



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-870
Regulation title	Virginia Stormwater Management Program (VSMP) Regulations
Action title	<i>Incorporation of statutory changes related to the Virginia Stormwater Management Program (VSMP) Regulations</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 by HB 1173 and SB 423 during the 2014 General Assembly session related to the Virginia Stormwater Management Program (VSMP) Regulations. These changes provide for the use of an "agreement in lieu of a stormwater management plan"; clarify the roles and responsibilities of the VSMP authority; locality and the department; clarifies the requirements for "single-family detached residences"; and provide for technical changes to accommodate these revisions.

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 9VAC25-870.

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.
Kimberly Vanness Larkin - Dewberry	RE: 9VAC25-870-55 A 1: There appear to be implementation issues with regards to what is considered a “common plan of development” especially with individual land bays or lots within commercial developments which have been established for a number of years. This is in reference to lines 69-70 of the statutory 2014 changes. Line 70 includes the statement "including those developed under subsequent owners, shall not be considered separate land disturbing activities". In many instances the new owners of the lots, may not be privy to the original Stormwater management calculations or plans. The new owner's engineers cannot certify any calculations for the common plan of development and in most instances are handling the Stormwater management for each lot on-site. Is there any way to clarify this section to alleviate this	Revisions made based on statutory changes. The concept of a "common plan of development" will be further clarified through guidance.

	<p>issue? I believe this was included to address sites with regional SWM basins, but since each parcel/lot/site is responsible for their own E&S plans, I'm not sure how that would be implemented either to address the VSMP requirements. A detailed guidance document would be helpful for these situations.</p>	
<p>Jenny Joyce - Joyce Engineering</p>	<p>9VAC25-870-825 and 9VAC25-870-830 - It does not appear that the Code of Virginia §62.1-44.15:28.A.5.e provides authority to revise the fee schedules included in 9VAC25-870-825 (Fees for the Modification or Transfer of Individual Permits or of Registration Statements for the General Permit for Discharges of Stormwater from Construction Activities) or 9VAC25-870-830 (State Permit Maintenance Fees). The above-referenced section of the Code is specific to the permit fee for <i>coverage</i> under the General Permit for Discharges of Stormwater for Construction Activities. Therefore, the above-referenced section of the Code appears to apply only to the fees included in 9VAC25-870-820 (Fees for an Individual Permit or Coverage under the General Permit for Discharges of Stormwater from Construction Activities). I recommend deleting the proposed changes to the fee schedules in 9VAC25-870-825 and 9VAC25-870-830.</p>	<p>Revisions made based on statutory changes. It is the interpretation of the Department that the proposed revisions to the "fee schedules" are a necessary part of the entire process for obtaining and maintaining coverage under the "General Permits", including any possible "modification"; "transfer" or "maintenance" requirements.</p>
<p>Richard Jacobs, P.E. – Culpeper Soil and Water Conservation District</p>	<p>General Comment: The listing of specific BMPs in the Regulations does not allow for flexibility to adapt to changing policy and technical guidance. The Virginia Stormwater BMP Clearinghouse Website is <u>the</u> resource for approved and up-to-date BMPs. Finally, BMP approval rests with the State and not local governments. By removing the list</p>	<p>This is outside of the scope of the current statutory changes and the current regulatory process.</p>

