



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation</b>	9VAC25-870
<b>Regulation title</b>	Virginia Stormwater Management Program Regulations
<b>Action title</b>	Amendment of the Virginia Stormwater Management Program Regulations for clarity and consistency with the proposed (2014) General Virginia Pollutant Discharge Elimination System Permit for Discharges of Stormwater from Construction Activities, 9VAC25-880
<b>Final agency action date</b>	December 17, 2013
<b>Document preparation date</b>	December 26, 2013

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), the agency 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 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

At the August 26-27, 2013 meeting the State Water Control Board (Board) adopted regulations to implement Chapters 756 and 793 of the 2013 Acts of Assembly. The primary purpose of the Board's action was to renumber the regulations, change statutory and regulatory citations and change references to the Virginia Soil and Water Conservation Board/Department of Conservation and Recreation to State Water Control Board/Department of Environmental Quality. Also, at that meeting the Board authorized the regulatory action to reissue and amend, as necessary, the General VPDES Permit for Stormwater Discharges from Construction Activities. Amendments to the Construction General Permit were previously proposed by the Virginia Soil and Water Conservation Board.

Additional amendments to the VSMP Regulations were proposed as a result of further review of the regulations and review of the proposed (2014) Construction General Permit and the public comments received by the Virginia Soil and Water Conservation Board. A public comment period on the proposed

amendments ran from October 18, 2013 through November 20, 2013, and written comments were received from 470 individuals. Changes were made to the proposed amendments to address the public comments.

In this regulatory action the VSMP Regulations have been amended to include (i) clarification of existing requirements regarding time limits on applicability of approved design criteria and grandfathering; (ii) addition of provisions for a stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria to the entire residential, commercial, or industrial development; (iii) addition of provisions that would allow the Department to enter into agreements with a VSMP authority to collect the total fee to be paid by an applicant and transmit the Department portion of the fee to the Department; (iv) clarification of the fee language, including clarification that the total fee to be paid by an applicant applies to an operator seeking new or continued coverage under the 2014 Construction General Permit; and (vii) clarification that the fees for modification or transfer of Construction General Permit coverage does not apply until assessed by VSMP authority.

**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 regulations at its December 17, 2013 meeting.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Carolyn Howard – Draper Aden & Associates	9VAC25-870-48: The proposed revisions remove the following types of plans that are currently allowed to be used to meet the grandfathering clause in the current regulations: "A currently valid proffered or conditional zoning plan", "zoning with a plan of development", and "any document determined by the locality as being equivalent thereto". Retroactively removing these types of plans that were approved as outlined in the current regulations is inappropriate and will cause hardship on developments that complied with the current regulations. Retroactively changing the regulations in question may have legal implications.	Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.
Carolyn Howard – Draper Aden & Associates	9VAC25-870-55 – Stormwater management plans (Part A 1) & 9VAC25-870-95 – General. Part H:	Thank you for your comment. The proposed amendment to subsection A.1 of Section 55 has been updated for clarity purposes. The

	The addition of "where applicable" creates confusion about the technical criteria enforceability. What does "where applicable" mean?	Board, however, has chosen not to move forward with the proposed amendment to subsection H of Section 95.
Carolyn Howard – Draper Aden & Associates	Request that DEQ provided additional guidance regarding the common plan of development clause.	Thank you for your comment. The department is currently in the process of developing a Frequently Asked Questions (FAQ) document which will discuss “common plan of development or sale” in addition to a number of other topics to assist VSMP authorities with program implementation.
Carolyn Howard – Draper Aden & Associates	9VAC25-870-760 Part A & Part C: If applicants can no longer access the e-permitting system, will there be a separate online payment system developed by DEQ for use by Applicants? With the intent to keep things simple, each locality has the option to do things differently – potentially causing confusion among the development community as well as the localities.	Thank you for your comment. It is the department’s intention to develop and implement an online construction general permitting system capable of collecting state permit fees if not already done so by the local VSMP authority.
Carolyn Howard – Draper Aden & Associates	DEQ must provide guidance as to how applicants are to obtain coverage under the General Permit for Discharges of Stormwater from Construction Activities, and how and how frequently localities are to remit payment to DEQ. This guidance should be provided as soon as possible for the localities to meet their program deadlines and inform their constituents.	Thank you for your comment. It is the department’s intention to develop and implement an online construction general permitting system for use by local VSMP authorities; to obtain general permit coverage an operator will be required to submit a paper registration statement to the local VSMP authority for processing.  In addition, it is the department’s intention to provide additional direction and certainty regarding the remittance of permit fees outside of this regulatory action.
William W. Neville – Town of Chincoteague, Inc.	9VAC25-870-55 (A) (1) – The proposal to apply technical criteria to a common plan of development rather than just the disturbed area does not favor the small incremental investments and improvements to individual properties that are found in our Town and limits options for compliance with regulatory standards. <b>Suggestion: Allow communities to apply technical criteria to a defined area of land disturbing activity, <u>or</u> a common plan of development <u>or</u> sale where applicable.</b>	Thank you for your comment. The proposed amendment to subsection A.1 of Section 55 has been updated for clarity purposes.
William W.	9VAC25-870-95 (H) - The proposal	Thank you for your comment. The Board,

