

# VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

## CHAPTER 812

*An Act to amend the Code of Virginia by adding sections numbered 62.1-44.15:27.4 and 62.1-44.15:56.1, relating to stormwater and erosion and sediment control; acceptance of plans in lieu of plan review.*

[S 843]

Approved April 7, 2020

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding sections numbered 62.1-44.15:27.4 and 62.1-44.15:56.1 as follows:**

***§ 62.1-44.15:27.4. Department acceptance of plans in lieu of plan review.***

*A. Notwithstanding any other provision of this article, the Board, when administering a VSMP or VESMP pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.), may choose to accept a set of plans and supporting calculations for any land-disturbing activity determined to be de minimus using a risk-based approach established by the Board.*

*B. The Board is authorized to accept such plans and supporting calculations in satisfaction of the requirement of this article that it retain a certified plan reviewer or conduct a plan review. This section shall not excuse any applicable performance bond requirement pursuant to § 62.1-44.15:34 or § 62.1-44.15:57.*

***§ 62.1-44.15:56.1. Department acceptance of plans in lieu of plan review.***

*A. Notwithstanding any other provision of this article, the Department, when administering a VESCP pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.), may choose to accept a set of plans and supporting calculations for any land-disturbing activity determined to be de minimus using a risk-based approach established by the Board.*

*B. The Department is authorized to accept such plans and supporting calculations in satisfaction of the requirement of this article that it retain a certified plan reviewer or conduct a plan review. This section shall not excuse any applicable performance bond requirement pursuant to § 62.1-44.15:57.*

**2. That the State Water Control Board (the Board) shall adopt regulations to implement the requirements of §§ 62.1-44.15:27.4 and 62.1-44.15:56.1 of the Code of Virginia as created by this act. The initial adoption of such regulations shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia. However, the Board shall (i) provide a Notice of Intended Regulatory Action, (ii) form a stakeholder advisory group, (iii) provide a 60-day public comment period prior to the Board's adoption of the regulations, and (iv) provide a written summary of comments received and responses to comments prior to the Board's adoption of the regulations.**