion and sediment control regulations and stormwater management program regulations. It also incorporates program enhancements from the Consolidation Bill and subsequent amendments which have addressed concerns from the regulated community.</p> <p>Indirect Benefits:</p>
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	Improving the ease of use and clarity of program requirements should save the end user time and reduce frustration when interacting with the erosion and stormwater management programs.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable	(b) Not applicable
(3) Other Costs & Benefits (Non-Monetized)	Not applicable	
(4) Alternatives	Not applicable	
(5) Information Sources	Not applicable	

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements:

This regulatory action repeals Chapters 840, 850, and 870 of Title 9, Agency 25, of the Virginia Administrative Code and consolidates relevant regulatory requirements into a single new regulatory chapter, Chapter 875. To make Chapter 875 easier to navigate, requirements for a particular end user (VESMP authority, VESCP authority, standards and specifications holder, or a developer, engineer, planner, landowner, or operator) are organized into separate Parts of the regulation. This allows users to access the information they need by referring to the Part or Parts of the Chapter that are applicable to their situation (e.g., program administration vs. technical requirements for land-disturbing activity). In consolidating and reorganizing requirements from Chapters 840 and 870, some sections were simply recodified. Others had to be added or amended and recodified to reflect changes in the Consolidation Bill – these are marked in the tables below with footnotes, which cite to the appropriate section of the State Water Control Law (Va. Code §§ 62.1-44.2 through 62.1-44.34:28), as amended and effective July 1, 2024.

Because Chapter 875 is new, all regulatory requirements are identified as “Additions.” The repeal of Chapters 840, 850, and 870, effective July 1, 2024, will result in the removal of 715

regulatory requirements. Changes between the State Water Control Law as it is currently effective and the law as it will be effective on July 1, 2024, resulted in 119 new regulatory requirements that needed to be incorporated into Chapter 875. Many of the new requirements were necessary to create the Virginia Erosion and Stormwater Management Program, others have the benefit of clarifying program requirements. However, with consolidation of the three chapters, 61 regulatory requirements from Chapters 840, 850, and 870 have not been carried forward into Chapter 875. Rather than increasing the number of requirements from 715 to 834 to account for additional requirements in the law, the total number of requirements in Chapter was reduced to 773.

Net Change Total

VAC Section(s) Involved	Authority of Change	Initial Count	Additions	Subtractions	Net Change
9VAC25-840, 9VAC25-850, and 9VAC25-870 (Repeal)	Statutory:	715	0	715	-715
	Discretionary:	0	0	0	0
9VAC25-875 (New)	Statutory:	0	773	0	+773
	Discretionary:	0	0	0	0
Total	Statutory:	715	773	715	+58
	Discretionary:	0	0	0	0

Chapter 840, Chapter 850, and Chapter 870 (Repeal)

VAC Section(s) Involved	Authority of Change	Initial Count	Additions	Subtractions	Net Change
9VAC25-840	Statutory:	113	0	133	-113
	Discretionary:	0	0	0	0
9VAC25-850	Statutory:	19	0	19	-19
	Discretionary:	0	0	0	0
9VAC25-870	Statutory:	583	0	583	-576
	Discretionary:	0	0	0	0
Total	Statutory:	715	0	715	-715
	Discretionary:	0	0	0	0

Chapter 875 (New)

Part I: Definitions and Applicability

VAC Section(s) Involved	Authority of Change	Initial Count	Additions	Subtractions	Net Change
	Statutory:	0	0	0	0

9VAC25-875-10	Discretionary:	0	0	0	0
9VAC25-875-20	Statutory:	0	10	0	+10
	Discretionary:	0	0	0	0
9VAC25-875-30	Statutory:	0	1	0	+1
	Discretionary:	0	0	0	0
Part I Total	Statutory:	0	11	0	+11
	Discretionary:	0	0	0	0