	<p>of BMPs from subsection B of 9VAC25-870-65, it allows the State the flexibility under subsection C to modify approved BMPs listed on the Virginia Stormwater BMP Clearinghouse Website.</p>	
<p>Richard Jacobs, P.E. – Culpeper Soil and Water Conservation District</p>	<p>9VAC25-870-65 B:</p> <p>B. The BMPs listed in this subsection on the Virginia Stormwater BMP Clearinghouse Website are approved for use as necessary to effectively reduce the phosphorus load and runoff volume in accordance with the Virginia Runoff Reduction Method. Other approved BMPs found on the Virginia Stormwater BMP Clearinghouse Website may also be utilized. Design specifications and the pollutant removal efficiencies for all approved BMPs are found on the Virginia Stormwater BMP Clearinghouse Website.</p> <ol style="list-style-type: none"> 1. Vegetated Roof (Version 2.3, March 1, 2011); 2. Rooftop Disconnection (Version 1.9, March 1, 2011); 3. Rainwater Harvesting (Version 1.9.5, March 1, 2011); 4. Soil Amendments (Version 1.8, March 1, 2011); 5. Permeable Pavement (Version 1.8, March 1, 2011); 6. Grass Channel (Version 1.9, March 1, 2011); 7. Bioretention (Version 1.9, March 1, 2011); 8. Infiltration (Version 1.9, March 1, 2011); 9. Dry Swale (Version 1.9, March 1, 2011); 10. Wet Swale (Version 1.9, March 1, 2011); 11. Sheet Flow to Filter/Open Space (Version 1.9, March 1, 2011); 12. Extended Detention Pond (Version 1.9, March 1, 2011); 13. Filtering Practice (Version 1.8, March 1, 2011); 14. Constructed Wetland (Version 1.9, March 1, 2011); and 15. Wet Pond (Version 1.9, March 	<p>This is outside of the scope of the current statutory changes and the current regulatory process.</p>

<p>Richard Jacobs, P.E. – Culpeper Soil and Water Conservation District</p>	<p>1, 2014). 9VAC25-870-65 C: C. BMPs differing from those listed in subsection B of this section on the Virginia Stormwater BMP Clearinghouse Website or propriety BMPs certified in other states shall be reviewed and approved by the director in accordance with procedures established by the department.</p>	<p>This is outside of the scope of the current statutory changes and the current regulatory process.</p>
<p>Paul Shirey, P.E., Director, Code Development and Compliance Division, Fairfax County</p>	<p>9VAC25-870-59 Applying for state permit coverage. Recommend adding an additional sentence to make it clear that construction of a single-family detached residential structure that requires permit coverage but does not require a registration statement is nonetheless subject to the permit.</p>	<p>Addressed in the General Permit regulation in 9VAC25-880-30 A 3 that states that any operator governed by this general permit is authorized to discharge to surface waters of the Commonwealth of Virginia provided that "the operator complies with the applicable requirements of 9VAC25-880-70 (the General Permit requirements).</p>
<p>Paul Shirey, P.E., Director, Code Development and Compliance Division, Fairfax County</p>	<p>9VAC25-870-820 Fees for an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities. The development of a single-family detached residential structure disturbing less than an acre of land outside of a common plan of development would be considered a Chesapeake Bay Act Land-Disturbing Activity. The proposed fee of \$209 for a single-family detached residential structure within or outside a common plan of development or sale from zero to five acres is not consistent with the \$290 fee charged for Chesapeake Bay Act Land-Disturbing activities. There shouldn't be two different fees that could be applied to the same land-disturbing activity. The descriptor should be changed to apply the \$209 fee only to land-disturbing activities between one and less than five acres in accordance with §62.1-44.15:28.A.5.e in Chapter 303 of the 2014 Acts of Assembly.</p>	<p>The wording of the "Fee Type" in the table in 9VAC25-870-820 has been revised to address this comment. Localities have the ability to raise or lower the identified fees as needed to fund their programs.</p>

<p>Paul Shirey, P.E., Director, Code Development and Compliance Division, Fairfax County</p>	<p>9VAC25-870-820 Fees for an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities.</p> <p>The phrase “except for single-family detached residential structures” needs to be added to the end of the fee type description for “General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres)” in accordance with §62.1-44.15:28.A.5.e in Chapter 303 of the 2014 Acts of Assembly.</p>	<p>The revision is consistent with the statutory change. Localities have the ability to raise or lower the identified fees as needed to fund their programs.</p>
<p>Paul Shirey, P.E., Director, Code Development and Compliance Division, Fairfax County</p>	<p>9VAC25-870-825 Fees for the modification or transfer of individual permits or of registration statements for the General Permit for Discharges of Stormwater from Construction Activities.</p> <p>The modification/transfer fee should be eliminated for all land-disturbing activities that do not require coverage under the general permit or registration statements.</p>	<p>The revision is consistent with the statutory change. Localities have the ability to raise or lower the identified fees as needed to fund their programs. The revisions were made based on statutory changes. It is the interpretation of the Department that the proposed revisions to the "fee schedules" are a necessary part of the entire process for obtaining and maintaining coverage under the "General Permit", including any possible "modification"; "transfer"; or "maintenance" requirements.</p>
<p>Paul Shirey, P.E., Director, Code Development and Compliance Division, Fairfax County</p>	<p>9VAC25-870-825 Fees for the modification or transfer of individual permits or of registration statements for the General Permit for Discharges of Stormwater from Construction Activities.</p> <p>The phrase “except for single-family detached residential structures” needs to be added to the end of the fee type description for “General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres)” in accordance</p>	<p>The revision is consistent with the statutory change. Localities have the ability to raise or lower the identified fees as needed to fund their programs.</p>

