

## Summary of Revisions

9VAC25-660			
Current Section Number	Proposed New Section Number (if applicable)	Section Content	Proposed Change and Rationale
10		Definitions	Clarified introductory paragraph for consistency with 9VAC25-210-10.
10		Definitions	Deleted "Channelization", "Cross-sectional drawing", "Impacts", "Isolated Wetland of Minimal Ecological Value", "Surface waters", "Temporary impacts" - already included under the over-arching program regulation 9VAC25-210-10.
	10	Definitions	Added "Coverage" as a result of changes made to the VWP general permit term and transition provisions.
10		Definitions	Deleted "Emergent wetland", "Forested wetland", "Open water", "Ordinary high water", "Perennial stream", "Permanent impacts", "Person", "Riprap", "Stream bed" - moved to 9VAC25-210-10 and revised.
10		Definitions	Deleted "FEMA", used full spelling in text rather than the acronym.
10		Definitions	Revised "Less than one-half of an acre" for clarity.
10		Definitions	Revised "Independent utility" to add modifiers of 'public and economic' in last sentence for consistency with "Single and complete project".
	10	Definitions	Added "Notice of project completion" as a result of revising the VWP general permit term and transition provisions. This provision was already a requirement in the regulation but referred to as a notice of termination.
10		Definitions	Revised "Single and complete project" to change 'waterbody' to 'water body and deleted 'public and economic' as modifiers of utility for better consistency with Corps' definition.

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10		Definitions	Revised "State program general permit" to correct citations.
10		Definitions	Revised "Up to 300 linear feet" for consistency.
10		Definitions	Revised "Up to one-tenth of an acre" to "up to one-tenth acre".
10		Definitions	Added "VWP general permit" as a result of revising the VWP general permit term and transition provisions to clarify what is intended by section 100 of the general permit regulation and to combine it with the existing 'general permit' and 'VWP permit' definitions in 9VAC25-210-10.
10		Definitions	Citations were corrected in the Statutory Authority footnote.
	15	Statewide information	Added new section 'Statewide information' to explicitly state authority of board to request information as needed to make permitting decisions or for other reasons in carrying out authority under Chapter 3.1; derived from Code 62.1-44.15:21 and -44.21.
20		Purpose; delegation of authority	Revised title of section to remove 'effective date of the general permit', which is now in section 27.
20 A		Purpose; delegation of authority	Revised to change 'authorization' to 'coverage'; text added for consistency with other VWP general permit regulations.
20 C	27 A; 100 preamble	Purpose; delegation of authority	Deleted and moved to new section 27 and to section 100 in the general permit text.
20 D	27 B	Purpose; delegation of authority	The first sentence of subsection D was moved to the new section 27. The second sentence of subsection D was deleted to reflect change to fixed general permit term.

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	25	Authorization for coverage under VWP general permit effective August 1, 2006	Added new section to specify how applications will be processed by DEQ prior to August 2, 2016 and to address the transition of existing permit authorization holders into a new general permit regulation having a set term.
	25 A	Authorization for coverage under VWP general permit effective August 1, 2006	Specifies how applications through 2016 will be processed.
	25 B	Authorization for coverage under VWP general permit effective August 1, 2006	Specifies that existing authorizations for coverage remain effective until the date specified on the authorization cover page unless otherwise terminated or revoked.
	27	VWP general permit coverage; transition; continuation	Added new section to specify how applications will be processed by DEQ after August 2, 2016 and to address how future transitions will occur.
	27 A	VWP general permit coverage; transition; continuation	Specifies how applications after 2016 will be processed.
	27 B	VWP general permit coverage; transition; continuation	Sets forth the criteria for those applicants who receive coverage under a general permit but who cannot begin or complete the project before the general permit term expires.
	27 C	VWP general permit coverage; transition; continuation	States that application may be made at any time for a VWP individual permit.
30 A		Authorization to impact surface waters	Revised for wording choice and to clarify that no coverage is being granted in the regulation.

