



Contact DEQ at 804-698-4470 or Kevin.Vaughan@DEQ.Virginia.gov if you have technical difficulties.



Chesapeake Bay Act Overview

State Water Control Board Meeting

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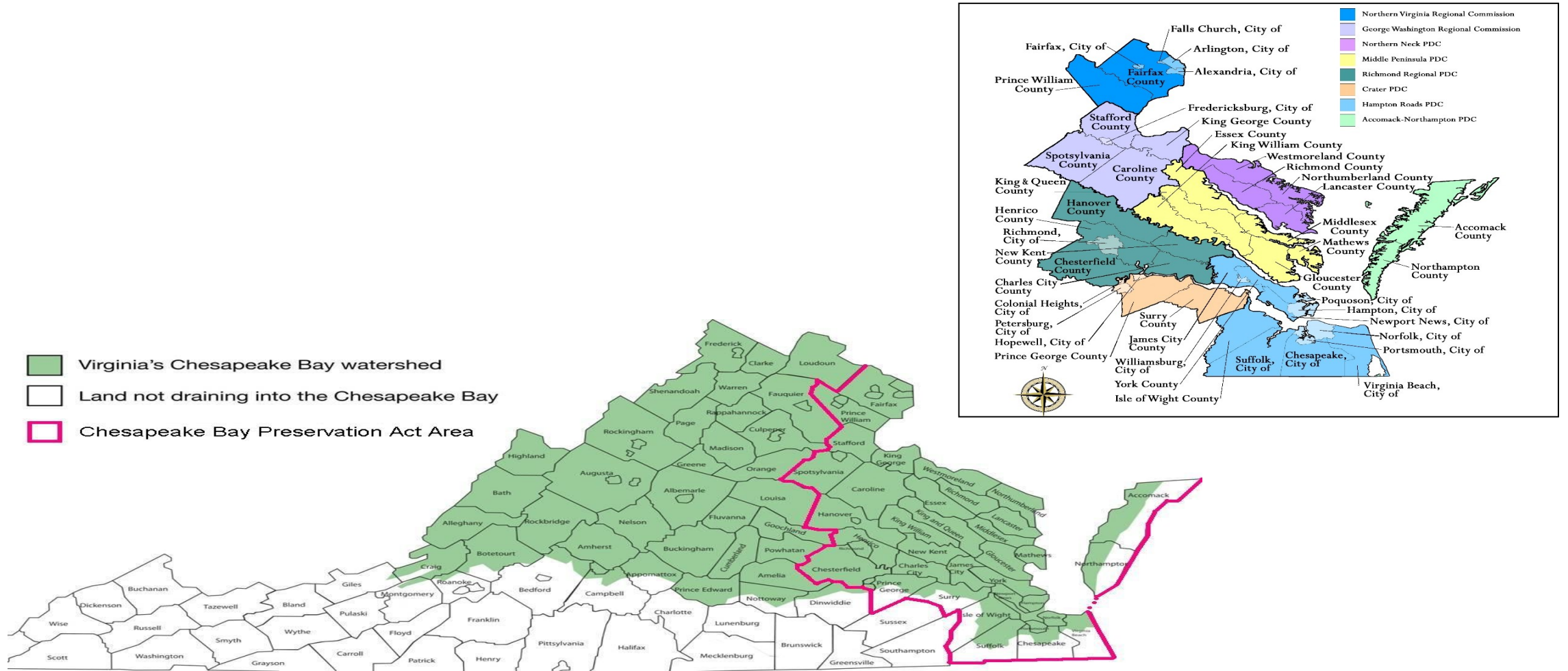
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Chesapeake Bay Preservation Act Framework

- **Statutory Authority:**
 - 1988 - Chesapeake Bay Preservation Act adopted
VA Code Title 62.1: *Waters of the State, Ports and Harbors*
Chap. 3.1: *State Water Control Law*
Article 2.5: §§ 62.1-44.15:67 - 15:79
- **Regulatory Authority:**
 - 1989 Chesapeake Bay Preservation Area Designation and Mgmt. Regulations:
9VAC25-830 (amended 1991, 2001, 2014)
- **Focus:**
- Prevent and reduce NPS pollution with a comprehensive approach to protecting water quality
 - Revise land development ordinances
 - Protect sensitive lands
 - Development & redevelopment performance standards
 - Water quality policies in comprehensive plans
- Establish land planning and use provisions for localities
- Provide for guidance and technical assistance to localities in implementation
- Provide review of locality program implementation

“Balanced economic development and water quality protection are not mutually exclusive.”

