

Office of Regulatory Management  
Economic Review Form

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC25-840 (primary) 9VAC25-870 (secondary) 9VAC25-880 (secondary)
<b>VAC Chapter title(s)</b>	Erosion and Sediment Control Regulations (primary) Virginia Stormwater Management Program (VSMP) Regulation (secondary) General VPDES Permit for Discharges of Stormwater from Construction Activities (secondary)
<b>Action title</b>	Amendment in response to Chapters 48 and 49 of the 2023 Virginia Acts of Assembly (HB1848/SB1376)
<b>Date this document prepared</b>	May 31, 2023, Revised September 14, 2023
<b>Regulatory Stage (including Issuance of Guidance Documents)</b>	Final Exempt Action

**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 &amp; Indirect Costs &amp; Benefits (Monetized)</p>	<p><b>This is a final exempt regulatory action. No changes are proposed other than incorporation of requirements in response to Chapters 48 and 49 of the 2023 Virginia Acts of Assembly.</b></p> <p><b>Background:</b> Chapters 48 and 49 of the 2023 Virginia Acts of Assembly do two things.</p> <p>First, some of the provisions in Chapters 48 and 49 of the 2023 Virginia Acts of Assembly and this resulting regulation are necessary to conform state law to federal law regarding which entities must file a registration statement. These provisions mean that entities constructing a single-family detached residential structure within or outside of a common plan of development or sale will have to file a registration statement if the activity does not qualify as small construction. Currently state law provides that no registration statement is required for the construction of a single-family detached residential structure within or outside of a common plan of develop or sale, no matter how large the activity. However, this state law provision is inconsistent with federal law. This underlying statutory change was necessary avoid the risk of a specific objection from the U.S. Environmental Protection Agency (EPA) to the General VPDES Permit for Discharges of Stormwater from Construction Activities, 9VAC25-880 (Stormwater Construction General Permit) when it is reissued in 2024. The Stormwater Construction General Permit is a streamlined permitting process that is used by the regulated community to comply with permit requirements of the federal Clean Water Act and state law.</p> <p>Second, other provisions in Chapters 48 and 49 of the 2023 Virginia Acts of Assembly and this resulting regulation reduce regulatory burdens on agriculture by allowing for the use of an agreement in lieu of a plan for the construction of certain farm buildings and structures when it is on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent. The definition of “farm buildings and structures” includes buildings and structures used for agritourism and any related impervious surfaces, including roads, driveways, and parking areas.</p>
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**Direct Costs:**

Entities constructing a single-family detached residential structure within or outside of a common plan of development or sale will have to file a registration statement if the activity does not qualify as small construction. The registration statement is a three-page form (with three additional pages of instructions) and requires information that should be readily available to anyone constructing a single-family residence, therefore the additional cost should be minimal. There is no fee for a registration statement for a single-family detached residential structure.

**Indirect Costs:**

The minimal additional costs of completing the three-page registration statement now required for entities constructing a single-family residence that does not qualify as small construction could be passed along to consumers.

**Direct Benefits:**

First, this regulation has an indeterminate direct benefit because it resolves an inconsistency between state and federal law regarding when a registration statement (Notice of Intent) is required to be submitted to avoid a specific objection from EPA to the 2024 Stormwater Construction General Permit. The regulated community, local governments that administer Virginia Stormwater Management Programs (VSMPs), and the Commonwealth benefit from the Stormwater Construction General Permit because it is a streamlined, faster, and less costly means to satisfy federal and state permit requirements than the alternative of individual permits.

Second, this regulation has an indeterminate direct benefit because the provisions allowing for the use of an agreement in lieu for certain farm buildings and structures. This will result in cost savings because an agreement in lieu of a plan is a two-page form and does not require preparation of site specific stormwater management plans. The provisions in this law that expand the use of an agreement in lieu of a plan for certain farm buildings and structures will directly reduce regulatory burdens on the agricultural sector, including agritourism, and result in cost and time savings for agriculture due to decreased design and engineering costs and eliminating the need to go through a lengthy stormwater management and/or erosion and sediment control program plan review process.