<p>Neville – Town of Chincoteague, Inc.</p>	<p>to apply technical criteria to a common plan of development rather than just the disturbed area does not favor the small incremental investments and improvements to individual properties that are found in our Town and limits options for compliance with regulatory standards. <b>Suggestion: Individual lots, parcels, or defined areas in a residential, commercial, or industrial common plan of development or sale may be considered as separate land disturbing activities <u>or</u> as a whole single land disturbing activity under a common plan of development.</b></p>	<p>however, has chosen not to move forward with the proposed amendment to subsection H of Section 95.</p>
<p>William W. Neville – Town of Chincoteague, Inc.</p>	<p>9VAC25-870-98 (B) – The proposal found in this section requires that technical criteria must be met at each point of discharge rather than from the development site generally. This limits options for compliance with regulatory standards and discourages landscape scale natural system solutions promoted by the new Handbook. <b>Suggestion: Delete the proposed revision.</b></p>	<p>Thank you for your comment. The Board has chosen not to move forward with the proposed amendment to subsection B of Section 95.</p>
<p>William W. Neville – Town of Chincoteague, Inc.</p>	<p>9VAC25-870-98 – The proposal which applies riverine flood protection and 10-year storm detention requirements to the Town of Chincoteague cannot apply to an existing coastal community located completely within a special flood hazard district. <b>Suggestion: Add – "E. Existing coastal areas located within a FEMA Special Flood Hazard District shall not be required to control post-developed stormwater runoff for flooding or provide protection of other properties from localized flooding except in accordance with locally adopted plans.</b></p>	<p>Thank you for your comment. The proposed amendment is outside of the scope of this regulatory action. The Board will, however, take into consideration your comment when proposing future regulatory actions.</p>
<p>William W. Neville – Town of Chincoteague, Inc.</p>	<p>9VAC25-870 – Documents Incorporated by Reference – This section does not include a specific date for the Technical Criteria. Last minute or after the fact revisions to a 2013 edition of technical criteria should not be added without notice. <b>Suggestion: Virginia Runoff</b></p>	<p>Thank you for your comment. The Board, however, has chosen not to move forward with the proposed amendment to this section of the regulation.</p>

	<b>Reduction Method: Instructions &amp; Documentation, <u>(add date)</u>, 2013.</b>	
William W. Neville – Town of Chincoteague, Inc.	The costs and benefits of the proposal are not in balance for rural, slow growth, low income localities. In an area with a significant percentage of land in federal ownership and agricultural land use, the high cost of meeting standardized phosphorus removal criteria in sub-watersheds that currently meet State water quality standards is a burden for the remaining property owners who generally are not the main source of the nutrient supply. <b>Suggestion: Provide a mechanism for calculating offsite credits from other nutrient reduction programs within the locality so that there is a "no reduction necessary" solution for the individual property owner without mandated purchase of nutrient credits.</b>	Thank you for your comment. The proposed amendment is outside of the scope of this regulatory action. The Board will, however, take into consideration your comment when proposing future regulatory actions.
William W. Neville – Town of Chincoteague, Inc.	The costs and benefits of the proposal are strongly influenced by the options available through the Technical Criteria. Natural ecosystem benefits through conservation management are low cost/high benefit solutions that are not adequately represented in the Technical Criteria. <b>Suggestion: Amend the Regulations and Technical Criteria to provide modified standards for Seaside coastal bays watersheds and barrier islands with ridge and glade natural drainage systems, high ground water tables, tidal influence and within a Special Flood Hazard District (100 year floodplain).</b>	Thank you for your comment. The proposed amendment is outside of the scope of this regulatory action. The Board will, however, take into consideration your comment when proposing future regulatory actions.
William W. Neville – Town of Chincoteague, Inc.	The effects of the proposal on farm and forest land preservation are unclear in terms of other overlapping nutrient reduction programs. In general, the regulations and technical criteria should only apply to sub-watersheds that are non-compliant with State water quality standards and have adopted TMDL standards.	Thank you for your comment. The proposed amendment is outside of the scope of this regulatory action. The Board will, however, take into consideration your comment when proposing future regulatory actions.

<p>William W. Neville – Town of Chincoteague, Inc.</p>	<p>Impacts on small businesses are the primary concern for the Town of Chincoteague. The addition of permitting costs, engineering costs, site development costs and loss of limited land area suitable for development will discourage business investment and job creation in our existing commercial districts. The specific redline changes proposed to the Regulations and Technical Criteria will make it worse by only permitting for common plans of development and forcing small businesses to "buy their way out" through a nutrient credit program managed outside of the locality. <b>Suggestion: Change the Regulations and Technical Criteria to exempt 1 acre of land disturbance on non-developed and developed sites so that small investments and improvements to commercial property that sustain our local economy do not trigger compliance solutions for the entire property.</b></p>	<p>Thank you for your comment. The proposed amendment is outside of the scope of this regulatory action. The Board will, however, take into consideration your comment when proposing future regulatory actions.</p>
<p>William W. Neville – Town of Chincoteague, Inc.</p>	<p>Generally the proposed Regulations and Technical Criteria Incorporated by Reference modify an existing General Permit process for stormwater management that has allowed for localized solutions. The proposed changes add a layer of compliance requirements that have been created for upland, rapidly developing, impaired waters in the Chesapeake Bay watershed. They should not apply in the Town of Chincoteague. <b>Suggestion: Exempt watershed areas that meet State water quality standards outside of the Chesapeake Bay watershed.</b></p>	<p>Thank you for your comment. The proposed amendment is outside of the scope of this regulatory action. The Board will, however, take into consideration your comment when proposing future regulatory actions.</p>
<p>Channing j. Martin – Williams Mullen – Liberty University</p>	<p>Liberty University has more than \$500 million of construction projects planned on its campus over the next 5 years. The majority of these projects were planned based on the understanding that they would be grandfathered from having to comply with the technical criteria of Part II B of the Regulations provided they met the requirements</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>

