



Virginia
Regulatory
Town Hall

Exempt Agency Proposed Regulation Agency Background Document

Agency Name:	State Water Control Board
VAC Chapter Number:	9 VAC 25-180-10 et seq.
Regulation Title:	General VPDES Permit Regulation For Discharges of Storm Water From Construction Activities
Action Title:	Amend Existing Regulation
Date:	November 12, 2003

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used by agencies exempt pursuant to § 9-6.14:4.1(A) at the proposed stage. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation will reissue the existing general permit for construction activity storm water discharges that will expire on June 30, 2004. This draft is modeled after the US EPA construction storm water general permit. Certain provisions were modified to make them conform to similar requirements in the Virginia Erosion and Sediment Control Regulation which is administered by the Department of Conservation and Recreation.

The significant revisions to the regulation are as follows:

Added TMDL language authorizing coverage only if the SWPPP that is developed incorporates and is consistent with any TMDL requirements, if applicable.

Changed deadline for submitting Registration Statement from "two days prior to commencing construction" to "prior to commencing construction", and added language that a mailed Registration Statement is considered to be submitted once it is postmarked.

Added a special condition that requires the permittee to select, install, implement and maintain BMPs to minimize pollutants and meet water quality standards. If the permittee's discharge causes water quality standards violations or significant downstream impacts, the Board may take enforcement action and/or require an individual permit.

Added a provision allowing the operator to "finally stabilize" a definable area, then mark this on the SWPPP, and no further SWPPP or inspection requirements apply to that area.

Modified the "Maintenance of Controls" section to require sediment to be removed from sediment traps or sedimentation ponds when the design capacity has been reduced by 25% (previous requirement was 50%).

Added an "Inspections" requirement that rainfall be measured using an on-site rain gauge, and the results documented in a log.

Also added an "Inspections" provision allowing linear construction activities (e.g., utility line installation, pipeline construction) to be inspected using "representative" inspections.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, and a copy of any documents to be incorporated by reference are attached. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

The text of the proposed regulation, and the Registration Statement, the Notice of Termination and the Permit Fee forms that the Agency proposes to use to administer the regulation are attached. The Office of the Attorney General has certified that the Agency has the authority to promulgate the proposed regulation and it comports with applicable state and/or federal law.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulation will have no direct impact on the institution of the family or family stability.