**Indirect Benefits:**

This underlying statutory change and resulting regulation eliminates unnecessary regulatory burdens on certain agricultural and agritourism activities. The reduced costs could be passed on to consumers.

(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	<p>(a) While not quantifiable, there will be minimal increases in cost because this underlying statutory change and resulting regulation, in order to confirm state law to federal law, requires single-family detached residential structures within or outside of a common plan of development or sale to file a three-page registration statement if the activity does not qualify as small construction. Those minimal increased costs could be passed on to consumers.</p>	<p>(b) While not quantifiable, there are benefits to the agriculture sector, local governments that administer VSMPs, and the Commonwealth from the provisions of this underlying statutory change and resulting regulation that allow for an agreement in lieu of a plan to be used for the construction of certain farm buildings and structures when it is on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent. This will result in cost savings because an agreement in lieu of a plan is a two-page form and does not require preparation of site-specific stormwater management plans. The provisions in this law that expand the use of an agreement in lieu of a plan for certain farm buildings and structures will directly reduce regulatory burdens on the agricultural sector, including agritourism and result in cost and time savings for agriculture due to decreased design and engineering costs and eliminating the need to go through a lengthy stormwater management and/or erosion and sediment control program plan review process.</p> <p>In addition, the underlying statutory change and resulting amendment to the regulation resolves an inconsistency between state and federal law regarding when a registration statement (Notice of Intent) is required to be submitted to avoid a specific objection from EPA to the 2024 Stormwater Construction General Permit. The regulated community, local governments that administer VSMPs, and the Commonwealth benefit from the Stormwater Construction General Permit because it is a streamlined, faster, and less</p>

		costly means to satisfy federal and state permit requirements than the alternative of individual permits.
(3) Net Monetized Benefit	No conclusive statement can be made about specific net monetized benefits, however, the benefits to the regulated community due to the provisions of the underlying statutory change and resulting regulation that allow for an agreement in lieu of a plan to be used for the construction of certain farm buildings and structures when it is on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent and the benefits to the regulated community, local governments that administer VSMPs, and the Commonwealth outweigh the minimal additional costs associated with certain activities now being required to file a two-page registration statement, which is a change necessary to conform state law to federal law.	
(4) Other Costs & Benefits (Non-Monetized)	The regulation maintains consistency with federal law, avoiding the risk of a specific objection to the reissuance of the Construction Stormwater General permit, which benefits the regulated community, local governments that administer VSMPs, and the Commonwealth.	
(5) Information Sources	Chapters 48 and 49 of the 2023 Acts of Assembly.	

