



townhall.virginia.gov

Fast-Track Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9 VAC 25-875
VAC Chapter title(s)	Virginia Erosion and Stormwater Management Regulation
Action title	Amend the Virginia Erosion and Stormwater Management (VESM) Regulation to Clarify Erosion and Sediment Control Minimum Standards
Date this document prepared	August 31, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The intent of this fast-track regulatory action is to amend the Minimum Standards in the Virginia Erosion and Stormwater Management (VESM) Regulation (9VAC25-875) to improve the clarity, consistency, and effectiveness of the regulation. Specifically, amendments are applied to subdivisions A 2, A 4, A 11, and A 17 of 9VAC25-875-560. Section 560 of the VESM Regulation establishes that an erosion and sediment control plan consistent with specified criteria, techniques, and methods (i.e. the "Minimum Standards") shall be submitted to the Virginia Erosion and Stormwater Management Program (VESMP) authority or the Virginia Erosion and Sediment Control Program (VЕСSP) authority, as appropriate, for review and approval, and that all regulated land-disturbing activities shall be conducted in a manner consistent with the applicable Minimum Standards.

The Minimum Standards are designed to protect downgradient areas and waterways from erosion and sedimentation. However, as they currently exist, the Minimum Standards contain ambiguities which can result in differing interpretations and inconsistent implementation and enforcement. This action intends to resolve these ambiguities. Because the amendments clarify existing provisions of the regulation, this action is expected to require minimal effort to align with current practices. The amendments create clarity and certainty for the regulated community, the Department of Environmental Quality (DEQ), and VESMP and VESCP authorities, while also improving the effectiveness of the regulation in protecting water quality throughout the Commonwealth.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

Board: State Water Control Board
CGP: Construction General Permit
DEQ: Department of Environmental Quality
U.S. EPA: United States Environmental Protection Agency
VESCP: Virginia Erosion and Sediment Control Program
VESM Regulation: Virginia Erosion and Stormwater Management Regulation, 9VAC25-875
VESMP: Virginia Erosion and Stormwater Management Program
VPDES: Virginia Pollutant Discharge Elimination System

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On September 21, 2026, the State Water Control Board (Board):

1. Authorized DEQ to promulgate the amendments to the VESM Regulation (9VAC25-875) for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board's authorization constitutes its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) DEQ does not find it necessary, based on public comments or for any other reason, to make any changes to the amendments.
2. Authorized DEQ to set an effective date no earlier than 15 days after close of the 30-day public comment period, provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) DEQ does not find it necessary to make any changes to the amendments.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For

purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

Sections 62.1-44.15:28 and 62.1-44.15:52 of the Code of Virginia authorize the Board to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, including nonagricultural runoff, that shall be met to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources; subsection 5 of § 62.1-44.15:28 requires the Board’s regulations to contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of soil erosion and sediment resulting from land-disturbing activities; and subsection 10 of § 62.1-44.15:28 requires the Board’s regulations to establish statewide standards for soil erosion control and stormwater management from land-disturbing activities.

The impetus for this change is DEQ’s goal to establish statewide standards for soil erosion control, as directed by §§ 62.1-44.15:28 and 62.1-44.15:52 of the Code of Virginia, that are effective, clear, and consistent. This rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because it is narrow in scope and does not significantly change the burden on the regulated community. This rulemaking benefits the regulated community, localities, DEQ, and other stakeholders by improving regulatory clarity, consistency, and effectiveness.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

Promulgating Entity

The promulgating entity for this regulation is the State Water Control Board.

State Requirements

Section 62.1-44.15 (3a) of the Code of Virginia requires the Board to establish such standards of quality and policies for any state waters consistent with the general policy set forth in the State Water Control Law; subsection 5 requires the Board to issue, revoke, or amend certificates and land-disturbance approvals under prescribed conditions for the discharge of sewage, stormwater, industrial wastes, and other wastes into or adjacent to state waters; and subsection 10 requires the Board to adopt such regulations as it deems necessary to enforce the general soil erosion control and stormwater management program and water quality management program of the Board in all or part of the Commonwealth.

