

Virginia Soil and Water Conservation Board
Wednesday, December 9, 2015 – 9:00 a.m.
The Omni Hotel
100 S. 12th Street
Richmond, Virginia

Motion for the Board to adopt the November 2015 Probable Maximum Precipitation Study for Virginia and to approve, authorize, and direct the filing of a final exempt regulation that will authorize the utilization of the updated PMP Values in Probable Maximum Flood calculations, thus replacing the current PMP values.

In accordance with Virginia Soil and Water Conservation Board's (Board) responsibilities pursuant to Chapters 475 and 489 of the 2014 Virginia Acts of Assembly directing the Board to consider authorizing the use of the updated Probable Maximum Precipitation (PMP) values in Probable Maximum Flood calculations, thus replacing the current PMP values, the Board hereby:

- Finds that the December 2015 PMP analysis is valid and reliable and will result in cost savings to owners for impounding structure spillway construction or rehabilitation efforts; and
- Adopts the Probable Maximum Precipitation Study for Virginia dated November 2015 (and the associated PMP Evaluation Tool and Database) prepared for the Virginia Department of Conservation and Recreation (on behalf of the Board) by Applied Weather Associates, LLC;

Further, the Board

- Recognizes that the 2015 Virginia PMP values upon the effective date of the regulations shall replace the current PMP values provided in Hydrometeorological Reports (HMRs) and accepts the new values as sound engineering practices for use in the design of impounding structures; and
- Recognizes that owners of impounding structures with spillway design inadequacies who were under a moratorium on spillway rehabilitation shall now again be required to rehabilitate the spillway of their impounding structures utilizing the new PMP values upon the effective date of the regulatory action.

Finally, the Board

- Approves this final exempt regulation that will effectuate the legal implementation of these new 2015 Virginia PMP values generated utilizing the PMP Evaluation Tool and associated database and authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to submit the following final exempt regulation and any other required documents to the Virginia Town Hall and to the Registrar of Virginia.

Impounding Structure Regulations (4VAC50-20) – Amendment to 4VAC50-20-50
***(Performance standards required for impounding structures)* and incorporation by reference**
of the Probable Maximum Study for Virginia (and associated PMP Evaluation Tool and
Database) (November 2015).

The Department shall follow and conduct actions in accordance with the exemption processes within the Administrative Process Act, the Virginia Register Act, the Board's Regulatory Public Participation Procedures, and the Governor's Executive Order 17 (2014) on the "Development and Review of State Agency Regulations".

This authorization extends to, but is not limited to, the drafting of the documents and documentation as well as the coordination necessary to gain approvals from the Virginia Registrar of Regulations for this final regulatory action publication.

Motion made by: Richard A. Street

Motion seconded by: Stephen Lohr

Action: Unanimous

Daphne W. Jamison
Daphne W. Jamison
Board Chair

Clyde E. Christman
Clyde E. Christman
Department Director