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

(1) Direct & Indirect Costs & Benefits (Monetized)	<p><b>Direct Costs:</b></p> <p>Currently under the state’s regulations registration statements are not required for coverage under the Stormwater Construction General permit for single-family homes, within or outside of a common plan of development or sale, regardless of the amount of land disturbance involved. This registration statement requirement is inconsistent with federal law, which requires a registration statement for any activity that disturbs five acres or more, or that is part of a common plan of development or sale (such as a subdivision) that disturbs five acres or more. Currently these projects in Virginia are permitted using the Stormwater Construction General Permit, and about 1,300 projects a year seek coverage under the Stormwater Construction General Permit. Failure to resolve this inconsistency could lead to a specific objection from EPA to the 2024 Stormwater Construction General Permit. If EPA issues a specific objection to the 2024 Stormwater Construction General Permit all future projects (about 1,300 a year) would have to obtain coverage under an individual VPDES permit, which would be much more costly to obtain and would take significantly longer to obtain due to</p>
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	<p>the procedural requirements for individual VPDES permits. Higher permit application fees would be assessed on the regulated community if an individual permit was issued.</p> <p>Under the existing statute and resulting regulation, stormwater management and/or erosion and sediment control plans must be submitted for farm buildings or structures. These plans are required, even though farm buildings and structures on large parcels of land with low percentages of impervious cover pose little risk to the environment. This results in design and engineering costs as well as the need to go through a lengthy stormwater management and/or erosion and sediment control program plan review process.</p> <p><b>Indirect Costs:</b> Any additional costs related to developing and submitting a stormwater management and/or erosion and sediment control plans and more costly permit processes may be passed on to consumers.</p> <p><b>Direct Benefits:</b> As a result of the existing statute and regulations, which are inconsistent with federal law, persons constructing single-family detached residential structures, no matter the amount of land disturbance involved, are not required to file a three-page registration statement.</p> <p><b>Indirect Benefits:</b> The minimal reduced costs of not having to file a registration statement may be passed on to consumers.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	<p>(a) While cost varies and is not quantifiable, agricultural and agritourism projects must currently submit stormwater management and/or erosion and sediment control plans which involve design costs as well as the costs associated with lengthy plan review processes.</p> <p>While not quantifiable, if the inconsistency between state law and federal law is</p>	<p>(b) While cost varies and is not quantifiable, as a result of the existing state law and regulations, which are inconsistent with federal law, persons constructing single-family detached residential structures, no matter the amount of land disturbance involved, are not required to file a three-page registration statement.</p>

	<p>not resolved and EPA issues a specific objection to the 2024 Stormwater Construction General Permit its issuance could be delayed and/or blocked, and all construction projects after July 1, 2024 (about 1,300 a year) would have to obtain coverage under an individual VPDES permit, which would be much more costly to obtain and would take significantly longer to obtain due to the procedural requirements for individual VPDES permits. The fee to apply for an Individual Permit for Discharges of Stormwater from Construction Activities is \$15,000.</p>	
(3) Net Monetized Benefit	<p>No conclusive statement can be made about specific net monetized benefits of the current regulation, however, the costs of the requirements to prepare stormwater management and/or erosion and sediment control plans for farm buildings and the costs associated with a potential EPA specific objection to the 2024 Stormwater Construction General Permit outweigh the minimal benefit to entities that currently do not have to complete registration statements under the existing regulation (which is inconsistent with federal law).</p>	
(4) Other Costs & Benefits (Non-Monetized)	<p>N/A</p>	
(5) Information Sources	<p>Chapters 48 and 49 of the 2023 Acts of Assembly.</p>	

**Agency Note: This final exempt regulatory action is mandated by state statute effective July 1, 2023. Therefore, Table 1c is not required and has been removed.**

**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**

<p>(1) Direct &amp; Indirect Costs &amp; Benefits (Monetized)</p>	<p><b>Direct Costs:</b> There are no direct costs to local partners.</p> <p><b>Indirect Costs:</b> There are no indirect costs to local partners.</p> <p><b>Direct Benefits:</b> The underlying statutory change and these resulting regulatory changes benefit local governments that administer VSMPs and/or Virginia Erosion and Sediment Control Programs (VESCPs). VSMPs and VESCPs will have the option to accept an agreement in lieu of a plan for the construction of certain farm buildings and structures when it is on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent. If VSMPs or VESCPs utilize this option it will save time and money because they will not have to review site specific stormwater management and/or erosion and sediment control plans.</p> <p><b>Indirect Benefits:</b> Local governments also benefit from the changes necessary to conform state law to federal law concerning the entities that are required to submit registration statements. This conformity avoids the risk of a specific objection from EPA to the 2024 reissuance of the Stormwater Construction General Permit. Local governments benefit from the availability of this general permit, which makes it easier for their land disturbing projects to obtain the necessary permits than the alternative of having to seek more costly and time intensive individual permits.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct &amp; Indirect Costs</p>	<p>Direct &amp; Indirect Benefits</p>
	<p>(a) N/A</p>	<p>(b) While not quantifiable, local governments benefit from the option to accept agreements in lieu of plans for certain farm buildings and structures when it is on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent. The value of the benefits depends on whether or not local</p>