	with §62.1-44.15:28.A.5.e in Chapter 303 of the 2014 Acts of Assembly.	
Paul Shirey, P.E., Director, Code Development and Compliance Division, Fairfax County	<p>9VAC25-870-830 State permit maintenance fees.</p> <p>The phrase “except for single-family detached residential structures” needs to be added to the end of the fee type description for “General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres)” in accordance with §62.1-44.15:28.A.5.e in Chapter 303 of the 2014 Acts of Assembly.</p>	The revision is consistent with the statutory change. Localities have the ability to raise or lower the identified fees as needed to fund their programs.
Randy Bartlett, President – Virginia Municipal Stormwater Association	<p>General – Provisional Approval of Local Ordinances:</p> <p>Many VAMSA Members are taking the final steps to adopt Virginia Stormwater Management Program (VSMP) ordinances prior to the July 1, 2014 implementation deadline, making it impossible for them to incorporate new regulatory text at this late stage in the process. In recognition of this situation, DEQ has agreed to issue a one-year provisional approval to localities in this position. VAMSA appreciates this flexibility, and asks that DEQ memorialize it in any correspondence it sends to impacted localities.</p>	Comment acknowledged.
Randy Bartlett, President – Virginia Municipal Stormwater Association	<p>General – Future Amendments:</p> <p>We request that the Board cap the number of times a locality must make ordinance changes each year at one. If there are statewide regulatory changes that occur after an ordinance is updated for the year, the locality should be allowed twelve months to make those additional changes.</p>	Comment acknowledged.

<p>Randy Bartlett, President – Virginia Municipal Stormwater Association</p>	<p>Stormwater Management Plans – 9VAC25-870-55:</p> <p>VAMSA is concerned that although the Board has proposed no changes to the existing language, the current regulatory text could be read as conflicting with newly enacted Chapters 303 and 598. Revisions to VA Code §62.1-44.15:28 state that the Board is authorized to adopt regulations that shall: "7. Establish a procedure by which a stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;" In contrast, the existing regulations mandate that "Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities." VAMSA has identified two inconsistencies between the new law and existing regulations.</p> <p>First, the 2014 legislation does not use the term "new". VAMSA supports allowing individual lot owners to develop their properties under the terms of a previously approved stormwater management plan. However, the term "new," which is undefined, will cause confusion at the local level. Would a subdivision built on a redevelopment site be considered "new" such that individual lot owners would be covered by an approved plan?</p> <p>Second, the 2014 legislation uses the term "subdivision" rather than "development." "Subdivision" typically has a very specific definition at the local level, although the particulars vary among localities. It is unclear whether individual lot owners in a</p>	<p>Referenced concerns will be addressed in guidance. The proposed revisions, which are consistent with the statutory changes, have already been incorporated into ordinances at the local level.</p>
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	<p>development that is not a formal subdivision could avail themselves of the benefit of a previously approved plan.</p> <p>VAMSA questions the use of the phrase "shall not be considered separate land-disturbing activities." Some individuals who are developing individual lots may believe based on this language that they are not conducting a "land-disturbing activity," and are thus not required to obtain a state permit, even if their lot exceeds the 1 acre threshold for state coverage.</p> <p>To address the above issues, VAMSA suggests revising the sentence to read:</p> <p>"Individual lots in new residential, commercial, or industrial developments subdivisions, <u>including those developed under subsequent owners,</u> shall not be considered separate land-disturbing activities <u>requiring the submittal of an individual stormwater management plan to be VSMP authority.</u>"</p>	
<p>Randy Bartlett, President – Virginia Municipal Stormwater Association</p>	<p>State Coverage Transfer and Modification Fees – 9VAC25-870-825:</p> <p>The Board has proposed a reduced fee of \$20 for transfers of individual permits or registration statements if a locality is the VSMP authority and the transfer relates to a "single-family detached residential structure within or outside a common plan of development or sale with land-disturbance acreage less than 5 acres."</p> <p>Consistent with Chapters 303 and 598, 9VAC25-870-59 (Applying for state permit coverage) correctly provides: "In accordance with §62.1-44.15:28, no registration statement is required for the construction of a single-family</p>	<p>The revision is consistent with the statutory change. Localities have the ability to raise or lower the identified fees as needed to fund their programs.</p>

