



Corrective Action Agreement – Cape Charles, REVISED
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 Department of Environmental Quality (DEQ) and the *Town of Cape Charles* regarding the *Cape Charles* 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
Plan of Development Review Process	As required by 9 VAC25-830-60(A)(6), 9 VAC25-830-130(3), and 9 VAC25-830-190(A) and Appendix B Section 4, Article VII Section 7.9, 7.12(B), of the Cape Charles Town Code, the Town of Cape Charles shall consistently implement the requirements outlined in its Chesapeake Bay Preservation ordinance in a manner that protects the quality of state and local waters. This includes consistent documentation of site-specific Resource Protection Area determinations and their confirmation by staff; and consistent depiction of site plan and plat notation requirements including RPA and RMA boundaries, retention of an undisturbed and vegetated 100-foot buffer, and the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas.	The Town shall develop new or amend existing implementation tools to include protocols, procedures, applications, and checklists to ensure the implementation and documentation of the ordinance requirements that enable the Town to determine that the proposed use and development of land in designated Chesapeake Bay Preservation Areas is consistent with the Chesapeake Bay Preservation Act and Regulations, to include those listed above. These updated implementation tools will be reviewed by DEQ to ensure that the Town's implementation tools result in accurate, consistent application of the plan of development review process.	8/31/2025 3/31/2026
Plan of Development Review Process	As required by 9 VAC25-830-140(6) of the Regulations and Article VII Section 7.7(B) and 7.11 of the Cape Charles Town Code, the Town of Cape Charles must consistently implement and enforce mitigation requirements for permitted RPA buffer encroachments, modifications, and violations as specified in the water quality impact assessment and as based upon the area of land disturbance within the RPA. Such implementation and enforcement shall include ensuring the planting of approved	The Town must develop new or amend existing protocols, procedures, applications, and checklists to ensure the consistent implementation of requirements for violations, buffer encroachments, and buffer modifications that provide mitigation plantings are consistently required, appropriately planted, and survive through two growing seasons.	8/31/2025 3/31/2026



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	vegetative mitigation within a reasonable time frame and documenting survival of required plantings for at least one year.		
RPA Development Criteria	As required by 9 VAC 25-830-80(B) and 9 VAC 25-830-110 and Article VII Section 7.12 of the Cape Charles Code, The Town of Cape Charles must, as part of the plan of development review process or during the review of a water quality impact assessment, ensure or confirm that a reliable, site-specific evaluation is conducted to determine whether water bodies on or adjacent to development sites have perennial flow and that Resource Protection Area boundaries are adjusted, as necessary, based on the site evaluation.	The Town must develop new or amend existing protocols, procedures, applications, and checklists to ensure the implementation and documentation of RPA boundaries are confirmed and documented by the Town with a site visit, regardless of such an evaluation that is submitted on a site plan by property owners, a contractor, or building developers.	8/31/2025 3/31/2026
RPA Development Criteria	As required by 9 VAC 25-830-140(1)(a) and 9 VAC 25-830-140(6) of the Regulations and Section 7.11(A) of the Cape Charles Code, the Town of Cape Charles must ensure the submission of a water quality impact assessment, inclusive of specific measures for mitigation of identified impacts due to proposed land disturbance or development within the Resource Protection Area.	The Town must develop new or amend existing protocols, procedures, applications, and checklists to ensure the submission of a water quality impact assessment and its implementation through the installation of mitigation measures as approved within a reasonable period, when required.	8/31/2025 3/31/2026
Regulatory Relief Requirements	As required by 9 VAC 25-830-150(C) and Article VII Section 7.15 of the Town of Cape Charles Code, the Town must improve its regulatory relief processes to ensure exceptions to buffer area requirements and development criteria for RPA are only made by the BZA based upon the required findings. The Town must properly document the basis for findings prior to a BZA decision.	The Town must work with DEQ to provide training and education to its BZA to ensure formal exceptions are adequately reviewed by the BZA and that decisions are made based upon the required Regulations including findings.	8/31/2025 3/31/2026
Comprehensive Plan	As required by 9 VAC 25-830-170 of the Regulations, the Town of Cape Charles must amend its comprehensive plan to include mapping of the location of designated Chesapeake Bay Preservation Areas, shoreline and streambank erosion problems, and existing and potential water pollution sources. The Town must also develop implementation measures (such as goals,	The Town of Cape Charles shall amend its comprehensive plan to include required mapping elements including the location of CBPA areas, shoreline and streambank erosion problems, existing and potential water pollution sources, in addition to required implementation measures for goals and objectives relevant to potential water quality impacts.	3/31/2026



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	objectives, and action strategies) and a time frame for accomplishment of the implementation measures.		
Ordinance Consistency	As required by Va. Code 62.1-44.15:74 (C) and (D), 9 VAC 25-830-60(A)(4) and (6), and 9 VAC 25-830-190(A)(4) of the Regulations, the Town of Cape Charles must conduct a comprehensive review of the Article VII Chesapeake Bay Preservation Area Overlay District and Appendix B Site Plan Ordinance, to ensure consistency with the Regulations.	Town Council must adopt ordinance amendments to ensure compliance with the Regulations. DEQ staff will provide ordinance edits to assist the Town with this task	3/31/2026

DEQ conducted a review of *Town's* Chesapeake Bay Preservation Act Program (Bay Act Program) between June 21, 2024 and March 18, 2025. Based on the review of the Bay Act Program and subsequent discussions with the *Town*, DEQ 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* 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 DEQ 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* 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 *Town*.



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Signature:  Date: 11/25/2025

Name & Title: Dicran Kourouglan, III Town Manager

Signature:  Date: 12/3/2025

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