		<p>governments choose to use this new option and the number of projects in the locality that qualify for this new option.</p> <p>Local governments also benefit from the conformity provisions that avoid the risk of a specific objection from EPA to the 2024 reissuance of the Stormwater Construction General Permit. Local governments benefit from the availability of this general permit, which makes it easier for their land disturbing projects to obtain the necessary permits than the alternative of having to seek more costly and time intensive individual permits.</p>
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Assistance	N/A	
(5) Information Sources	Chapters 48 and 49 of the 2023 Acts of Assembly.	

**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)	<p>Direct Costs:</p> <p>Some of the provisions in this underlying statutory change and resulting regulation are necessary to conform state law to federal law regarding entities that must file a registration statement. These provisions mean that persons constructing a single-family detached residential structure within or outside of a common plan of development or sale will have to file a registration statement if the activity does not qualify as small construction. The registration statement is a three-page form (with three additional pages of instructions) and requires information that should be</p>
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readily available to anyone constructing a single-family residence, therefore the additional cost should be minimal. Currently state law provides that no registration statement is required for the construction of a single-family detached residential structure within or outside of a common plan of develop or sale no matter how large the activity. However, this state law provision is inconsistent with federal law. This underlying statutory change was necessary avoid the risk of a specific objection from EPA to the General VPDES Permit for Discharges of Stormwater from Construction Activities, 9VAC25-880 (Stormwater Construction General Permit) when it is reissued in 2024. The Stormwater Construction General Permit is a streamlined permitting process that is used by the regulated community to comply with permit requirements of the federal Clean Water Act and state law.

**Indirect Costs:**

The minimal additional costs of completing the three-page registration statement now required for persons constructing a single-family residence that does not qualify as small construction could be passed along to consumers, including families. However, there is no way to avoid this requirement without being inconsistent with federal law.

**Direct Benefits:**

This underlying statutory change and resulting regulation reduces regulatory burdens on agriculture, including family farms, by allowing for the use of an agreement in lieu of a plan for the construction of certain farm buildings and structures when it is on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent. The definition of “farm buildings and structures” includes buildings and structures used for agritourism and any related impervious surfaces, including roads, driveways, and parking areas. This will result in cost savings because an agreement in lieu of a plan is a two-page form and does not require preparation of site specific stormwater management plans. The provisions in this law that expand the use of an agreement in lieu of a plan for certain farm buildings and structures will directly reduce regulatory burdens on the agricultural sector, including agritourism, and result in cost and time savings for agriculture due to decreased design and engineering costs and eliminating the need to go through a lengthy stormwater management and/or erosion and sediment control program plan review process.

The underlying statutory change and resulting amendment to the regulation resolves an inconsistency between state and federal law regarding when a registration statement (Notice of Intent) is required to be submitted to avoid a specific objection from EPA to the 2024 Stormwater Construction General Permit. The regulated community,

	<p>including families engaged in construction projects that require permits, benefits from the Stormwater Construction General Permit because it is a streamlined, faster, and less costly means to satisfy federal and state permit requirements than the alternative of individual permits.</p> <p><b>Indirect Benefits:</b> This underlying statutory change and resulting regulation eliminates unnecessary regulatory burdens on certain agricultural and agritourism activities. The reduced costs could be passed on to consumers.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	<p>(a) While not quantifiable, there will be minimal increases in cost because this underlying statutory change and resulting regulation, in order to confirm state law to federal law, requires single-family detached residential structures within or outside of a common plan of development or sale to file a three-page registration statement if the activity does not qualify as small construction. Those minimal increased costs could be passed on to consumers, including families.</p>	<p>(b) While not quantifiable, the provisions of this underlying statutory change and resulting regulation that allow for an agreement in lieu of a plan to be used for the construction of certain farm buildings and structures when it is on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent. This will result in cost savings because an agreement in lieu of a plan is a two-page form and does not require preparation of site specific stormwater management plans. The provisions in this law that expand the use of an agreement in lieu of a plan for certain farm buildings and structures will directly reduce regulatory burdens on the agricultural sector, including agritourism, and result in cost and time savings for agriculture due to decreased design and engineering costs and eliminating the need to go through a lengthy stormwater management and/or erosion and sediment control program plan review process.</p> <p>In addition, the underlying</p>