Additional authority for the Board to adopt and amend regulations for erosion control and stormwater management is in §§ 62.1-44.15:28 and 62.1-44.15:52 of the Code of Virginia, which authorize the Board to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, that shall be met to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

This regulatory action protects water quality in the Commonwealth of Virginia which is essential to the health, safety, and welfare of Virginia's citizens and is needed to establish appropriate and necessary soil erosion control requirements for discharges of stormwater. The rationale for the regulatory action is to improve the clarity, consistency, and effectiveness of 9VAC25-875-560, known commonly as the "Minimum Standards." The Minimum Standards are designed to protect downgradient areas and waterways from erosion and sedimentation. However, as they currently exist, Minimum Standards 2, 4, 11, and 17 present the following problems which this regulatory action intends to resolve:

Minimum Standard 2 (9VAC25-875-560 A 2): establishes the requirement to stabilize or protect soil stockpiles and borrow areas but does not provide a timeframe for the application of soil stabilization or sediment trapping measures. Lack of a specified timeframe creates ambiguity and inconsistency for the regulated community, VESMP and VESCP authorities, and DEQ. The amendment establishes a timeframe for the application of sediment trapping measures and clarifies that stabilization must be applied in accordance with Minimum Standard 1. The amendment also clarifies that measures intended to protect stockpiles and borrow areas are to be installed in addition to the perimeter site controls, to ensure sediment does not migrate from the stockpile or borrow area (i.e., stockpile and borrow areas require their own control measures). The amended language enhances alignment with the language used in the United States Environmental Protection Agency (U.S. EPA) 2022 Construction General Permit (CGP) and the Virginia Stormwater Management Handbook.

Minimum Standard 4 (9VAC25-875-560 A 4): establishes that measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place. While the current phrasing implies initial installation of perimeter controls, it does not adequately convey the expectation for these controls to be installed and fully functional prior to any interior or upslope land-disturbing activity. This ambiguity has led to instances where perimeter controls are installed simultaneously with or after the commencement of interior disturbance. The amendment rephrases this standard to clearly communicate the intent, clarifies that minimal initial disturbance necessary to install initial perimeter control measures is permitted, and enhances alignment with the language used in the U.S. EPA 2022 CGP and in DEQ Guidance Memo No. 25-2008.

Minimum Standard 11 (9VAC25-875-560 A 11): establishes the requirement to install adequate outlet protection and channel lining for stormwater conveyance channels or pipes before they are made operational. This phrasing has led to confusion over what "made operational" means. The amendment will replace "made operational" with "commence conveying stormwater" to clarify.

Minimum Standard 17 (9VAC25-875-560 A 17): intends to protect the public and the environment from sediment on roadways, which can lead to safety hazards and mobilization of sediment into sensitive areas. As currently written, the standard requires clean up at the end of the day but does not provide information for the management of sediment on roadways throughout the day. The amendment clarifies that accumulated sediment deposits shall be removed as necessary throughout the day. In addition, the amendment clarifies that accumulated sediment is to be removed from paved or public road surfaces that construction vehicle access roads "intersect" or "access" and that sediment transport shall be minimized on both paved and public road surfaces. The amended language enhances alignment with the language used in the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (9VAC25-880).

These amendments are informed by DEQ's learned experiences in implementing the Minimum Standards, including through plan review, compliance inspections, and complaint investigations. Certain

existing provisions, as discussed above, do not clearly communicate the intent of the Minimum Standards. Ambiguity in the Minimum Standards can result in differing interpretations of the requirements, inconsistent implementation by the regulated community, and inconsistent enforcement by state and local authorities. Such situations may result in compliance issues, enforcement actions, and environmental impacts, which can negatively affect the construction project, as well as lead to inefficiencies of state and local government. Combined, the amendments will create clarity and consistency in the implementation and enforcement of the Minimum Standards, will allow the regulated community to more readily achieve compliance, will improve the efficiency of state and local government in ensuring compliance, and will improve the effectiveness of the Minimum Standards in protecting water quality throughout the Commonwealth. Because the amendments clarify existing provisions of the regulation, this action is expected to require minimal effort to align with current practices.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

The substance of this regulatory action is to amend section 560 of the VESM Regulation (9VAC25-875) as follows:

Minimum Standard 2 (9VAC25-875-560 A 2): clarify that (i) soil stockpiles and borrow areas shall be immediately protected with sediment trapping measures; (ii) stabilization shall be applied in accordance with Minimum Standard 1; and (iii) protection of stockpiles and borrow areas is in addition to perimeter site controls.