	<p>of 9VAC25-870-48 A (the "Grandfather Provision"). The Public Notice issued for the proposed amendments indicates the amendments include a "clarification: of the Grandfather Provision. That's not accurate. Instead, what is proposed is a revision that revokes grandfather status for many who now have it. Instead of grandfather status being available to those who obtained approval of any of the approved documents noted in 9VAC25-870-48 A, it will be available only to those who obtained approval of subdivision plats or site plans. By changing the rules on parties who incurred costs and did what was required to obtain grandfathered rights, the Board and DEQ would undermine those parties' reasonable expectation of fairness and consistency and threaten the trust necessary for regulated parties and the government to work together on future rule-making. Liberty and many other entities have made significant financial and other commitments based on the Grandfather Provision. To pull the rug out from under them after that have lost the ability to obtain any other approvals "prior to July 1, 2012" will likely result in significant financial loss, delay their development schedules, and impair their contracts with others. It isn't just regulated entities who will be negatively impacted by the amendment; local governments will be affected, too. Liberty and many others worked with their localities to obtain equivalency determinations and approvals of plans. The proposed amendment would negate all of those efforts retroactively.</p> <p><b>Conclusion: Liberty believes the Grandfather Provision should be left unchanged. The universe of land disturbing activity that ever could come within its safe harbor was fixed as of July 1, 2012, and it is patently unfair to re-write the rules almost two and a half years</b></p>	
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	<p><b>after that date. Activities that were grandfathered then should be grandfathered now. Anything less will have significant adverse consequences to many stakeholders and undermine trust in the regulatory process.</b></p>	
<p>Charles E. VanAllman, Jr. – City of Salem</p>	<p>9VAC25-870-48 – DEQ needs to restore the Grandfathering Provisions in the VSMP Regulation to allow currently valid proffered or conditioned rezoning plans and rezoning with a plan of development that were approved prior to July 1, 2012.</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>
<p>Richard A. Costello – AES Consulting Engineers</p>	<p>Either DEQ needs to NOT change the Grandfathering Provision or provide 12-15 months of time from when you change them to allow developers and others to respond to the proposed changes. <b>Conclusion: DEQ needs to <u>not</u> change the Grandfathering Provisions of the VSMP Regulations.</b></p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>
<p>Charlie Armstrong – Southern Development</p>	<p>Restore the Grandfathering Provisions in the VSMP Regulation (9VAC25-870-48) to allow currently valid proffered or conditioned rezoning plans and zonings with a plan of development that were approved prior to July 1, 2012. Removing the grandfathering provisions would be detrimental to the Virginia economy. Please restore it to the regulation.</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>
<p>Ben Trost – Trost Custom Homes, Inc.; David L. Owen – Boone Homes, Inc.; Jerry Scripture – Scripture Communities</p>	<p>Please consider restoring the Grandfathering Provisions in the VSMP Regulation (9VAC25-870-48) to allow currently valid proffered or conditioned rezoning plans and rezoning with a plan of development that were approved prior to July 1, 2012. Failing to "Grandfather" approve proffered or conditioned rezoning or zonings with an approved plan of development could result with the same having to be reconsidered by the local planning commission and localities governing bodies. As a consequence, needed modifications because of the impact of the 2012 adopted VSMP Regulation could</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>



	<p>take many months or years because of the lengthy process for localities to reconsider rezoning or modifications to rezoning. It would also cost many thousands of dollars for modifications of an approved conditional rezoning to be considered by localities.</p>	
<p>Len Boone – Boone Homes</p>	<p>Request that DEQ restore the Grandfathering provisions to allow currently valid proffered or conditioned rezoning plans and zoning with plans of development that were approved prior to July 1, 2012. The loss of this provision would set our industry back years. Please do the right thing and restore these provisions.</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>
<p>Dennis W. Thomas – Burgess &amp; Niple</p>	<p>It appears that the proposed changes would eliminate grandfathering status for stormwater permits obtained by projects that received prior to July 1, 2012 local approval of a proffered or conditional zoning plan, zonings with a plan of development or documents constituting equivalent approvals (such as conditional use permits or special exceptions). Developers have been under the impression for the past couple of years that projects fitting this status would be grandfathered and many have continued to invest time and money assuming they were grandfathered. A change at this point will create undue hardship on many developments and could slow or even kill them completely. We urge you to reconsider this change to the regulations.</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>
<p>Jonathan Kinney – Ben Kinney &amp; Korman</p>	<p>The proposal to make the new Stormwater Control Regulations retroactive to projects approved but not yet built will have a severe, negative impact on development throughout the state of Virginia. Not permitting projects already approved prior to July 1, 2012 but not yet constructed to retain grandfather status will cause additional costs and delays to those projects and/or prevent their development at all. This is not the time to stop or delay job creating</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>

	projects.	
Ralph Johnson - Arlington	Restore the grandfather status of approved but not built site plans. It is not fair that projects calculated on the current regulations be held to this new standard. Site Plan approvals must depend on the state of things at approval time. Please grandfather in previously approved projects.	Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.
Paul B. Johnson – Charles P. Johnson & Associates, Inc.	My clients and our company have made considerable investment in time and money based upon the grandfathering previously proposed. To change the grandfathering now is unfair and will result in substantial financial loss.	Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.
Steven Hulse & Steven Pandish - Gordon	9VAC25-870-48 – The current amendments to the enacted Stormwater Management Program under consideration by the SWCB eliminate grandfathering for a "valid proffered or conditional zoning plan". This proposed amendment would mean the new stormwater management program requirements would be applicable to all land disturbing activities associated with "valid proffered or conditional zonings" which can significantly undermine the financial and land use considerations that formed the basis for the proposed development. The process of securing "proffered or conditional zoning plan" approvals requires significant investment along with a commitment to the community. The impacts of this proposed amendment may dramatically reduce the viability of some projects and clearly create instability for a community's growth and economic development. Elimination of the grandfathering status of these plans will not only add considerable cost and delays to a project, but may even make the project infeasible. This proposed amendment will establish significant uncertainties for clientele with "valid proffered or conditional zoning plans" after they have previously pursued the	Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.

