

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding sections numbered 62.1-44.15:27.4 and*
3 *62.1-44.15:56.1, relating to stormwater and erosion and sediment control; acceptance of plans in*
4 *lieu of plan review.*

5 [S 843]
6 Approved

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

8 **1. That the Code of Virginia is amended by adding sections numbered 62.1-44.15:27.4 and**
9 **62.1-44.15:56.1 as follows:**

10 **§ 62.1-44.15:27.4. Department acceptance of plans in lieu of plan review.**

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

15 *B. The Board is authorized to accept such plans and supporting calculations in satisfaction of the*
16 *requirement of this article that it retain a certified plan reviewer or conduct a plan review. This section*
17 *shall not excuse any applicable performance bond requirement pursuant to § 62.1-44.15:34 or*
18 *§ 62.1-44.15:57.*

19 **§ 62.1-44.15:56.1. Department acceptance of plans in lieu of plan review.**

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

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

27 **2. That the State Water Control Board (the Board) shall adopt regulations to implement the**
28 **requirements of §§ 62.1-44.15:27.4 and 62.1-44.15:56.1 of the Code of Virginia as created by this**
29 **act. The initial adoption of such regulations shall be exempt from the requirements of Article 2**
30 **(§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia. However, the Board shall (i)**
31 **provide a Notice of Intended Regulatory Action, (ii) form a stakeholder advisory group, (iii)**
32 **provide a 60-day public comment period prior to the Board's adoption of the regulations, and (iv)**
33 **provide a written summary of comments received and responses to comments prior to the Board's**
34 **adoption of the regulations.**