Minimum Standard 4 (9VAC25-875-560 A 4): clarify that (i) initial perimeter erosion and sediment control measures shall be constructed and made functional prior to the commencement of land-disturbing activities; (ii) minimal initial disturbance necessary to install these control measures is permitted; and (iii) construction phasing and sequencing shall ensure all necessary erosion and sediment control measures are constructed and functional prior to subsequent disturbance.

Minimum Standard 11 (9VAC25-875-560 A 11): replace the phrase “made operational” with “commence conveying stormwater.”

Minimum Standard 17 (9VAC25-875-560 A 17): clarify that (i) the road surface shall be cleaned throughout the day as necessary to remove accumulated sediment deposits; (ii) sediment transport shall be minimized on both paved and public road surfaces; and (iii) that accumulated sediment is to be removed from paved or public road surfaces that construction vehicle access roads “intersect” or “access.”

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

1. Public: There are no direct impacts on the public as the amendments update existing regulatory requirements. The primary advantage of this regulatory action for the public is the improved

effectiveness, clarity, and consistency of the Minimum Standards. There are no disadvantages to the public.

2. DEQ and localities: The updates will allow DEQ, VESMP authorities, and VESCP authorities to enforce a clear and consistent requirement, which will improve the understanding of the regulation and aid in the efficient and effective functioning of government. This is an advantage. There are no disadvantages to the agency or the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no requirements that exceed federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations.

“Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

There is no state agency which will bear any identified disproportionate material impact due to the proposal which would not be experienced by other state agencies.

Localities Particularly Affected

There is no locality which will bear any identified disproportionate material impact due to the proposal which would not be experienced by other localities.

Other Entities Particularly Affected

There is no entity which will bear any identified disproportionate material impact due to the proposal which would not be experienced by other entities.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	The regulatory change will not result in any cost to DEQ.
<i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	The regulatory change will not result in any cost to any state agency.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	The direct benefits of the regulatory change include: • Improving the clarity, consistency, and effectiveness of requirements. • Saving time for DEQ and the regulated community by removing ambiguity. • Improving the understanding of regulatory requirements. • Improving compliance and reducing enforcement actions. • Aiding in the efficient and effective functioning of government in ensuring compliance. • Improving the effectiveness of the regulation in protecting water quality throughout the Commonwealth. DEQ is unable to quantify these benefits.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees or revenues resulting from the regulatory change.	No costs to any locality are anticipated.
Benefits the regulatory change is designed to produce.	The direct benefits of the regulatory change include: • Improving the clarity, consistency, and effectiveness of requirements. • Saving time for localities who serve as VESMP or VESCP authorities and the regulated community by removing ambiguity. • Improving the understanding of regulatory requirements. • Improving compliance and reducing enforcement actions.

	• Aiding in the efficient and effective functioning of government in ensuring compliance. • Improving the effectiveness of the regulation in protecting water quality throughout the Commonwealth. DEQ is unable to quantify these benefits.
--	--

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	The regulatory change provides clarity and certainty for the applicants, owners, and operators of regulated land-disturbing activities, and for DEQ and localities serving as VESCP or VESMP authorities who enforce compliance with the VESM Regulation.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	Small businesses will not bear any identified disproportionate impact due to the proposal which would not be experienced by other entities. DEQ is unable to identify the number of small businesses that would be affected by this regulatory change.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	There are no new projected direct or indirect costs associated with implementing the regulatory amendment because it does not change the erosion and sediment control measures and practices that must be specified on plans and implemented onsite, rather the amendment provides regulatory clarity and certainty.
Benefits the regulatory change is designed to produce.	This regulatory action makes the regulation more clear, consistent, and effective. Improving clarity and effectiveness of requirements saves time for DEQ, localities, and the regulated community, improves understanding and implementation of regulatory requirements, and should result in better compliance with the Minimum Standards for erosion and sediment control. Better compliance protects state waters, water quality, habitat, and recreational use. DEQ is unable to quantify these benefits.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

There are no practical alternatives. Leaving ambiguity in the VESM Regulation will likely cause continued misunderstanding, confusion, and inconsistent implementation and enforcement of the regulatory requirements for the regulated community, DEQ, and the localities who serve as VESMP or VESCP authorities.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, 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) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing 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 regulatory change.