	<p>appropriate due diligence concerning environmental and stormwater planning. This planning, which may have considered the current adopted grandfathering provisions, formed the basis for their investment. This uncertain and after the fact change in the regulatory environment after nearly two years of assurances is entirely inconsistent with the State's commitment to the establishment of a supportive business environment for industry and communities and will have a negative impact on the Virginia economy. Please consider these comments concerning the impacts on industry and community and eliminate the proposed amendment.</p>	
<p>Edwin W. Lynch – Property Management – Occoquan Land LC and Parkway East LLC</p>	<p>The proposed stormwater regulations will cause hardship to existing projects. <b>Recommendation: In cases where a property has stormwater detention capacity in an existing dry retention or wet detention pond that meets existing standards for stormwater management, then that property would be deemed vested as to compliance with Virginia requirements for stormwater management. Appropriate tests are: (1) The facility was constructed and operational as of June 30, 2014, or (2) It is a regional stormwater facility controlled by a public entity, or (3) The facility has been designed to serve more than one property that remains undeveloped, or (4) The property owner conveyed easements or land for the construction of a regional facility prior to June 30, 2014.</b></p>	<p>Thank you for your comment. Subsections B and C of Section 47 have been updated for added clarity.</p> <p>The proposed amendments are outside of the scope of this regulatory action. The Board will, however, take into consideration your comments when proposing future regulatory actions.</p>
<p>Charles Records – Zandler Development</p>	<p>The proposal is overreaching and will significantly impact small business owners, land development, taxable growth and the home building industry without significantly addressing any other issues contributing to the degradation of the Chesapeake Bay. These regulations will have a</p>	<p>The Board acknowledges your concerns.</p>

	significant detrimental effect on the growth and creation of small business.	
Charles Records – Zandler Development	A cost/benefit analysis to property owners will prove to render most small businesses unable to afford to comply.	The Board acknowledges your concerns.
Charles Records – Zandler Development	These regulations will affect overall business growth significantly, as less of it will occur.	The Board acknowledges your concerns.
Charles Records – Zandler Development	This new regulation has flawed engineering in the Runoff Reduction Method, which will in essence take away property owner rights, and will have a negative economic impact on property owners and localities to a level that has not been properly addressed.	The Board acknowledges your comment.
Charles Records – Zandler Development	It is necessary for the General Assembly and DEQ to head back to the drawing table to determine a better way to balance economic growth and environmental protection. These regulations will create more state and local bureaucracy and it is simply unneeded. For the State to get such a significant cut of the fees is ridiculous since it has put the entire burden on the locality for implementation and enforcement.	The Board acknowledges your concerns.
Charles Records – Zandler Development	More lenient grandfathering needs to be put in place to protect landowners who have been navigating the approval processes for projects that depending on size could have been started 2-3 years ago and will not meet the thresholds for protection from these new regulations.	Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.
Brent Wills - Wills Soil & Stream	The Water Quality Calculation Procedures in Chapter 5 of the Virginia Stormwater Management Handbook require "compliance by either a performance-based...or technology-based water quality criteria". What compliance level are we trying to accomplish? At least allow for an exemption to the water quality requirements if it can be demonstrated by reputable laboratory analysis that the existing phosphorus levels in the soil are so low that there is virtually no possibility of phosphorus leaving	The Board acknowledges your concerns. However, the proposed amendments are outside the scope of this regulatory action.

	<p>the site once stabilized. Is it not ridiculous to require the owner of a property to design and install expensive BMPs to remove an arbitrary 0.41 pounds of phosphorus per acre per year when that same owner was required by the Erosion and Sediment Control Law and Regulations to apply 200 pounds of phosphorus per acre in the form of fertilizer when the project was permanently seeded?</p>	
<p>Brent Wills - Wills Soil &amp; Stream</p>	<p>Regulations adopted on November 21, 2012 raised the permit fee for obtaining a Virginia General Permit for Discharges of Stormwater from Construction Activities by 50% for all projects not located in the Chesapeake Bay. These new regulations, set for approval just one year later, raise that fee again by a minimum of 600%, from \$450 to \$2,700 for a Phase II Land Clearing activity disturbing between one and five acres and ascends from there for larger sites. This is an obscene increase in fees specifically targeted at generating revenue while having no tangible pollutant removal benefit—more staff, more offices and more bureaucracy does not improve water quality.</p>	<p>The Board acknowledges your concerns.</p>
<p>Brent Wills - Wills Soil &amp; Stream</p>	<p>Please restore the grandfathering provisions set forth in the original regulations allowing land disturbances of less than 1 acre within a currently approved plan of development to move forward without the additional financial and bureaucratic burden of obtaining a VSMP permit. This revision only increases the cost of development and guarantees no measurable benefit in pollutant removal.</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>
<p>Edwin W. Lynch – Property Management – Occoquan Land LC and Parkway East LLC</p>	<p>These regulations related to nutrient reduction standards place an undue burden on the Flex/Tech Sector, the industrial sector and the Retail sector of the Real Estate Industry. Our customers require large building floor-plates with large roofs and large parking lots on the flattest land we can find. The overwhelming burden of these new regulations fall</p>	<p>The Board acknowledges your concerns.</p>