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30 A 2		Authorization to impact surface waters	Revised for wording choice and to remove the reference to the permit fee regulation, as that regulation is contrary to historic and current program practices for determining certain fees, and in some cases contains erroneous or misleading information. Revision of the permit fee regulation is not included as part of this VWP regulatory action.
30 A 3		Authorization to impact surface waters	Revised to clarify that applicant may utilize the general permit if comply with the limits and requirements that exist in the general permit, the coverage, the Clean Water Act, State Water Control Law, and regulations pursuant to it.
30 A 4		Authorization to impact surface waters	Deleted and combined with revised A 3.
30 A 5	30 A 4	Authorization to impact surface waters	Renumbered and citation was corrected.
30 A 6 and 7	30 A 5 and 6	Authorization to impact surface waters	Renumbered.
30 A 8	30 A 7	Authorization to impact surface waters	Revised to add an additional citation and to clarify the applicability of the compensation requirement.
30 B	40 F 13	Authorization to impact surface waters	Moved and combined with existing list of prohibitions.
30 C	30 B	Authorization to impact surface waters	Renumbered as B. Citation was corrected and subsection revised for consistency.
30 D	30 C	Authorization to impact surface waters	Revised for wording choice.

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30 E	100 preamble	Authorization to impact surface waters	Stricken, moved to section 100, and revised for wording choice.
30 F	30 D	Authorization to impact surface waters	Renumbered and clarified to reference the correct regulatory citation and new general permit effective date, as well as being revised for wording choice. The last sentence of the subsection was stricken as duplicative of the preceding text.
30 G	30 E	Authorization to impact surface waters	Subsection renumbered and revised for wording choice; citation added.
	35	Administrative continuance	New section added to specify how coverage will carry forth if agency fails to reissue a new general permit before a previous one expires.
40 A		Exceptions to coverage	Revised to state coverage is not required if otherwise excluded by 9VAC25-210-60.
40 A 1 through 5; F 9 through 13	40 F 9 through 13	Exceptions to coverage	Original text moved to subsection 40 F and revised for consistency. A 1 is F 11; A 2 is F 12; A 3 is F 13 as combined with relocated text from 9VAC25-660-30 B; A 4 is now F 10; and A 5 combined with F 9 regarding threatened and endangered species.
40 B, D, F, F 1		Exceptions to coverage	Revised for wording choice. Replaced 'authorization' with 'coverage'.
40 F 5		Exceptions to coverage	Revised to clarify types of concrete rather than the method of concrete installation as a prohibited activity.
50 A 1		Notification	Revised for wording choice and remove duplication; to replace 'authorization' with 'coverage'; to delete a portion of the second sentence as an out-of-place permit condition; and to delete the last sentence as a duplicative provision and out-of-place permit condition.

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50 A 2		Notification	Revised for wording choice and to replace 'authorization' with 'coverage'.
50 A 2 a		Notification	Revised for wording choice; to move former c up to a and revise for wording choice; and to add the citation to refer to if compensation is required.
50 A 2 b		Notification	Revised for wording choice; to revise the citations for informational items; to add the citation to refer to if compensation is required; and to delete the last sentence as an out-of-place permit condition.
50 A 2 c	50 A 2 a	Notification	Deleted and moved to 2 a.
50 B		Notification	Revised to clarify that the acceptable application forms are listed at the end of the regulation rather than listing these out by title, duplicative of FORMS section.
50 C		Notification	Revised to clarify denial is associated with the application for coverage and to spell out 'DEQ'.
60 A 1	60 A	Application	Revised for wording choice and to remove duplicated text; to delete A 2, reference to VDOT IACM process; and delete enumeration under A.
60 B		Application	Entire subsection renumbered and revised for consistency with 9VAC25-210-80 B; revised for wording choice and reorganization.
60 B 1		Application	Revised 'name' to 'legal name'.
	60 B 2	Application	Added requirement for property owner information.
60 B 2	60 B 3	Application	Renumbered; punctuation revised.
60 B 3	60 B 4	Application	Renumbered and revised for wording choice.

