



Corrective Action Agreement – Town of Irvington
Chesapeake Bay Preservation Act Program
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This is a Corrective Action Agreement issued under the authority of Va. Code § 62.1-44.15:71, between the State Water Control Board and the Town of Irvington, regarding the Town’s Chesapeake Bay Preservation Act Program for the purpose of resolving certain deficiencies that are violations of the State Water Control Law and the applicable regulations.

Program Component	Deficiencies and Legal Requirements	Corrective Action	Completion Date
Administration	<p>Deficiency: As required by 9 VAC 25-830-190(A)(4) & (5), the Town of Irvington has not amended its local ordinances to require notations on plats regarding the requirement for pump-out for onsite sewage treatment systems. In addition, the Town must require the delineation of the buildable areas on each lot, based on the performance criteria, local front and side yard setbacks, and any other relevant easements or limitations regarding lot coverage on plans.</p> <p>Legal Requirement: 9 VAC 25-830-190(A)(4) & (5) states: (4) Local land development ordinances and regulations shall provide for (i) depiction of Resource Protection Area and Resource Management Area boundaries on plats and site plans, including a notation on plats of the requirement to retain an undisturbed and vegetated 100-foot wide buffer area, as specified in subdivision 3 of 9 VAC 25-830-140; (ii) a plat notation of the requirement for pump-out and 100% reserve drainfield sites for onsite sewage treatment systems, when applicable; and (iii) a plat notation of the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot wide buffer area. (5) Local governments shall require, during the plan of development review process, the delineation of the buildable areas that are allowed on each lot. The delineation of buildable areas shall be based on the performance criteria specified in Part IV (9 VAC 25-830-120 et. seq.), local front and side yard setback requirements, and any other relevant easements or limitations regarding lot coverage.</p>	<p>1. The Irvington Town Council shall amend its local ordinances to require notations on plats regarding the requirement for pump-out for onsite sewage treatment systems. In addition, the Town must require the delineation of the buildable areas on each lot, based on the performance criteria, local front and side yard setbacks, and any other relevant easements or limitations regarding lot coverage on plans.</p>	<p align="center">July 31, 2024</p>
Administration	<p>Deficiency: As required by 9 VAC 25-830-170, the Town of Irvington has not amended its Comprehensive Plan to include all</p>	<p>2. The Irvington Town Council shall adopt Comprehensive Plan</p>	<p align="center">July 31, 2024</p>



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<p>elements required under the Regulations.</p> <p>Legal Requirement: 9 VAC 25-830-170 states: Local governments shall review and revise their comprehensive plans, as necessary, for compliance with § 62.1-44.15:74 of the Act and this chapter. As a minimum, the comprehensive plan or plan component shall consist of the following basic elements: (i) a summary of data collection; (ii) analysis and policy discussion(s); (iii) land use plan map(s); (iv) implementing measures, including specific objectives and a time frame for accomplishment. Part (1)(h) requires a map or series of maps representing certain information specified in the Regulations.</p>	<p>amendments to include all elements required under the Regulations.</p>
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DEQ, on behalf of the State Water Control Board (Board), conducted a review of the Town of Irvington’s Chesapeake Bay Preservation Act Program (Bay Act Program) on October 18, 2022. Based on the review of the Bay Act Program and subsequent discussions with the Town, the Board finds the Bay Act Program contains the deficiencies listed in the table above and is therefore not consistent with the Chesapeake Bay Preservation Act and Regulations.

For purposes of this Agreement and subsequent actions with respect to this Agreement only, the Town of Irvington agrees with the findings, deficiencies and legal requirements contained herein for the program components listed above.

By signing this Agreement, the Town declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Agreement.

The Town also agrees to complete the corrective actions by the deadline listed in the table above.

The undersigned representative of the Town of Irvington certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the Town to this document. Any documents to be submitted pursuant to this Agreement shall also be submitted by a responsible official of the Town.

This Agreement shall become effective upon execution by both the Virginia Department of Environmental Quality and the Town of Irvington.



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Signature: Julie W. Harris Date: 6/14/24

Name & Title: Julie W. Harris, Mayor

Signature: _____ Date: _____

Name & Title: Justin Williams, Manager, Office of Watersheds and Local Government Assistance Programs