	<p>on the Northern Virginia suburbs because out land is very expensive, generally has soils poorly suited to water infiltrations and lots of steep slopes. We feel very strongly that if these regulations take effect, our business strategy for the Flex/Tech/Office sector will no longer be viable in the Northern Virginia region.</p>	
<p>Lacey England – Columbia Gas of Virginia</p>	<p>Meeting the requirements of 9VAC25-870-63 and 9VAC25-870-66 is not feasible for linear, underground, public-utility projects. These regulations and technical amendments have been developed for non-linear construction sites. The application of these proposed regulations to cover linear utility projects results in an ill-fitting process that is overly restrictive on public utilities. The addition of requiring above-ground BMPs on these projects would significantly hamper the public utilities' ability to obtain land rights in absence of significant legal proceedings. The capture and treatment of stormwater on these very narrow and very long projects using the BMPs outlined in these regulations is not feasible from Columbia's perspective as a utility operator. Linear projects would result in numerous BMPs spread out over a very large geographic area in which simply gaining access for maintenance could require securing environmental permits. Implementing stormwater and nutrient runoff reductions greater than previously existing on the site places a burden on utility companies in a manner that is not warranted by the type of construction work that is being completed.</p>	<p>The Board acknowledges your concerns. However, the proposed exemption for linear utility projects is outside the scope of this regulatory action.</p>
<p>Joseph M. DuRant – City of Newport News</p>	<p>The City objects to the proposed amendments of the grandfathering provisions. The concept of grandfathering arises out of constitutional property rights. As of July 1, 2012, a property that had been re-zoned prior to that date was grandfathered under the</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>

	<p>current regulations. This re-zoning created vested property rights under the law as it appeared at that time. The state cannot come back well after the drop-dead date and remove the zoning provision as this is a deprivation of vested property right without due process of law, contrary to the Fifth Amendment of the United States Constitution and Article 1, Section II of the Virginia Constitution. This change would almost certainly result in unnecessary litigation involving both the City and the state.</p>	
<p>Randy Bartlett - VAMSA</p>	<p>VAMSA recommends that DEQ restore the original scope of the grandfathering provision, in particular the proffered rezoning plan basis for grandfathering, which was proposed by DEQ for deletion in the pending amendments (9VAC25-870-48).</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>
<p>Bob Kerr – Kerr Environmental Services Corp.</p>	<p>The proposed changes would eliminate grandfathering status for stormwater permits (9VAC25-870-48) obtained by projects that received prior to July 1, 2012: 1) local approval of a proffered or conditional zoning plan, 2) zonings with a plan of development; or 3) documents constituting equivalent approvals (such as conditional use permits or special exceptions). Developers of these types of projects have operated <u>now for more than two years</u> with the understanding they would be grandfathered from the new stormwater requirements that take effect on July 1, 2014 if they met the other grandfathering requirements. Now at the eleventh hour DEQ staff has proposed eliminating these projects from the grandfathering provisions. There is no mechanism now for those projects to either be grandfathered or secure VSMP permits as there is not enough time to move through the site plan or subdivision plan process in many localities due to the review and approval timelines of those localities. The</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>

	<p>Commonwealth is burdening these projects with un-budgeted costs, in a crisis environment, in a soft-economy, with virtually no notice. The Grandfathering Sub-Committee was in consensus on each type of project to be grandfathered as it related to the July 1, 2014 date. To undue that process, which then went through the full RAP is, disingenuous and unfair and creates an enormous economic and logistical burden.</p>	
Eric Martin – City of Chesapeake	We support the proposed language to clarify the intent of this section.	The Board thanks you for your support.
Eric Martin – City of Chesapeake	9VAC25-870-48 – We are recommending that you retain the current language in the grandfathering section – the proposed language is overly restrictive and limits the ability of local programs to make grandfathering determinations which are in the best interest of the locality.	Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.
Eric Martin – City of Chesapeake	We support the proposed language to clarify the intent of this section.	Thank you for your comment. The department, however, has chosen not to move forward with the proposed amendment to subsection C of Section 54. The proposed exception has been incorporated into the proposed general permit, 9VAC25-880.
Eric Martin – City of Chesapeake	We support the proposed language to clarify the intent of this section.	Thank you for your comment. The Board, however, has chosen not to move forward with the proposed amendment to subsection H of Section 95.
Eric Martin – City of Chesapeake	We do not object to the proposed language provided that collection of state fees remains an option for VSMP Authority Programs and is not a requirement.	The Board acknowledges your comment.
Eric Martin – City of Chesapeake	We are supportive of the proposed language which makes clear the timing of the implementation of revised state fees. We do note, however, that the fee table is inconsistent with the changes proposed in the Construction General Permit Regulation (9VAC25-880) which provides for automatic permit coverage for residential lots within common plans of development and eliminates the	<p>Thank you for your support. The Board, however, has chosen not to update the VSMP regulation (9VAC25-870-820) at this time and recognizes that the proposed general permit regulation exempts operators from paying the department portion of the permit fee for single-family residences separately built disturbing less than 1 acre and part of a larger common plan of development or sale.</p> <p>The Board will, however, take into consideration your comments when proposing</p>