Part II: Virginia Erosion and Stormwater Management Program

VAC Section(s) Involved	Authority of Change	Initial Count	Additions	Subtractions	Net Change
9VAC25-875-40	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-50	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-60	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-70	Statutory:	0	1	0	+1 ¹
	Discretionary:	0	0	0	0
9VAC25-875-80	Statutory:	0	6	0	+6
	Discretionary:	0	0	0	0
9VAC25-875-90	Statutory:	0	3	0	+3 ²
	Discretionary:	0	0	0	0
9VAC25-875-100	Statutory:	0	18	0	+18 ³
	Discretionary:	0	0	0	0
9VAC25-875-110	Statutory:	0	8	0	+8 ⁴
	Discretionary:	0	0	0	0
9VAC25-875-120	Statutory:	0	9	0	+9 ⁵
	Discretionary:	0	0	0	0
9VAC25-875-130	Statutory:	0	5	0	+5
	Discretionary:	0	0	0	0
9VAC25-875-140	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
9VAC25-875-150	Statutory:	0	4	0	+4 ⁶
	Discretionary:	0	0	0	0
9VAC25-875-160	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
9VAC25-875-170	Statutory:	0	5	0	+5
	Discretionary:	0	0	0	0
9VAC25-875-180	Statutory:	0	8	0	+8
	Discretionary:	0	0	0	0
	Statutory:	0	7	0	+7

9VAC25-875-190	Discretionary:	0	0	0	0
9VAC25-875-200	Statutory:	0	4	0	+4 ⁷
	Discretionary:	0	0	0	0
Part II Total	Statutory:	0	86	0	+86
	Discretionary:	0	0	0	0

¹ Incorporates new statutory requirements in Va. Code § 62.1-44.15:34 E.

² Incorporates new statutory requirements in Va. Code §§ 62.1-44.15:34 G.

³ Incorporates new statutory requirements in Va. Code §§ 62.1-44.15:26.1 and 62.1-44.15:27 H.

⁴ Incorporates new statutory requirements in Va. Code §§ 62.1-44.15:34, 62.1-44.15:35 D, and 62.1-44.15:50.

⁵ Incorporates new statutory requirements in Va. Code §§ 62.1-44.15:27 B 2 and 62.1-44.15:34 A 2.

⁶ Incorporates new statutory requirements in Va. Code §§ 62.1-44.15:48 and 62.1-44.15:49.

⁷ Incorporates new statutory requirements in Va. Code § 62.1-44.15:27.1.

Part III: Virginia Erosion and Sediment Control Program

9VAC25-875-210	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-220	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-230	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-240	Statutory:	0	3	0	+3
	Discretionary:	0	0	0	0
9VAC25-875-250	Statutory:	0	[1]	0	[+1] ¹
	Discretionary:	0	0	0	0
9VAC25-875-260	Statutory:	0	[6]	0	[+6] ²
	Discretionary:	0	0	0	0
9VAC25-875-270	Statutory:	0	8	0	+8
	Discretionary:	0	0	0	0
9VAC25-875-280	Statutory:	0	1	0	+1 ³
	Discretionary:	0	0	0	0
9VAC25-875-290	Statutory:	0	6	0	+6 ⁴
	Discretionary:	0	0	0	0
9VAC25-875-300	Statutory:	0	10	0	+10 ⁵
	Discretionary:	0	0	0	0
9VAC25-875-310	Statutory:	0	3	0	+3
	Discretionary:	0	0	0	0
9VAC25-875-320	Statutory:	0	2	0	+2
	Discretionary:	0	0	0	0
9VAC25-875-330	Statutory:	0	2	0	+2
	Discretionary:	0	0	0	0
9VAC25-875-340	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0

9VAC25-875-350	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
9VAC25-875-360	Statutory:	0	1	0	+1
	Discretionary:	0	0	0	0
9VAC25-875-370	Statutory:	0	18	0	+18
	Discretionary:	0	0	0	0
Part III Total	Statutory:	0	62	0	+62
	Discretionary:	0	0	0	0

¹ 9VAC25-875-250 repeats the requirements in 9VAC25-875-70. The brackets indicate the section contains requirements. Since they are the same as another section, they are not included in the total count for Chapter 875.

² 9VAC25-875-260 repeats the requirements in 9VAC25-875-80. The brackets indicate the section contains requirements. Since they are the same as another section, they are not included in the total count for Chapter 875.

³ Incorporates new statutory requirements in Va. Code § 62.1-44.15:55 F.10.

⁴ Incorporates new statutory requirements in Va. Code § 62.1-44.15:54.