	<p>detached residential structure within or outside a common plan of development or sale."</p> <p>Because no registration statement or state coverage will be required for a single-family detached residential structure or for a Chesapeake Bay land-disturbing activity, there will never be a transfer or modification of the coverage. These fees will not be charges at the local level. Therefore, there is no need for including reduced fees in the amended regulations at 9VAC25-870-825. VAMSA recommends the deletion of the appropriate text.</p>	
<p>Randy Bartlett, President – Virginia Municipal Stormwater Association</p>	<p>State Permit Maintenance Fees – 9VAC25-870-830:</p> <p>The Board has proposed a reduced state permit maintenance fee for Chesapeake Bay Act Land-Disturbing Activity and for small construction activities (either for areas within common plans of development or sale with land-disturbance acreage less than one acre or for single family detached residential structures with land-disturbance less than 5 acres where the locality is the VSMP authority).</p> <p>Consistent with Chapters 303 and 598, the existing text of 9VAC25-870-51 (Chesapeake Bay Preservation Act land-disturbing activity) states that "After June 30, 2014, such land-disturbing activities shall not require completion of a registration statement or require coverage under the General Permit for Discharges of Stormwater from Construction Activities..."</p> <p>Because no registration statement or state coverage will be required for a single-family detached residential structure or for a Chesapeake Bay land-disturbing activity, there will never be a permit</p>	<p>The revision is consistent with the statutory change. Localities have the ability to raise or lower the identified fees as needed to fund their programs.</p>

	<p>that needs maintenance. These fees will not be charges at the local level. Therefore, there is no need for including reduced fees in the amended regulations at 9VAC25-870-830. VAMSA recommends the deletion of the appropriate text.</p>	
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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
9VAC25-870-10		Definitions.	Add definition: <u>“Agreement in lieu of a stormwater management plan” means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.</u> – Change to 62.1-44.15:24
9VAC25-870-10		Definitions.	Revise definition: “Stormwater management plan” means a document(s) containing material for describing methods for complying with the requirements of the VSMP or this chapter. <u>An agreement in lieu of a stormwater management plan as defined in these regulations shall be considered to meet the requirements of a stormwater management plan.</u> – Change to 62.1-44.15:24
9VAC25-870-10		Definitions.	Revise definition to read: “VSMP authority” means an authority approved by the Board after September 13, 2011, to operate a Virginia Stormwater Management Program or, until such approval is given, the department. An authority may include a locality <u>as set forth in § 62.1-44.15:27 of the Code of Virginia; state entity...</u> ”
9VAC25-	9VAC25-870-	Chesapeake Bay	Insert subsection numbering to clarify