	state permit fee for those lots. We submit that this section needs to be updated to reflect the proposed fee changes within 9VAC25-880.	future regulatory actions.
Eric Martin – City of Chesapeake	We support the language which provides clarification regarding the collection of fees.	The Board thanks you for your support.
Michael S. Rolband – Wetland Studies and Solutions, Inc.	9VAC25-870-48 A – Proffered rezoning plans are no longer grandfathered. The public at large has been assured for two years that such projects would be grandfathered. This regulatory section should be reinstated as approved by the RAP, as it is simply bad government policy to make such major switch in direction at the last moment without sufficient time for the affected landowners to protect their interests from a major policy change.	Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.
Michael S. Rolband – Wetland Studies and Solutions, Inc.	The technical requirements for these Stormwater regulations is no longer explicitly defined. The Virginia Runoff Reduction Method (VRRM) is the technical “heart” that decides how your site meets the quality requirements of the Stormwater regulations. Previously a version dated March 28, 2011, was referenced. Now the date is “2013” and the current online document has two different dates in 2013 on its cover sheet. The SWCB should not approve a regulation that cites a document without a specific date/version – and such a document must exist on the public domain prior to its adoption.	Thank you for your comment. The Board, however, has chosen not to move forward with the proposed amendment to this section of the regulation.
Roy T. Mills - VDOT	Under subsection C of this section, clarifying language should be added to exclude grandfathered projects from following the Part li B technical criteria. Furthermore this subsection, as well as subsection B, should include language stating that is a project is required to follow new technical criteria it should be “... <i>any new <b>and applicable</b> technical criteria...</i> ”	The Board acknowledges your comment. However, Board believes that additional regulatory amendments are unwarranted at this time.
Roy T. Mills - VDOT	Grandfathering – Under subsection C of this section, clarifying language should be included stating that is a	The Board acknowledges your comment. However, Board believes that additional regulatory amendments are unwarranted at this

	grandfathered project is required to follow new technical criteria it should be "...any new <b><u>and applicable</u></b> technical criteria..."	time.
Roy T. Mills - VDOT	SWPPP – The new language proposed in subsection C (i.e., "...except for land disturbing activities previously covered under the General Permit for Discharges of Stormwater from Construction Activities issued July 1, 2009.") needs to also be added to subsection B.	Thank you for your comment. The Board, however, has chosen not to move forward with the proposed amendment to subsection C of section 54.  The Board will, however, take into consideration your comment when proposing future regulatory actions.
Roy T. Mills - VDOT	Language needs to be added to each subsection to address an exemption for plans developed under approved annual erosion and sediment control and Stormwater management standards and specifications.	Thank you for your comment. The Board, however, has chosen not to move forward with the proposed amendment to subsection C of section 54.  The Board will, however, take into consideration your comment when proposing future regulatory actions.
Roy T. Mills - VDOT	Flooding – Under subsection B, VDOT does not support language, "measured at each point of discharge from the land disturbance in accordance with subsection A of 9VAC25-870-95". Subsection A of 9VAC25-870-95 only requires an <b><u>analysis</u></b> at each point of discharge. VDOT understands the requirement to limit the post development 10 year discharge to no more than the pre-development 10 year discharge when evaluating the impacts of the entire site. However, with the proposed language, no increase in the 10 year discharge would be allowed at an individual discharge point even if the site, as a whole, met the pre/post development discharge condition and there was an existing or proposed adequate downstream conveyance system or the point of discharge met the 1% rule. The proposed language limits the flexibility to locate Stormwater management facilities at the most feasible locations within the land development area or to control multiple drainage areas within the land development area at one location.	Thank you for your comment. The Board, however, has chosen not to move forward with the proposed amendment to subsection B of Section 98.
Margaret L. (Peggy) Sanner	The Revised Draft's grandfathering provision provides helpful clarity on	Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for

<p>– Chesapeake Bay Foundation</p>	<p>what documents (e.g., subdivision plats, site plans, etc.) may provide the basis for a project to be grandfathered (i.e., subject to the technical criteria of Part II C, rather than Part II B), and in general is much more readable.</p>	<p>clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>
<p>Scott Rae – Gloucester County</p>	<p>This section proposes to delete the consideration of proffered or conditional zoning plans or any document determined by the locality as being equivalent that provides (i) a layout and (ii) demonstrates compliance with Tech Part II C. The investment of the development community to provide a proffered layout that includes Tech Criteria Part II C information is a relevant committal and investment by the development community and should be eligible for consideration at the County-level as an appropriate, or not, document. <b>Please consider retaining this language rather than limit to subdivision and site plan submittals.</b></p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>
<p>Scott Rae – Gloucester County</p>	<p>There is an obvious disconnect between the legislation and the RRM—specifically the Water Quality Volume stated in the legislation to be one half-inch and the RRM defining one-inch as the quality volume. <b>Please clarify the state’s position on the water quality volume being doubled in the guidance document and not addressed in the definitions of the 870 regulations.</b></p>	<p>The Board thanks you for pointing out this discrepancy. Your comment will be taken into consideration when proposed future regulatory actions.</p>
<p>Scott Rae – Gloucester County</p>	<p><b>The draft stormwater handbook has been distributed for review with the RRM under a 2011 date. Does the RRM date of 2013 suggest an alternative is under development?</b></p>	<p>Thank you for your comment. The Board, however, has chosen not to move forward with the proposed amendment to this section of the regulation.</p>
<p>Scott Rae – Gloucester County</p>	<p>The proposed regulatory changes do not go far enough to clarify the less-than-an-acre in Chesapeake Bay areas qualification of exemption from stormwater management as represented in <b>62.1-44.15:34 C 3 (exempt activities)</b>. A change in the regulation language would benefit the perpetuation of this poorly phrased component of the</p>	<p>The Board acknowledges your concerns. However, the Board believes that additional regulatory amendments are unwarranted at this time.</p>