⁵ Incorporates new statutory requirements in Va. Code § 62.1-44.15:55.

Part IV: Certification of VESCP, VSMP, and VESMP Personnel

9VAC25-875-380	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-575-390	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-400	Statutory:	0	5	0	+5
	Discretionary:	0	0	0	0
9VAC25-875-410	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
9VAC25-875-420	Statutory:	0	1	0	+1
	Discretionary:	0	0	0	0
9VAC25-875-430	Statutory:	0	3	0	+3
	Discretionary:	0	0	0	0
9VAC25-875-440	Statutory:	0	2	0	+2
	Discretionary:	0	0	0	0
9VAC25-875-460	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
Part IV Total	Statutory:	0	15	0	+15
	Discretionary:	0	0	0	0

Part V: Criteria and Requirements for Regulated Land-Disturbing Activity

9VAC25-875-470	Statutory:	0	[1]	0	[+1] ¹
	Discretionary:	0	0	0	0
9VAC25-875-480	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
	Statutory:	0	2	0	+2

9VAC25-875-490	Discretionary:	0	0	0	0
9VAC25-875-500	Statutory:	0	7	0	+7
	Discretionary:	0	0	0	0
9VAC25-875-510	Statutory:	0	12	0	+12
	Discretionary:	0	0	0	0
9VAC25-875-520	Statutory:	0	5	0	+5
	Discretionary:	0	0	0	0
9VAC25-875-530	Statutory:	0	6	0	+6 ²
	Discretionary:	0	0	0	0
9VAC25-875-535	Statutory:	0	[5]	0	[+5] ³
	Discretionary:	0	0	0	0
9VAC25-875-540	Statutory:	0	1	0	+1
	Discretionary:	0	0	0	0
9VAC25-875-550	Statutory:	0	4	0	+4 ⁴
	Discretionary:	0	0	0	0
9VAC25-875-560	Statutory:	0	59	0	+59
	Discretionary:	0	0	0	0
9VAC25-875-570	Statutory:	0	1	0	+1
	Discretionary:	0	0	0	0
9VAC25-875-580	Statutory:	0	7		+7
	Discretionary:	0	0	0	0
9VAC25-875-590	Statutory:	0	2	0	+2
	Discretionary:	0	0	0	0
9VAC25-875-600	Statutory:	0	18	0	+18
	Discretionary:	0	0	0	0
9VAC25-875-610	Statutory:	0	10	0	+10 ⁵
	Discretionary:	0	0	0	0
9VAC25-875-620	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
9VAC25-875-630	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-640	Statutory:	0	1	0	+1
	Discretionary:	0	0	0	0
9VAC25-875-650	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
9VAC25-875-660	Statutory:	0	2	0	+2
	Discretionary:	0	0	0	0
9VAC25-875-670	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-680	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-690	Statutory:	0	22	0	+22
	Discretionary:	0	0	0	0
	Statutory:	0	9	0	+9

9VAC25-875-700	Discretionary:	0	0	0	0
9VAC25-875-710	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
9VAC25-875-720	Statutory:	0	3	0	+3
	Discretionary:	0	0	0	0
9VAC25-875-730	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-740	Statutory:	0	12	0	+12
	Discretionary:	0	0	0	0
9VAC25-875-750	Statutory:	0	6	0	+6
	Discretionary:	0	0	0	0
9VAC25-875-760	Statutory:	0	7	0	+7 ⁶
	Discretionary:	0	0	0	0
9VAC25-875-770	Statutory:	0	[8]	0	[+8] ⁷
	Discretionary:	0	0	0	0
9VAC25-875-780	Statutory:	0	11	0	+11
	Discretionary:	0	0	0	0
9VAC25-875-790	Statutory:	0	8	0	+8
	Discretionary:	0	0	0	0
9VAC25-875-800	Statutory:	0	3	0	+3
	Discretionary:	0	0	0	0
9VAC25-875-810	Statutory:	0	3	0	+3
	Discretionary:	0	0	0	0
Part V Total	Statutory:	0	237	0	+237
	Discretionary:	0	0	0	0

¹ 9VAC25-875-470 repeats the requirements in 9VAC25-875-70. The brackets indicate the section contains requirements. Since they are the same as another section, they are not included in the total count for Chapter 875.