There are no alternatives to this regulatory action other than continuing to operate with the existing language with no updates.

The regulatory action is narrow in scope to include minor changes for clarity and consistency. This action does not change the substantive requirements for applicants, owners, and operators to submit plans, obtain permits, and maintain compliance with requirements to control erosion and stormwater runoff from land-disturbing activities.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

DEQ is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail or email to April Rhodes, Program Manager, Office of Stormwater Management, Virginia Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia 23218, or April.Rhodes@deq.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Anyone objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-875-560 A 2		2. During construction of the project, soil stockpiles and borrow areas shall be stabilized or protected with sediment trapping measures. The applicant is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site.	2. During construction of the project, soil stockpiles and borrow areas shall be stabilized or <u>immediately</u> protected with sediment trapping measures <u>and stabilized in accordance with subdivision 1 of this subsection. Protection of stockpiles and borrow areas shall be in addition to perimeter site controls.</u> The applicant is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site.

			Rationale: This amendment establishes a timeframe for the application of sediment trapping measures and clarifies that stabilization must be applied in accordance with Minimum Standard 1. In addition, the amendment clarifies that measures intended to protect stockpiles and borrow areas are in addition to the perimeter site controls. This amendment provides regulatory clarity and certainty, which is a benefit to the regulated community, DEQ, and localities who serve as VESMP or VESCP authorities.
9VAC25-875-560 A 4		4. Sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place.	4. Sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place. <u>Prior to commencement of land-disturbing activities, initial perimeter erosion and sediment control measures shall be constructed and made functional. Minimal initial disturbance necessary to install the initial perimeter erosion and sediment control measures is permitted. Following the installation of the initial perimeter erosion and sediment control measures, construction phasing and sequencing shall ensure all erosion and sediment control measures necessary to protect downgradient areas are constructed and functional prior to subsequent land-disturbing activities.</u> Rationale: This amendment rephrases the standard to clearly communicate the intent and clarifies that minimal initial disturbance necessary to install initial perimeter control measures is permitted. This amendment provides regulatory clarity and certainty, which is a benefit to the regulated community, DEQ, and localities who serve as VESMP or VESCP authorities.
9VAC25-875-560 A 11		11. Before newly constructed stormwater conveyance channels or pipes are made operational,	11. Before newly constructed stormwater conveyance channels or pipes are made operational

		adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel.	<u>commence conveying stormwater</u>, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel. Rationale: This amendment clarifies what “made operational” means to provide regulatory clarity and certainty, which is a benefit to the regulated community, DEQ, and localities who serve as VESMP or VESCP authorities.
9VAC25-875-560 A 17		17. Where construction vehicle access routes intersect paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner. This provision shall apply to individual development lots as well as to larger land-disturbing activities.	17. Where construction vehicle access routes intersect <u>or access</u> paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved <u>or public road</u> surface. Where <u>When</u> sediment is transported onto a paved or public road surface, the road surface shall be cleaned <u>throughout the day as necessary to remove accumulated sediment deposits and shall be cleaned</u> thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner. This provision shall apply to individual development lots as well as to larger land-disturbing activities. Rationale: This amendment clarifies that (i) the road surface shall be cleaned throughout the day as necessary to remove accumulated sediment deposits; (ii) sediment transport shall be minimized on both paved and public road surfaces; and (iii) that accumulated sediment is to be removed from paved or public road surfaces that construction vehicle access roads “intersect” or “access.” This amendment provides regulatory clarity and certainty, which is a benefit to the regulated community, DEQ, and localities who serve as VESMP or VESCP authorities.

Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential 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.

The proposed regulatory action will not have an impact on families.