





2022 Regulatory Update Seminar

VDEQ Regulatory Update

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SPGP – DEQ Perspective & Process

Two SPGPS in 2022:

- Residential, Commercial, Institutional, & Recreational (RCIR)
- Linear Transportation Projects

DEQ provided Section 401 Water Quality Certification and Coastal Zone Management Determination

DEQ received one (1) comment during its public notice of the Section 401 Certification regarding the expressed exclusion of mining activities in the SGP

SPGP – DEQ Perspective & Process

Acreage Thresholds Only (no linear feet of stream)

No complete application form

New Preliminary Screening Form

DEQ performs Application Completeness Review

Corps will now complete all Federal Coordination

SPGP expiration date matches VWP-GP expiration date of 08/01/2026

SPGP – DEQ Perspective & Process

- Need to receive VWP IP or GP Coverage in order to use the SPGPs (no change) (Part II.D)
- *Joint VWP/Corps SGP Public Info Session will be held in June 27, 2022, 2:00-4:00 PM, register at:*
<https://attendee.gotowebinar.com/register/8333410155780794126>

Mitigation Update - VA Regulatory Actions

9VAC25-210; 9VAC25-660; 9VAC25-670; 9VAC25-680; 9VAC25-690

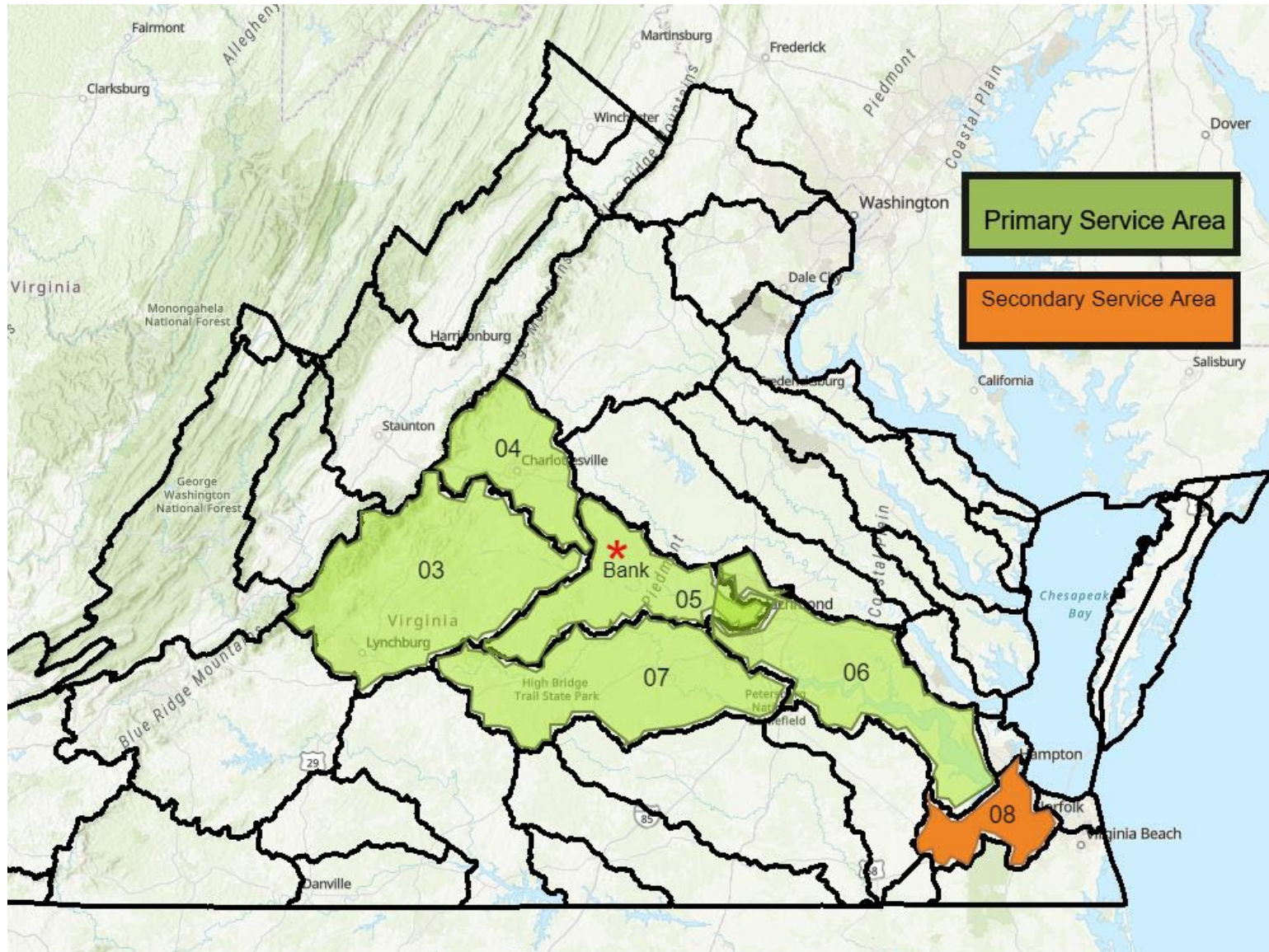
- Code of Virginia § 62.1-44.15:23 (Effective July 1, 2021) – Wetland and Stream Mitigation Banks
 - Addressed the lack of stable credit supply in some watersheds, but particularly the Potomac and James River watersheds
 - **Revised State Law**: Permit applicant may purchase credits from a mitigation bank (or ILF program site) to satisfy the permit, if the impacted site is within the Primary or Secondary Service Area of the mitigation bank or site.
 - To use Secondary, must meet requirements of the Code, including purchasing more credit and submitting a tree preservation plan.