		<p>statutory change and resulting amendment to the regulation resolves an inconsistency between state and federal law regarding when a registration statement (Notice of Intent) is required to be submitted to avoid a specific objection from EPA to the 2024 Stormwater Construction General Permit. Families engaged in land disturbing activities that require permits benefit from the Stormwater Construction General Permit because it is a streamlined, faster, and less costly means to satisfy federal and state permit requirements than the alternative of individual permits.</p>
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Information Sources	Chapters 48 and 49 of the 2023 Acts of Assembly.	

**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**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p><b>Direct Costs:</b> Some of the provisions in this underlying statutory change and resulting regulation are necessary to conform state law to federal law regarding who has to file a registration statement. These provisions mean that entities, including small businesses, constructing a single-family detached residential structure within or outside of a common plan of development or sale will have to file a registration statement if the activity does not qualify as small construction. The registration statement is a three-page form (with three additional pages of instructions) and requires information that should be readily available to persons constructing a single-family residence, therefore the additional cost should be minimal. Currently state law provides that no registration statement is required for the construction of a single-family detached residential structure within or outside of a common plan of develop or sale no matter how large the activity. However, this state law provision is</p>
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inconsistent with federal law. This underlying statutory change was necessary avoid the risk of a specific objection from EPA to the General VPDES Permit for Discharges of Stormwater from Construction Activities, 9VAC25-880 (Stormwater Construction General Permit) when it is reissued in 2024. The Stormwater Construction General Permit is a streamlined permitting process that is used by the regulated community, including small businesses, to comply with permit requirements of the federal Clean Water Act and state law.

**Indirect Costs:**

N/A

**Direct Benefits:**

This underlying statutory change and resulting regulation reduces regulatory burdens on agriculture, including small businesses engaged in agriculture or agritourism, by allowing for the use of an agreement in lieu of a plan for the construction of certain farm buildings and structures when it is on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent. The definition of “farm buildings and structures” includes buildings and structures used for agritourism and any related impervious surfaces, including roads, driveways, and parking areas. This will result in cost savings because an agreement in lieu of a plan is a two-page form and does not require preparation of site-specific stormwater management plans. The provisions in this law that expand the use of an agreement in lieu of a plan for certain farm buildings and structures will directly reduce regulatory burdens on the agricultural sector, including small businesses engaged in agriculture and agritourism, and result in cost and time savings due to decreased design and engineering costs and eliminating the need to go through a lengthy stormwater management and/or erosion and sediment control program plan review process.

In addition, the underlying statutory change and resulting amendment to the regulation resolves an inconsistency between state and federal law regarding when a registration statement (Notice of Intent) is required to be submitted to avoid a specific objection from EPA to the 2024 Stormwater Construction General Permit. The regulated community, including small businesses, benefits from the Stormwater Construction General Permit because it is a streamlined, faster, and less costly means to satisfy federal and state permit requirements than the alternative of individual permits.

