



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Environmental Quality
VAC Chapter Number:	9 VAC 25-380-10 et seq.
Regulation Title:	Wetlands Policy
Action Title:	Wetlands Policy
Date:	October 1, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes as the policy of the State Water Control Board to preserve wetland ecosystems and to protect them from destruction. The policy does not impose any additional requirements.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

This policy is not mandated by state or federal law. Its statutory basis is in Section 62.1-44.15 of the Code of Virginia, "It shall be the duty of the Board and it shall have the authority to establish such standards of quality and policies for any state waters consistent with the general policy set forth in this chapter.....".

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received. No informal advisory group was formed.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

This policy recognizes the important role wetlands play in protecting water quality and the value of wetlands as a natural resource. It also encourages their conservation in order to maintain the quality of Virginia's waters. It is clearly written in non-technical language and is easily understandable by the individuals and entities it affects.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

This policy imposes no additional regulatory burden. The Wetland Policy recognizes the importance of wetlands and calls for their conservation. Repeal of the policy is not recommended because it would remove an important symbolic tool for the protection and conservation of the Commonwealth's natural resources and could result in significant public concern.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation should stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no direct impact on the institution of the family and family stability. Generally, however, sound environmental regulations protect the quality of life for Virginia's families.