Code of Virginia § 62.1-44.15:23 (Continued)

- “Primary Service Area” maximum extent defined:
 - Same HUC in which the mitigation bank is located; and
 - Adjacent HUC(s) in same river watershed
- “Secondary Service Area” maximum extent defined:
 - Outside the Primary Service Area, but within....
 - Same physiographic province in which the mitigation bank is located; and
 - Adjacent physiographic province(s) within the same river watershed
- Service Areas require full IRT approval

Code of Virginia § 62.1-44.15:23 (Continued)

Example
maximum extent
for hypothetical
Mitigation Bank
in James River



Mitigation Banking Meetings

- Quarterly Meetings hosted by DEQ & the Corps
 - Current Mitigation Topics
 - Best Practices for Bank Sponsors
 - Open Forum for Feedback to Agencies
 - Discussion
- Relevant for Bankers, Consultants, Landowners, Etc.
- Watch DEQ and Corps Public Notices for upcoming meetings and details
 - June 8, 2022 @ DEQ PRO
 - September 2022 @ Location TBD
- Submit suggestions to Sarah Woodford & Jeanne Richardson

Other VA Regulatory Actions – Board Bill

SB 657

Senate: Enrolled Bill Communicated to Governor on March 11, 2022

Limits the authority of the Air Pollution Control Board and the State Water Control Board to issuance of regulations and transfers the Boards' existing authority to issue permits and orders to the Department of Environmental Quality. The bill provides procedures for public comment on pending controversial permits, defined in the bill, and on regulatory changes necessary to implement the provisions of the bill. This bill incorporates SB 81.

VDEQ is working to update applicable regulations and program guidance to incorporate these Code amendments.

Other VA Regulatory Actions

- Permitting efficiencies still affected by federal rule makings, federal policy development, continuing court cases
- Corps, VDEQ, and other state agency personnel collaborating more closely in VA
- Agencies currently working on revisions to the Joint Permit Applications

What's new

- New Project Evaluation & Enhancement Program (PEEP) launching soon on VDEQ web site
 - Purpose is to identify and implement technological improvements to foster transparency, collaboration, and efficiency in DEQ processes
 - Will include public-facing online resources that convey and track the critical steps to obtaining approvals from DEQ

QUESTIONS?