Chesapeake Bay Watershed and Localities

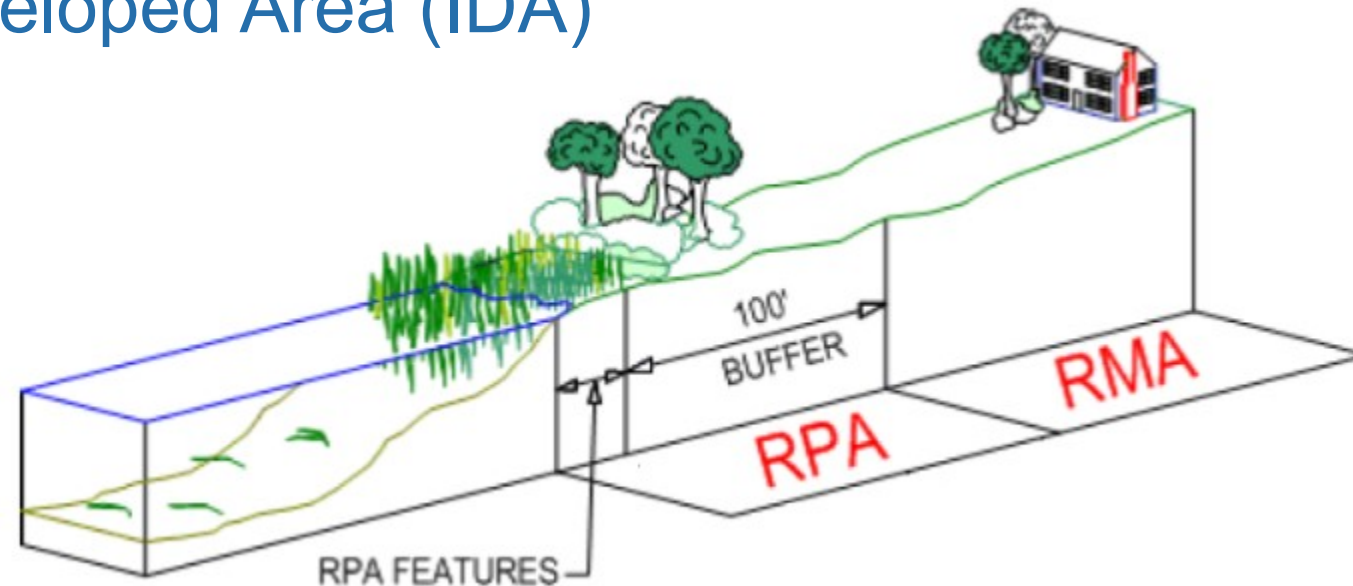


Required Elements of a Local Program

1. Chesapeake Bay Preservation Area map
2. Local ordinance provisions containing 10 performance criteria for use, development and redevelopment of land
3. Comprehensive Plan elements incorporating water quality protection
4. Zoning ordinance containing water quality protection
5. Subdivision ordinance containing water quality protection
6. Comprehensive Plan of Development Review process

Chesapeake Bay Preservation Area Types

- ✓ Resource Protection Area (RPA)
- ✓ Resource Management Area (RMA)
- ✓ Intensely Developed Area (IDA)



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Development Performance Criteria

1. Minimize land disturbance
2. Preserve indigenous vegetation
3. Requires Plan of Development review process
4. Minimize impervious cover
5. E&S for development >2,500 sq. ft.
6. Bay Act land-disturbing activity shall comply with stormwater regulations (>2,500 sq. ft. < 1 acre)
7. Septic pump-out & reserve drain field
8. Agricultural conservation assessments
9. Silviculture exemption
10. Wetlands permits

DEQ Role

- Program Oversight - Compliance Reviews
- Technical Assistance to local staff and general public
- Training for local govt. staff, elected and appointed officials
- Grants
- Environmental Reviews
- Plan Reviews
- Program Development
- Policy and Guidance Development

Compliance Review Components

- ✓ Local CBPA designation or ordinance changes
- ✓ Local comprehensive plan changes
- ✓ Local implementation of performance criteria, including Phase III provisions that were found during Advisory Review
- ✓ Review of sample plans and files to ensure:
 - RPAs are protected and development within them is approved consistent with Regulations
 - Performance criteria, including required plat notations, are implemented
 - Approved plans are carried out during construction

Bay Act Program Compliance Reviews

- Required on 5 year cycle
- Conduct several meetings with local staff to collect information, review plans and files, perform site visits
- Prepare summary report outlining findings, any noted conditions and recommendations for compliance
- Follow-up with local government to ensure that compliance conditions are addressed
- Currently wrapping up Round 2 of localities compliance reviews with 81 of 84 localities completed or initiated

Enforcement

- Virginia Code § 62.1-44.15:71
 - Provides for partial or full compliance reviews
 - Establishes that results of program reviews be provided to localities that identifies:
 - Deficiencies
 - Actions needed
 - Compliance Schedule
 - Results in a “Corrective Action Agreement”
 - During Round 2, localities are provided an initial draft Corrective Action Agreement to address conditions
 - If a locality fails to act, then a Notice of Violation and Corrective Action Agreement is sent
 - Statute provides that if a locality fails to comply with Corrective Action Agreement, the Board may issue an Order.
 - Order may include a civil penalty not to exceed \$5,000 per day with the maximum amount not to exceed \$20,000 per violation for noncompliance

Compliance/Enforcement Status

- Round 2 Program Reviews:
 - All Round 2 Reviews Completed, Initiated, or Scheduled
 - 74 Round 2 Compliance Reviews Completed
 - 36 Localities Had Conditions Resulting From Review
 - 4 Notice Of Violations Issued (2 Outstanding)
- Quantico
 - 9 Conditions
 - Ordinance Requirements
 - Comprehensive Plan Elements
 - Reporting
- Charles City County
 - 1 Condition
 - Comprehensive Plan Elements