870-51	51 A	Preservation Act land-disturbing activity.	requirements and revise text to incorporate statutory changes: " <u>A. In order to protect the quality of state waters and to control the discharge of stormwater pollutants from land-disturbing activities, runoff associated with Chesapeake Bay Preservation Act land-disturbing activities shall be controlled regulated by localities subject to the Chesapeake Bay Preservation Act, or in the case of state and federal land projects, the department. In regulating such land-disturbing activities in accordance with subsection B, localities shall have the same authority as VSMP authorities.</u> "
9VAC25-870-51	9VAC25-870-51 B	Chesapeake Bay Preservation Act land-disturbing activity – After June 30, 2014.	Insert new subsection number to account for new numbering: " <u>B. After June 30, 2014, such land-disturbing activities...</u> "
9VAC25-870-55 A 1		Stormwater management plans.	Revise to read: "A stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria set forth in this part to the entire land-disturbing activity. Individual lots in new residential, commercial, or industrial developments, <u>including those developed under subsequent owners,</u> shall not be considered separate land-disturbing activities." – Change to 62.1-44.15:28 A 7
9VAC25-870-59		Applying for state permit coverage.	Revise to read: "The operator must submit a complete and accurate registration statement, <u>if such statement is required,</u> on the official department form to the VSMP authority in order to apply for state permit coverage. The registration statement must be signed by the operator in accordance with 9VAC25-870-370. <u>In accordance with § 62.1-44.15:28, no registration statement is required for a single-family detached residential structure within or outside a common plan of development or sale.</u> " – Changes to 62.1-44.15:28 A 8
9VAC25-870-65 C		Water quality compliance.	Revise to read: "C. BMPs differing from those listed in subsection B of this section <u>or proprietary BMPs certified in other states</u> shall be reviewed and approved by the director in accordance with procedures established by the department. – New requirement in 62.1-44.15:28 A 9
9VAC25-870-66 A		Water quantity.	Delete subdivision reference and delete "4": "Channel protection and flood protection shall be addressed in accordance with the minimum standards set out in this section, which are established pursuant to the requirements <u>of subdivision 7 of § 4-62.1-44.15:28...</u> " – Changes to 62.1-44.15:28 A

9VAC25-870-103		VSMP authority requirements for Chesapeake Bay Preservation Act land-disturbing activities.	Revise section title to clarify requirements and to incorporate statutory changes: " VSMP authority requirements Requirements for Chesapeake Bay Preservation Act land-disturbing activities."
9VAC25-870-103 A		VSMP authority requirements for Chesapeake Bay Preservation Act land-disturbing activities.	Revise text to incorporate statutory changes: "A. A VSMP authority <u>Localities</u> subject to the Chesapeake Bay Preservation Act shall regulate runoff associated with Chesapeake Bay Preservation Act land-disturbing activities..."
9VAC25-870-103 A 2		VSMP authority requirements for Chesapeake Bay Preservation Act land-disturbing activities.	Revise text to clarify requirements and to incorporate statutory changes: "2. A <u>local</u> or VSMP authority permit, where as applicable, shall be issued permitting the land-disturbing activity."
9VAC25-870-103 A 3		VSMP authority requirements for Chesapeake Bay Preservation Act land-disturbing activities.	Revise text to clarify requirements and to incorporate statutory changes: "3. The VSMP authority <u>locality</u> shall regulate such land-disturbing activities..."
9VAC25-870-103 B		VSMP authority requirements for Chesapeake Bay Preservation Act land-disturbing activities.	Revise text to clarify requirements and to incorporate statutory changes: "B. A locality's VSMP authority <u>locality</u> subject to the Chesapeake Bay Preservation Act shall adopt an ordinance, and other VSMP authorities shall provide program documentation that incorporates the components of this section."
9VAC25-870-118		Hearings.	Revise text to clarify requirements and to incorporate statutory changes: The VSMP authority shall ensure that any Any permit applicant, permittee, or person subject to state permit requirements under the Act Stormwater Management Act aggrieved by any action of the VSMP authority department or board taken without a formal hearing, or by inaction of the VSMP authority shall have a right to may demand in writing a formal hearing pursuant to § 62.1-44.15:44 of the Code of Virginia and shall ensure that all hearings held under this chapter shall be conducted in a manner consistent with § 62.1-44.26 of the Code of Virginia or as otherwise provided by law. <u>A locality holding hearings under this chapter shall do so in a manner consistent with local hearing procedures.</u> The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to decisions rendered by localities but appeals . <u>Appeals of decisions rendered by localities shall be conducted in accordance with local appeal procedures and shall include an opportunity for judicial review in the circuit court of the locality in which the</u>

