

## Public Notice – Environmental Regulation

**Notice of action:** The State Water Control Board (Board) is considering the amendment of regulations on erosion and sediment control, stormwater management and Chesapeake Bay preservation area management. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

**Regulation name:** Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830), Erosion and Sediment Control Regulations (9VAC25-840), Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870), and General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880)

**Purpose of notice:** The Board is seeking comments through the Department of Environmental Quality on 1) the proposal 2) the costs and benefits of the proposal 3) effects of the proposal on farm and forest land preservation and 4) impacts on small businesses.

**Public comment period:** April 18, 2014 to May 21, 2014

**Public comment stage:** Notice of Public Comment on Proposed Amendments to the regulations

**Description of proposed regulation:** The Board is considering adopting amendments to the named regulations on June 26-27, 2014. The amendments are necessary to implement Chapters 151, 303 and 598 of the 2014 Acts of Assembly except for the requirement for the development of procedures for a locality that operates a VSMP to transfer administration of the VSMP to the Department. Regulatory amendments to implement that requirement will be announced in the future.

The proposed amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations include (i) clarification that any Chesapeake Bay Area land disturbing activity as defined in § 62.1-44.15:242 shall comply with the requirements of 9VAC25-870-103 of the Virginia Stormwater Management Regulation and (ii) a requirement that any locality in a Chesapeake Bay Preservation Area that allows the owner of an on-site sewage treatment system nor requiring a VPDES permit to submit documentation in lieu of proof of septic tank pump-out shall require such owner to have such documentation certified by an operator or on-site soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 as being qualified to operate, maintain, or design on-site sewage systems.

The proposed amendments to the Erosion and Sediment Control Regulations provide that a Virginia Erosion and Sediment Control Program authority report each land-disturbing activity approved by the authority to the Department at least monthly.

The proposed amendments to the Virginia Stormwater Management Program (VSMP) Regulation include provisions for (i) MS4 localities to implement a local program July 1, 2014; (ii) non-MS4 localities to opt in to establishing a VSMP authority; (iii) new MS4 counties to defer establishing a local VSMP until January 1, 2015; (iv) allowing an agreement in lieu of a stormwater plan for construction of a single family detached residence; (v) requiring the Department to establish procedures for not requiring registration under the construction general permit for single family detached residential structure and procedures for reciprocity with other states that have certified proprietary best management practices; and (vi) clarifies appeal process for local decisions.

The proposed amendments to the General VPDES Permit for Discharges of Stormwater from Construction Activities provide for an agreement in lieu of a stormwater management plan for construction of a single-family residence and automatic permit coverage to a single-family detached residential structure, within or outside of a common plan of development or sale

The changes proposed are those necessary to implement all of the provisions of Chapters 151, 303 and 598 of the 2014 Acts of Assembly

**How to comment:** The DEQ accepts written comments by hand-delivery, e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ no later than on the last day of the comment period. All comments, exhibits and documents received are part of the public record.

**How a decision is made:** After comments have been considered, the Board will make the final decision. Citizens that submit statements during the comment period may address the board members during the board meeting at which a final decision is made on the proposal.

**To review regulation documents:** The proposal is available on the department website at [www.deq.virginia.gov/Programs/Water/Laws,Regulations,Guidance.aspx](http://www.deq.virginia.gov/Programs/Water/Laws,Regulations,Guidance.aspx) on the water laws, regulations and guidance page and by contacting the DEQ representative named below.

**Contact for public comments, document requests and additional information:**

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