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60 B 4	60 B 5 and 7	Application	Renumbered and revised to retain requirement for the project name; move requirement for project description to renumbered B 7; added project schedule.
60 B 5 through 9	60 B 6	Application	Renumbered and revised to expand on the required information about surface waters; to incorporate information required by original B 6 through 9.
60 B 10		Application	Deleted, obsolete.
60 B 11	60 B 8 and 9	Application	Revised to clarify the information requirements necessary in a plan-view drawing; to add informational requirements necessary for a cross-sectional, and profile drawing if applicable, as originally located in B 11.
60 B 12		Application	Deleted, obsolete.
60 B 13	60 B 10	Application	Renumbered and revised to clarify the information necessary in a dredged materials assessment.
60 B 13	60 B 10	Application	Renumbered and revised to clarify the information required about surface water impacts.
60 B 14		Application	Deleted, obsolete.
60 B 15	60 B 11	Application	Renumbered and revised for wording choice and consistency with 9VAC25-210-115 C regarding alternatives analysis.
60 B 16	60 B 12	Application	Renumbered and revised regarding compensation plans. Existing text was clarified regarding what is required for a complete application regarding compensation plans.
60 B 17	60 B 10 e	Application	Relocated information required for delineation map to 11 e and revised to add GIS shapefile.

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60 B 18	60 B 13	Application	Revised FEMA information for consistency with prohibitions and to remove text duplicative of B 10 b.
60 B 19	60 B 14	Application	Renumbered and revised to remove reference to the permit fee regulation.
60 B 20	60 B 15	Application	Renumbered and revised to clarify the required information about already protected areas on the project site.
60 B 21	60 B 16	Application	Renumbered and revised to clarify the application signature requirements.
60 C	60 B 16	Application	Original text moved to subdivision B 16 and combined with moved language from B 21.
60 D, D 1, and D 2	60 C, C 1, and C 2	Application	Revised for wording choice; to move citations; and replace 'authorization' with 'coverage'.
60 E	60 D	Application	Revised for consistency with 9VAC25-210-80 E; to clarify the circumstances under which an administrative withdrawal of an application may occur; to change number of days from 180 to 60 after which an incomplete application may be administratively withdrawn; to clarify that an applicant may also request the withdrawal.
70 A		Compensation	Revised to relocate existing text; added citation.
70 B through D	100 Part II A 4	Compensation	Deleted as duplicative of 9VAC25-210-116. Sentence was added that compensatory mitigation will be in accordance with section 70 and applicable portions of 9VAC25-210-116. Last sentences of subsection C and D were moved to section 100.
70 E and F	70 C and D	Compensation	Revised for wording choice, consistency, and to spell out the acronym 'DEQ'.



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70 G	70 E	Compensation	Renumbered and clarified that open water does not include streams in this provision; for consistency with other VWP general permit regulations; revise the maximum mitigation ratio; to add when open water compensation not required; to correct grammatical error.
70 H	70 F	Compensation	Renumbered and revised to rearrange existing text and correct a grammatical error.
80		Notice of planned changes; modifications to coverage	Title of section revised to include modifications of coverage. Throughout section, 'in-lieu fee fund' was replaced with 'in-lieu fee program' for better consistency with the 2008 Federal Mitigation Rule.
80 A		Notice of planned changes; modifications to coverage	Revised to clarify applications or requests may be accepted that request a change to an existing general permit coverage and to specify under what circumstances a request is not applicable. The subsection states the applicant may apply for a VWP individual permit instead.
80 B		Notice of planned changes; modifications to coverage	Revised to clarify the circumstances in which a modification may apply. Replaced 'authorization' with 'coverage'.
80 B 1	80 B 1 and 1 g	Notice of planned changes; modifications to coverage	Revised to clarify how additional impacts may be authorized and the criteria that must be met, consistent with the text in 9VAC25-210-180 except for the sliding percentage scale of additional impact amounts. The last sentence was moved to 80 B 1 g.