**Indirect Benefits:**

	<p>This underlying statutory change and resulting regulation eliminates unnecessary regulatory burdens on certain agricultural and agritourism activities. The reduced costs could be passed on to consumers, including small businesses.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	<p>(a) While not quantifiable, there will be minimal increases in cost because this underlying statutory change and resulting regulation, in order to confirm state law to federal law, requires single-family detached residential structures within or outside of a common plan of development or sale to file a three-page registration statement if the activity does not qualify as small construction.</p>	<p>(b) While not quantifiable, the provisions of this underlying statutory change and resulting regulation that allow for an agreement in lieu of a plan to be used for the construction of certain farm buildings and structures when it is on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent. This will result in cost savings because an agreement in lieu of a plan is a two-page form and does not require preparation of site-specific stormwater management plans. The provisions in this law that expand the use of an agreement in lieu of a plan for certain farm buildings and structures will directly reduce regulatory burdens on the agricultural sector, including small businesses engaged in agriculture and agritourism, and result in cost and time savings due to decreased design and engineering costs and eliminating the need to go through a lengthy stormwater management and/or erosion and sediment control program plan review process.</p> <p>In addition, the underlying statutory change and resulting amendment to the regulation resolves an inconsistency between state and federal law regarding</p>

		when a registration statement (Notice of Intent) is required to be submitted to avoid a specific objection from EPA to the 2024 Stormwater Construction General Permit. The regulated community, including small businesses, benefits from the Stormwater Construction General Permit because it is a streamlined, faster, and less costly means to satisfy federal and state permit requirements than the alternative of individual permits.
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Alternatives	N/A	
(5) Information Sources	Chapters 48 and 49 of the 2023 Acts of Assembly.	

**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.

**This is a final exempt regulatory action. No changes are proposed other than incorporation of requirements in response to Chapters 48 and 49 of the 2023 Virginia Acts of Assembly.**

*Change in Regulatory Requirements*

VAC Section(s) Involved	Authority of Change	Initial Count	Additions	Subtractions	Net Change
9VAC25-840-10	<b>Statutory:</b>	6	0	0	0
	<b>Discretionary:</b>	0	0	0	0
9VAC25-870-10	<b>Statutory:</b>	10	0	0	0
	<b>Discretionary:</b>	0	0	0	0
9VAC25-870-59	<b>Statutory:</b>	2	0	0	0
	<b>Discretionary:</b>	0	0	0	0
9VAC25-880-50	<b>Statutory:</b>	0	0	0	0
	<b>Discretionary:</b>	0	0	0	0

**This is a final exempt regulatory action. No changes are proposed other than incorporation of requirements in response to Chapters 48 and 49 of the 2023 Virginia Acts of Assembly.**

*Cost Reductions or Increases (if applicable)*

VAC Section(s) Involved	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
9VAC25-840-10 and 9VAC25-870-10	Reduction in regulatory burdens on agriculture by allowing for the use of an agreement in lieu of a plan for the construction of certain farm buildings and structures when it is on a parcel of land with a total impervious cover	Currently these projects must submit site-specific stormwater management and/or erosion and sediment control plans. Actual cost is indeterminate and is based on the size and complexity of the site, but include design	If eligible for the new flexibility in the regulation, these projects can submit an agreement in lieu of a plan, which is a two page form and eliminates the need for design and engineering costs for site specific plans.	Indeterminate and varied based on the number of projects eligible for this flexibility as well as the size and complexity of each project.

	percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent. The definition of “farm buildings and structures” includes buildings and structures used for agritourism and any related impervious surfaces, including roads, driveways, and parking areas.	and engineering costs as well as the time needed to go through a lengthy stormwater management and/or erosion and sediment control program plan review process.		
9VAC25-870-59 and 9VAC25-880-50	To be consistent with federal law, entities constructing a single-family detached residential structure will have to submit a registration statement if the activity does not qualify as small construction.	\$0	The new cost of complying with this federal requirement is indeterminate but the registration statement is a three-page form that requires reporting information anyone constructing a single-family detached residential structure should have readily available.	Indeterminate based on the number of single-family detached residential structures that do not qualify as small construction.

**This is a final exempt regulatory action. No changes are proposed other than incorporation of requirements in response to Chapters 48 and 49 of the 2023 Virginia Acts of Assembly.**

*Other Decreases or Increases in Regulatory Stringency (if applicable)*

<b>VAC Section(s) Involved</b>	<b>Description of Regulatory Change</b>	<b>Overview of How It Reduces or Increases Regulatory Burden</b>