<p>Scott Rae – Gloucester County</p>	<p>legislation and regulations.                  This section should be modified to clarify with the proposed language—Item 2 may be restructured to incorporate—<b>“A stormwater management plan consistent with the requirements of the Virginia Stormwater Management Act and regulations must be designed and implemented during land disturbing activities. The stormwater management plan shall be developed and submitted in accordance with 9VAC25-870-55. Prior to land disturbance, this plan must be approved by the VSMP authority, acknowledged to the locality by the applicant as completed and available on-site of disturbance.</b> This suggestion effectively places the responsibility on the property owner and avails the document to the locality in the event of an investigation into any violations. This article is an enormous burden of time and finance on the locality and the property owner. This would be consistent with the proposed language in the general permit regulation at 9VAC25-880-30 A 4 b.</p>	<p>Thank you for your comment. However, the proposed amendments are outside the scope of this regulatory action. The Board believes that additional regulatory amendments are unwarranted at this time.</p>
<p>James L. Perry – ELM Street Development</p>	<p>The grandfathering of proffered rezonings, proffered plans of development, conditional use permits, special exceptions, and equivalent approvals obtained prior to July 1, 2012 should be restored. Developers have relied on the grandfathering status of these projects for nearly 2 years. Changing this status now is grossly unfair to the stakeholders who have participated in this process and relied upon that grandfathering and will likely add considerable costs to their projects.</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>
<p>James L. Perry – ELM Street Development</p>	<p>The technical requirements for the regulations are no longer explicitly defined. A specific methodology for measuring how the standards are achieved must be sites and made available for review prior top adoption.</p>	

<p>Michael L. Toalson – Home Builders Association of Virginia</p>	<p>HBAV would urge DEQ and the SWCB to restore the Grandfather status (9VAC25-870-48 A) for “valid proffered or conditional zoning plans”, “zonings with a plan of development” and “and document determined by the VSMP Authority to be equivalent thereto”, as approved prior to July 1, 2012, without amendment. HBAV would not object to the previously adopted Grandfather Clause being reformatted to make it more understandable or easier to follow. Many landowners across Virginia have relied on the 2012 approved Grandfather Clause in the 2012 approved VSMP Regulation. As a consequence, landowners have made important business decisions, in the past nearly two (2) years, not to move their approved conditioned rezonings or zonings with a plan of development forward to preliminary plan approval, which would remain grandfathered under the proposal. Failing to Grandfather approved proffered or conditioned rezonings or zonings with an approved plan of development could result with the same having to be reconsidered by the local planning commission and the localities governing body. As a consequence, required modifications could take months or years for a second approval because of the lengthy process for localities to reconsider rezoning...or modifications to rezonings. Such a change would likely add considerable costs to these projects.</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>
<p>Linda Dort – Linda Dort Homes</p>	<p>I am for any changes that keep up with the times and uses managed systems to protect our, and future generations clean water supplies and River systems from the days of over development. I do not believe that we should be promoting a stand to use our grandfathers’ rules in today’s quickly changing environment. I oppose the concept of grandfathering.</p>	<p>The Board acknowledges your comment. However, the Board believes that additional regulatory amendments are unwarranted at this time.</p>
<p>Louis V. Genuario, Jr. –</p>	<p>I urge DEQ to restore the Grandfathering Provisions in the</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for</p>

<p>The Genuario Companies – President of the Home Builders Association of Virginia</p>	<p>VSMP Regulation to extend the validity of proffered or conditional rezoning plans, and rezoning with a plan of development, that were approved prior to July 1, 2012. Many landowners across Virginia have RELIED on the 2012 approved grandfather Clause in the VSMP Regulation and have not taken their approved conditioned rezoning with a Plan of Development forward to Preliminary Plan Approval, which are still grandfathered.</p>	<p>clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>
<p>Mr. George Rhodes, Manassas, and others provided in <b>Commenter List A</b> below.</p>	<p>Restore grandfathered status for proffered conditional zonings, proffered plans of development and any document determined by the locality as being equivalent thereto (including conditional use permits and special exceptions) that otherwise meet the requirements in 9VAC25-870-48 as previously adopted in the Virginia Stormwater Management Program (VSMP) Regulation.</p>	<p>Thank you for your comment. Subsections A, B, and C of Section 48 have been updated for clarity purposes. In addition, proffered conditional zoning plans, proffered plans of development, or any documents determined by the locality to be equivalent thereto have been reincorporated into the grandfathering provision of the VSMP regulation.</p>