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80 C	80 B 2	Notice of planned changes; modifications to coverage	Renumbered and revised to reflect the requirements for a reduction in impacts, consistent with the text in 9VAC25-210-180.
80 D and F	80 B 3 and 5	Notice of planned changes; modifications to coverage	Renumbered and revised for wording choice and clarify references.
80 E	80 B 4	Notice of planned changes; modifications to coverage	Renumbered and revised to allow substitution of bank or in-lieu fee program credits with any combination of the same, consistent with text in 9VAC25-210-180 except that permittee-responsible compensation does not apply in 660.
80 G	80 B 1 h	Notice of planned changes; modifications to coverage	Moved.
80 H and I	80 A	Notice of planned changes; modifications to coverage	Moved and combined with existing text except deletion of denial if fish and wildlife resources impacted because impacts to resources are prohibited under section 40.
90		Termination of coverage	Title of section revised. Opening paragraph revised to relocate existing text within the same paragraph, correct citations, replace 'authorization' with 'coverage', and renumber the existing language as subsection A.
90 3	90 A 3	Termination of coverage	Revised for wording choice.
90 4 a through c	90 A 4 a through c	Termination of coverage	Revised for wording choice and consistency; to spell out the acronym 'DEQ'; to replace 'authorization' with 'coverage'; and to clarify activities may be unlawful if not otherwise excluded from coverage.

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	90 B	Termination of coverage	Subsection added to reference two additional types of termination. One type is existing and one is new. Both are also located in section 100 Part III of this regulation and in 9VAC25-210-180 G and H.
95	25	Transition	Subsection was repealed; existing text regarding application processing in times of general permit transitions replaced by text in section 27.
100		VWP general permit	Applicable to the entire section: The acronym 'DEQ' was spelled out throughout section 100. Introductory paragraph deleted and the section was revised to display the general permit as proposed.

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100		VWP general permit	Applicable to the preamble: Title was revised to include the permit number – deleted 'VWP General Permit No. WP1'. 'Authorization expiration' revised to 'Effective date: August 2, 2016'; 'Expiration date: August 1, 2031' added to reflect the specific general permit term, coinciding to time of year when construction activities typically slow. 'Authorization notes' was deleted - requirements appear in the coverage letter provided by DEQ to the permittee. First paragraph under the VWP general permit title was revised to clarify that no coverage is being granted in the regulation or in the general permit text and that no specific project is basis of coverage. Second paragraph under the VWP general permit title was revised to clarify connection of authorities. 'Permittee', 'Address', 'Activity Location', 'Activity Description', the authorization statement, signature and date blank lines, 'Director, Department of Environmental Quality', and 'Date' were stricken - this information appears in the coverage letter that is provided by DEQ to the permittee.
100, Part I A 1		VWP general permit	Subdivision Part I A 1 was revised to clarify that no specific project or application was considered in the adoption of the general permit.
100, Part I A 2		VWP general permit	Subdivision Part I A 2 was revised for wording choice and to clarify how changes to coverage may be processed.