			land disturbance occurs or is proposed to occur. Unless otherwise provided by law, the circuit court shall conduct such review in accordance with the standards established in § 2.2-4027, and the decisions of the circuit court shall be subject to review by the Court of Appeals, as in other cases under this chapter."
9VAC25-870-150 A		Authorization procedures for Virginia stormwater management programs.	Revise subsection to read: "A locality required to adopt <u>adopting</u> a VSMP in accordance with § 62.1-44.15:27 A of the Code of Virginia or a town electing to adopt its own VSMP in accordance with § 62.1-44.15:27 B of the Code of Virginia, must submit to the board an application package..." – Change to 62.1-44.15:27 A
9VAC25-870-150 E		Authorization procedures for Virginia stormwater management programs.	Revise to read: "A town <u>locality</u> or other authorized entity not required to adopt a VSMP in accordance with § 62.1-44.15:27 A of the Code of Virginia but electing to adopt a VSMP may <u>shall</u> notify the board <u>department</u> . Such notification shall include a proposed schedule for adoption of <u>adoption date for</u> a local stormwater management program on or after July 1, 2014, and within a timeframe agreed upon by the board in accordance with a schedule developed by the department. " – Change to 62.1-44.15:27 B
9VAC25-870-820		Fees for an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities.	Revise table – fee type/add new fee type: " <u>General/Stormwater Management – Small Construction Activity/Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage)/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than 5 acres)</u> – Add \$209 as the "total fee to be paid by applicant" – Add \$0 as the "Department portion of total fee..." - Changes to 62.1-44.15:28 A 5 e
9VAC25-870-820		Fees for an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities.	Revise table – fee type/revise fee type: " <u>General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre, except for single-family detached residential structures)</u> " - Changes to 62.1-44.15:28 A 5 e
9VAC25-870-825		Fees for the modification or transfer of individual permits or of registration statements for the General Permit for Discharges of	Revise table: " <u>General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre)</u>

		Stormwater from Construction Activities.	<u>(Areas within common plans of development or sale with land-disturbance acreage less than one acre, except for single-family detached residential structures)</u> " Changes to 62.1-44.15:28 A 5 e
9VAC25-870-825		Fees for the modification or transfer of individual permits or of registration statements for the General Permit for Discharges of Stormwater from Construction Activities.	Revise table – Add new fee category to table: " <u>General/Stormwater Management – Small Construction Activity/Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than 5 acres where the locality is the VSMP authority)</u> " – Add new fee amount of <u>\$20</u> for this category - Changes to 62.1-44.15:28 A 5 e
9VAC25-870-825		Fees for the modification or transfer of individual permits or of registration statements for the General Permit for Discharges of Stormwater from Construction Activities.	Revise table – Add new fee category to table: " <u>General/Stormwater Management – Small Construction Activity/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than 5 acres within localities where the department is the VSMP authority.</u> " – Add new fee amount of <u>\$0</u> for this category - Changes to 62.1-44.15:28 A 5 e
9VAC25-870-830		State permit maintenance fees.	Revise table: " <u>General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre) (Areas within common plans of development or sale with land-disturbance acreage less than one acre, except for single-family detached residential structures)</u> " – Changes to 62.1-44.15:28 A 5 e
9VAC25-870-830		State permit maintenance fees.	Revise table – Add new fee category to table: " <u>General/Stormwater Management – Small Construction Activity/Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage)/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than 5 acres where the locality is the VSMP authority)</u> " – Add new fee amount of <u>\$50</u> for this category - Changes to 62.1-44.15:28 A 5 e
9VAC25-870-830		State permit maintenance fees.	Revise table – Add new fee category to table: " <u>General/Stormwater Management – Small Construction Activity/Land Clearing (Single-family detached residential structures within or outside a common plan of development or sale with land-disturbance acreage less than</u>

			<p>5 acres where the department is the VSMP authority." – Add new fee amount of \$0 for this category - Changes to 62.1-44.15:28 A 5 e</p>
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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;
VSMP – Virginia Stormwater Management Program