**Commenter List A: Restore Grandfathering Provision:** Douglas R. Fahl – Dewberry; Anthony F. Venafrò – SMITH Engineering; William M. Yauss – DREES Homes; Helman A Castro – Pennoni Associates; Edward G. Venditti – Pennoni Associates; Mark D. Simms – Toll Brothers Inc.; Christopher W. Spahr – Stanley Martin Homes; Michael Capretti – Capretti Land, Inc.; Carla E. Coffey – The Arcadia Companies; Allen Harrison – The Design Room Inc.; John Olivieri – Associated Development Management Corp.; Stephen L. Pettler, Jr. – Harrison & Johnston, PLC; John Bradshaw – BGGT, LLC; Royce Hylton – Brunk & Hylton Engineering, Inc.; Paul A. Bernard – Carson, Ashley & Associates, LLC; James Ballif – Stanardsville; Frederick J. Napolitano, II – Napolitano Homes; Aaron Yoder – Shenandoah Valley Builders Association; Debby Nash – BGGT, LLC; Thomas G. Johnson, III – S.L. Nusbaum Realty Co.; Joe Thomas, Jr. – Boone, Graham, Gladden & Thomas; Tyler Welcker – Boone, Graham, Gladden & Thomas; Alexander Boone – Boone Homes, Inc.; Sarah Alfano – Boone, Graham, Gladden & Thomas; Dean Stone – Stone Engineering, Inc.; W. Craig Havenner – The Christopher Companies; Erin Widener – Widener Corporation; Richard D. Entsminger – Elm Street Development; Zeke Moore – SDI; Dan Dreelin – Valley Renovators, Inc.; David Guy – Exceptional Home Designs, Inc.; W. Michael Woolwine – Hughes Associates; Vincent Haynie – Ingram Bay Contracting; Ronald Wilson – Franklin County; Brad Graham – Boone, Graham, Gladden & Thomas; Robert B. Mullins – Quality Homes, Inc.; Lana L. O’Meara – Designs of Distinction Ltd & Tidewater Builders Association; Roy O. Bechner, Jr. – S.W. Rodgers, Co. Inc.; John Napolitano – Napolitano Homes; Chris J. Ettel – VB Homes Design Build, LLC; Jeffrey W. Ainslie – Ainslie Group; Kevin McNulty – Life Style Builders & Developers, Inc.; David Blalock – Abbitt Management LLC; Andrew M. Comstock – Gilbert C. Martin Co. Inc.; Michael D. Newsome – Virginia Beach; Sherman Patrick, Jr. – Compton & Duling, L.C.; Justin Miller – Caruthers Properties, LLC; Brad Mason – Washington Real Estate Investment Trust; Aaron M. Vinson – Walter L. Phillips; Jonathan Frank – Williams Mullen; Pete Otteni – Boston Properties; Pete J. Rigby – Paciulli, Simmons & Associates, Ltd.; Mark S. Hassinger – West Dulles Properties; Jim Mertz – CTD; Matthew Holbrook – St. John Properties, Inc.; Alvin S. Mistr, Jr. – Burgess & Niple, Inc.; Michael Rockefeller; Bob Orlando – Patrick Hall Mall; Matthew J. Tauscher – Bowman Consulting; Steve B. Jones – Fried Companies, Inc.; John S. Pearsall, Jr.; Preston Miller – Belmont Bay L.C.; Travis D’Amico – Bohler Engineering; Kyle Wells – West Dulles Properties, Inc.; Peter S. Eckert – Peter S. Eckert & Company, Inc.; Derek E. Karchner – McCandlish

Lillard; David J. Bomgardner – Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.; Philip F. Abraham – The Vectre Corporation; John H. Foote - Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.; Frank Martino – L.F. Jennings; Tom Fleury – City Line Partners; Bill May – Miller & Smith; Matt Valentini – The JBG Companies; Ken Jonmaire – Merritt Properties, LLC; June Whitehurst – City of Norfolk; Michael S. Kitchen – Christopher Consultants; Cheryl W. Hamm – Joyner Commercial; Michael A. Theberge – Bohler Engineering; Peter M. Dolan - Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.; Blair White – Landmark Commercial Real Estate; Jack Lewis – Commercial Properties Associates; Douglas M. Atkins – Fidelity National Title Insurance Company; J. Truett Young – Stanley Martin Homes; Randy Brown – Stanley Martin Homes; John W. Iuliano – ABT Custom Homes LLC; Ted Yoder – C& F Mortgage Corporation

**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.*

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>
47 B	47 B, C	Time Limits on Applicability of Approved Design Criteria	Split subsection B into two subsections, B and C, and updated the language for clarity.
	47 D	None	Added a provision to the regulation allowing an operator to construct to a more stringent standard at his or her discretion.
48 A		Grandfathering	Updated the language of this subsection for clarity and in response to public comments received. Added a new provision to this subsection for clarity; land disturbance cannot commence prior to July 1, 2014 in order for a project to be considered grandfathered.
48 B		Grandfathering	Added two new provisions to this subsection for clarity. A state permit has not been issued prior to July 1, 2014 and land disturbance cannot commence prior to July 1, 2014 for a local, state, or federal project to be considered grandfathered.
48 C		Grandfathering	Updated the language of this subsection for clarity.
55 A		Stormwater Management Plans	Added clarifying language to the regulation indicating that individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities.
	760 C	None	Added a provision to the regulation allowing the Department to enter into agreements with a VSMP authority to collect the total fee to be paid by an applicant and transmit the Department portion of the fee to the Department.
760 C	760 D	Method of Payment	Re-lettered this subsection and removed the requirement for an applicant to provide a

			Federal Identification Number, if applicable.
820		Fees for an Individual Permit coverage under the General Permit for Discharges of Stormwater from Construction Activities	Added clarifying language to this section of the regulation, including clarification that the total fee to be paid by an applicant applies to an operator seeking new or continued coverage under the 2014 Construction General Permit.
825		Fees for the Modification or Transfer of Individual Permits or of Registration Statements for the General Permit for Discharges of Stormwater from Construction Activities	Added clarifying language to this section of the regulation indicating that the fees for modification or transfer of Construction General Permit coverage does not apply until assessed by VSMP authority.

**Family impact**

*Please assess the 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.*

It is not anticipated that this regulatory action will have any impacts on the family or family stability.

**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.*

- BMP – Best Management Practice(s)
- DEQ – Department of Environmental Quality
- FAQ – Frequently Asked Question(s)
- FEMA – Federal Emergency Management Agency
- HBAV – Home Builders Association of Virginia
- RAP – Regulatory Advisory Panel
- RRM – Virginia Runoff Reduction Method
- SWCB – State Water Control Board
- TMDL – Total Maximum Daily Load
- VAMSA – Virginia Municipal Stormwater Association
- VDOT – Virginia Department of Transportation
- VPDES – Virginia Pollutant Discharge Elimination System
- VSMP – Virginia Stormwater Management Program