² Incorporates new statutory requirements in Va. Code § 62.1-44.15:34 A.

³ 9VAC25-875-535 repeats the requirements in 9VAC25-875-130. The brackets indicate the section contains requirements. Since they are the same as another section, they are not included in the total count for Chapter 875.

⁴ Incorporates new statutory requirements in Va. Code § 62.1-44.15:55 B.

⁵ Incorporates new statutory requirements in Va. Code § 62.1-44.15:35.

⁶ Incorporates new statutory requirements in Va. Code § 62.1-44.15:34.

⁷ 9VAC25-875-770 repeats the requirements in 9VAC25-875-270. The brackets indicate the section contains requirements. Since they are the same as another section, they are not included in the total count for Chapter 875.

Part VI: Standards and Specifications Program

9VAC25-875-820	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-830	Statutory:	0	19	0	+19 ¹
	Discretionary:	0	0	0	0
Part VI Total	Statutory:	0	19	0	+19

	Discretionary:	0	0	0	0
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¹ Incorporates new statutory requirements in Va. Code § 62.1-44.15:31.

Part VII: Virginia Pollutant Discharge Elimination System (VPDES) Permits

9VAC25-875-850	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-860	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-870	Statutory:	0	6	0	+6
	Discretionary:	0	0	0	0
9VAC25-875-880	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-890	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-900	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
9VAC25-875-910	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-920	Statutory:	0	13	0	+13
	Discretionary:	0	0	0	0
9VAC25-875-930	Statutory:	0	3	0	+3
	Discretionary:	0	0	0	0
9VAC25-875-940	Statutory:	0	7	0	+7
	Discretionary:	0	0	0	0
9VAC25-875-950	Statutory:	0	18	0	+18
	Discretionary:	0	0	0	0
9VAC25-875-960	Statutory:	0	19	0	+19
	Discretionary:	0	0	0	0
9VAC25-875-970	Statutory:	0	37	0	+37
	Discretionary:	0	0	0	0
9VAC25-875-980	Statutory:	0	20	0	+20
	Discretionary:	0	0	0	0
9VAC25-875-990	Statutory:	0	7	0	+7
	Discretionary:	0	0	0	0
9VAC25-875-1000	Statutory:	0	29	0	+29
	Discretionary:	0	0	0	0
9VAC25-875-1010	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
9VAC25-875-1020	Statutory:	0	5	0	+5
	Discretionary:	0	0	0	0
9VAC25-875-1030	Statutory:	0	27	0	+27
	Discretionary:	0	0	0	0
9VAC25-875-1040	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
	Statutory:	0	2	0	+2

9VAC25-875-1050	Discretionary:	0	0	0	0
9VAC25-875-1060	Statutory:	0	13	0	+13
	Discretionary:	0	0	0	0
9VAC25-875-1070	Statutory:	0	5	0	+5
	Discretionary:	0	0	0	0
9VAC25-875-1080	Statutory:	0	1	0	+1
	Discretionary:	0	0	0	0
9VAC25-875-1090	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
9VAC25-875-1100	Statutory:	0	10	0	+10
	Discretionary:	0	0	0	0
9VAC25-875-1110	Statutory:	0	3	0	+3
	Discretionary:	0	0	0	0
9VAC25-875-1120	Statutory:	0	2	0	+2
	Discretionary:	0	0	0	0
9VAC25-875-1130	Statutory:	0	11	0	+11
	Discretionary:	0	0	0	0
9VAC25-875-1140	Statutory:	0	3	0	+3
	Discretionary:	0	0	0	0
9VAC25-875-1150	Statutory:	0	1	0	+1
	Discretionary:	0	0	0	0
9VAC25-875-1160	Statutory:	0	2	0	+2
	Discretionary:	0	0	0	0
9VAC25-875-1170	Statutory:	0	5	0	+5
	Discretionary:	0	0	0	0
9VAC25-875-1180	Statutory:	0	3	0	+3
	Discretionary:	0	0	0	0
9VAC25-875-1190	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-1200	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-1210	Statutory:	0	11	0	+11
	Discretionary:	0	0	0	0
9VAC25-875-1220	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-1230	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-1240	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-1250	Statutory:	0	6	0	+6
	Discretionary:	0	0	0	0
9VAC25-875-1260	Statutory:	0	5	0	+5
	Discretionary:	0	0	0	0
	Statutory:	0	1	0	+1