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100, Part I A 3		VWP general permit	Subdivision Part I A 3 was revised for wording choice; to clarify that no specific project or application was considered in the adoption of the general permit; and for consistency with revisions in 9VAC25-210-180 regarding temporary impacts.
100, Part I A 5		VWP general permit	Subdivision Part I A 5 was deleted to remove reference to a specific length of authorization.
100, Part I B	25	VWP general permit	Subdivision Part I B was stricken to correct the options of how coverage may continue, as described in the text of proposed section 25.
100, Part I C	100, Part I B	VWP general permit	Subdivision Part I C was retitled, renumbered as B.
100, Part I C 2	100, Part I B 2	VWP general permit	Existing language in the renumbered Part I B 2 was clarified regarding the requirements for culvert and pipe placement in streams and to relocate existing text within the same subdivision.
100, Part I C 3	100, Part I B 3	VWP general permit	Renumbered Part I B 3 was revised for consistency with the other VWP general permit regulations and to allow staff ability to make case-by-case decisions on need for equipment in surface waters.
100, Part I C 8	100, Part I B 8	VWP general permit	Renumbered Part I B 8 was revised to allow staff ability to make case-by-case decisions on need for equipment in surface waters.
100, Part I C 10	100, Part I B 10	VWP general permit	Revised to replace 'permitted' with 'authorized'.

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100, Part I C 11 and 12	100, Part I B 11 and 12	VWP general permit	Renumbered Part I B 11 and B 12 were revised for wording choice and to include the use of existing topsoil in restoration activities where practicable, per a suggestion from the Citizen Advisory Group and consistency with federal nationwide (general) permit conditions. Acronym 'DCR' was spelled out. Title of plant list updated and allowance inserted for DEQ approval if invasives exist in original or reused soil.
100, Part I C 15	100, Part I B 15	VWP general permit	Renumbered Part I B 15 was revised to clarify the results of coordination between agencies and DEQ's related requirements will appear in the coverage granted by DEQ.
100, Part I C 16	100, Part I B 16	VWP general permit	Renumbered Part I B 16 was revised to clarify that no coverage is being granted in the regulation or in the general permit text.
100, Part I C 17	100, Part I B 17	VWP general permit	Renumbered Part I B 17 was revised for wording choice and to allow staff ability to make case-by-case decisions on need for equipment in surface waters.
100, Part I D and D 1	100, Part I C and C 1	VWP general permit	Subdivision Part I D was renumbered to C, and C 1 was revised for wording choice.
100, Part I E and E 1	100, Part I D and D 1	VWP general permit	Subdivision Part I E was renumbered to D. Subdivision D 1 was revised for wording choice and to include the use of existing topsoil in restoration activities where practicable, per a suggestion from the Citizen Advisory Group and consistency with federal nationwide (general) permit conditions. The acronym 'DCR' was spelled out. Title of plant list updated.

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100, Part I F and F 7	100, Part I E and E 7	VWP general permit	Subdivision Part I F was renumbered to E. Subdivision E 7 was revised for wording choice.
100, Part I G and G 3	100, Part I F and F 3	VWP general permit	Subdivision Part I G was renumbered to G. Subdivision F 3 was revised to replace 'authorization' with 'coverage' and to clarify alternative when plans not available.
100, Part II A 1		VWP general permit	Subdivision Part II A 1 was revised for wording choice and to clarify that no specific project or application was considered in the adoption of the general permit.
100, Part II A 2		VWP general permit	Subdivision Part II A 2 was revised for consistency; to clarify in-lieu fee program credits rather and contributions are a compensatory mitigation option; and to add a citation.
100, Part II A 3		VWP general permit	Subdivision Part II A 3 was revised for wording choice and consistency; to clarify the final compensation plan is an enforceable part of the coverage; and to clarify the applicability of the condition to final compensation plan.
100, Part II A 4		VWP general permit	Deleted as duplicative of Part II A 3.
100, Part II B		VWP general permit	Subdivision Part II B 1 was revised for simplicity.
100, Part II B 1 a		VWP general permit	Subdivision Part II B 1 a was revised to clarify when, where, and how preconstruction photos must be taken.
100, Part II B 1 b	100, Part II B 1 a	VWP general permit	Subdivision Part II B 1 b was revised to delete ortho-rectified photography and combine with the requirements of II B 1 a. New text was added describing the requirements for when, where, and how to conduct site inspections.

