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Exempt Action Final Regulation Agency Background Document

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| Agency name | State Water Control Board |
| Virginia Administrative Code (VAC) citation(s) | 9VAC25-870-150 A |
| Regulation title(s) | Virginia Stormwater Management Program Regulation |
| Action title | <i>Amendment to the Virginia Stormwater Management Regulation (9VAC25-870-150 – Authorization Procedures for Virginia Stormwater Management Programs) to meet changes made during the 2017 General Assembly Session.</i> |
| Final agency action date | July 19, 2017 |
| Date this document prepared | May 4, 2017 |

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) or an agency's basic statute, the agency is not required, however, 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 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

During the 2017 General Assembly Session an Act to amend and reenact §62.1-44.15:27 relating to stormwater and erosion management as it relates to administration of the program by a third party (Chapter 349 of the 2017 Acts of Assembly). To account for the legislative change to the Code of Virginia, a sentence specifying that a VSMP authority application package shall include contracts with third-party professionals who hold certificates of competence in the appropriate subject areas to carry out any or all of the responsibilities required of a VSMP including plan review and inspection but not including enforcement.

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.

VSMP – Virginia Stormwater Management Program

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 State Water Control Board adopted the amendment at its meeting on July 19, 2017.

Family impact

Please assess the impact of this 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.

No impact on the institution of the family and family stability is anticipated as a result of this regulatory action.

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 |
|------------------------|--|---|--|
| 9VAC25-870-150 A 3 | | 3. The policies and procedures including, but not limited to, agreements with Soil and Water Conservation Districts, adjacent localities, or other public or private entities for the | 3. The policies and procedures including, but not limited to, (a) agreements with Soil and Water Conservation Districts, adjacent localities, or other public or private entities for the administration, plan review, inspection, and enforcement |

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| | | <p>administration, plan review, inspection, and enforcement components of the program; and</p> | <p>components of the program; and <u>(b) contracts with third-party professionals who hold certificates of competence in the appropriate subject areas, as provided in subsection A of §62.1-44.15:30, to carry out any or all of the responsibilities that this article requires of a VSMP authority, including plan review and inspection but not including enforcement; and</u></p> |
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This revision reflects the changes made to the Code of Virginia by the 2017 General Assembly through House Bill 2009 – Virginia Acts of Assembly Chapter 349.

Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, 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.

No alternative regulatory methods were available to accommodate this statutory change.