9VAC25-875-1270	Discretionary:	0	0	0	0
9VAC25-875-1280	Statutory:	0	22	0	+22 ¹
	Discretionary:	0	0	0	0
Part VII Total	Statutory:	0	313	0	+313
	Discretionary:	0	0	0	0

¹ This section cites the corresponding electronic reporting requirements in Part XI of the VPDES Permit Regulation, 9VAC25-31, which is applicable to all VPDES permits. Including the requirements in Chapter 875 improves clarity and consistency between regulatory Chapters for all VPDES permits.

Part VIII: Fees

9VAC25-875-1290	Statutory:	0	3	0	+3
	Discretionary:	0	0	0	0
9VAC25-875-1300	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-1310	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
9VAC25-875-1320	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-1330	Statutory:	0	5	0	+5
	Discretionary:	0	0	0	0
9VAC25-875-1340	Statutory:	0	4	0	+4
	Discretionary:	0	0	0	0
9VAC25-875-1350	Statutory:	0	2	0	+2
	Discretionary:	0	0	0	0
9VAC25-875-1360	Statutory:	0	6	0	+6
	Discretionary:	0	0	0	0
9VAC25-875-1370	Statutory:	0	1	0	+1
	Discretionary:	0	0	0	0
9VAC25-875-1380	Statutory:	0	1	0	+1
	Discretionary:	0	0	0	0
9VAC25-875-1390	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-1400	Statutory:	0	3	0	+3
	Discretionary:	0	0	0	0
9VAC25-875-1410	Statutory:	0	0	0	0
	Discretionary:	0	0	0	0
9VAC25-875-1420	Statutory:	0	1	0	+1
	Discretionary:	0	0	0	0
Part VII Total	Statutory:	0	30	0	+30
	Discretionary:	0	0	0	0

Chapter 875 Total	Statutory:	0	773	0	+773
	Discretionary:	0	0	0	0

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
9VAC25-875-100 Through 9VAC-25-875-180	The 92 localities that currently operate erosion and sediment control and stormwater management programs under Chapters 840 and 870 respectively, will be able to realize cost savings by operating a single, combined erosion and stormwater management program (VESMP) under Chapter 875.	Indeterminate because the cost of operating two distinct programs in a locality is dependent on the level of development and other land-disturbing activity that occurs in the locality. Table 1b summarizes cost information for some localities.	Indeterminate for the same reasons.	Cost savings will be based on both the size of a program and the level and scope of development that occurs in a locality.

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
Part V, Criteria and Requirements for Regulated Land-Disturbing Activities (9VAC25-875-470 et seq.)	The technical criteria in Part V (plan requirements, minimum standards, water quality, water quantity), requirements for VPDES Permits in Part VII, and Fees in Part VIII have not changed from current	For Parts V, VII, and VIII, the consistency between current regulatory requirements and those in Chapter 875, coupled with the consolidation erosion and sediment control programs with stormwater management programs in current VSMP

<p>Part VII, VPDES Permits (9VAC25-875-850 et seq.)</p> <p>Part VIII, Fees (9VAC25-875-1290)</p>	<p>requirements in Chapters 840 and 870.</p>	<p>authorities is expected to create efficiencies in program administration and reduce the regulatory burden.</p>
<p>9VAC25-840, 9VAC25-870, and 9VAC25-875</p>	<p>Currently a locality that operates both a Virginia Erosion and Sediment Control Program (VЕСP) and a Virginia Stormwater Management Program (VSMP) is subject to 95 regulatory requirements (39 requirements for a VЕСP in 9VAC25-840 and 56 requirements for a VSMP in 9VAC25-870).</p>	<p>Under the new regulation, a locality that previously operated both a VЕСP and VSMP will operate a combined Virginia Erosion and Stormwater Management Program (VESMP) and be subject to 78 regulatory requirements in 9VAC25-875, rather than the current 95 requirements.</p>