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100, Part II B 1 c, 2, and 3	100, Part II B 1 a and b	VWP general permit	Subdivisions Part II B 1 c, B 2, and B 3 were stricken. These requirements were simplified in B 1 a and b.
100, Part II B 4	100, Part II B 2	VWP general permit	Subdivision Part II B 4 was renumbered to 2 and revised to correct a citation.
100, Part II C 1		VWP general permit	Revised to change authorization number to tracking number.
100, Part II C 2		VWP general permit	Subdivision Part II C 2 was revised to delete the 10-day requirement for notification and contents of the notification.
100, Part II C 3 and 3 a through d		VWP general permit	Subdivision Part II C 3 was revised to replace the existing conditions related to the schedule of construction monitoring reports with new requirements for twice per year. C 3 a through d were simplified regarding construction status and subdivisions C 3 e and f were stricken, obsolete.
100, Part II C 4		VWP general permit	Revised for wording choice.
100, Part II C 7		VWP general permit	Subdivision Part II C 9 was revised to clarify the timeline for notifying DEQ about water quality violations.
	100, Part II C 8	VWP general permit	A new subdivision Part II C 8 was added to specify requirements for notifying DEQ about unauthorized impacts to surface waters.
100, Part II C 8	100, Part II C 9	VWP general permit	Original Part II C 8 was renumbered to 9.
100, Part III A		VWP general permit	Subdivision Part III A was revised for wording choice and to clarify the authorities that apply.
100, Part III C		VWP general permit	Subdivision Part III C was revised for wording choice and to clarify the actions taken on an application.
100, Part III E, F and H		VWP general permit	Subdivisions Part III E, F and H were revised for wording choice and consistency.



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100, Part III G		VWP general permit	Subdivision Part III G was revised for wording choice and to relocate existing text within the same subdivision.
100, Part III H		VWP general permit	Revised for consistency with 9VAC25-210-180.
100, Part III I 1 through 5		VWP general permit	Subdivisions Part III I 1 through 5 were deleted as duplicative of detailed requirements for a notice of planned change and instead, a reference was added to section 80 for those details. Replaced 'authorization' with 'coverage'.
100, Part III J		VWP general permit	Subdivision Part III J 1 was revised to clarify that noncompliance may be associated with the coverage or the general permit. Subdivisions J, J 2, and 4 were revised for wording choice. J 5 and 6 were added for consistency with 9VAC25-210-10 et seq. Replaced 'authorization' with 'coverage' in all.
	100, Part III K	VWP general permit	A new subdivision Part III K was added to specify the conditions that apply to a termination without cause. This text is consistent with the proposed language in 9VAC25-210-180 H.
100, Part III K	100, Part III L, L 1, L 3, and L 4 a through c	VWP general permit	Subdivision Part III K was renumbered to L and revised for wording choice. Replaced 'authorization' with 'coverage'. Existing text was relocated within the same subdivision. Renumbered subdivisions Part III L 1 and 3 were revised for wording choice. Certification statements in renumbered subdivisions L 4 a through c were revised for wording choice and to clarify activities may be unlawful if not otherwise excluded from permit or coverage.

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100, Part III L and M	100, Part III M and N	VWP general permit	Subdivisions Part III L and M were renumbered.
100, Part III N through Q	100, Part III O through R	VWP general permit	Subdivisions Part III N through Q were renumbered to O through R and revised for wording choice. Replaced 'authorization' with 'coverage'.
	100, Part III S	VWP general permit	A new subdivision Part III S was added to specify the requirement to reapply in order to continue authorized activities after the expiration date of a general permit.
FORMS		Forms	Alphabetized list of forms. Revised the effective date of permit application fee form. Revised the title and effective date of the standard joint permit application. Revised the effective date of the Tidewater application. Added the VDOT monthly reporting application. Revised the effective date of the VDOT inter-agency meeting application. Deleted VDOT quarterly reporting form.
DOCUMENTS		Documents	Added classification of wetlands, guideline for disposal sites, and invasive plant list.