

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 10.1-603.4 of the Code of Virginia, relating to the reclamation of*
3 *stormwater.*

4 [S 378]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 10.1-603.4 of the Code of Virginia is amended and reenacted as follows:**

8 § 10.1-603.4. Development of regulations.

9 The Board is authorized to adopt regulations that specify minimum technical criteria and
10 administrative procedures for stormwater management programs in Virginia. The regulations shall:

11 1. Establish standards and procedures for delegating the authority for administering a stormwater
12 management program to localities;

13 2. Establish minimum design criteria for measures to control nonpoint source pollution and localized
14 flooding, and incorporate the stormwater management regulations adopted pursuant to the Virginia
15 Erosion and Sediment Control Law (§ 10.1-560 et seq.), as they relate to the prevention of stream
16 channel erosion. These criteria shall be periodically modified as required in order to reflect current
17 engineering methods;

18 3. Require the provision of long-term responsibility for and maintenance of stormwater management
19 control devices and other techniques specified to manage the quality and quantity of runoff;

20 4. Require as a minimum the inclusion in local programs of certain administrative procedures which
21 include, but are not limited to, specifying the time period within which a local government that has
22 adopted a stormwater management program must grant permit approval, the conditions under which
23 approval shall be granted, the procedures for communicating disapproval, the conditions under which an
24 approved permit may be changed and requirements for inspection of approved projects;

25 5. Establish, with the concurrence of the Director, a statewide permit fee schedule for stormwater
26 management related to land disturbing activities of one acre or greater. The fee schedule shall also
27 include a provision for a reduced fee for land disturbing activities between 2,500 square feet and up to 1
28 acre in Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.) localities. The regulations shall be
29 governed by the following:

30 a. The revenue generated from the statewide stormwater permit fee shall be collected and remitted to
31 the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to
32 § 10.1-603.4:1. However, whenever the Board has delegated a stormwater management program to a
33 locality or is required to do so under this article, no more than 30 percent of the total revenue generated
34 by the statewide stormwater permit fees collected within the locality shall be remitted to the State
35 Treasurer, for deposit in the Virginia Stormwater Management Fund.

36 b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made
37 to the Department; however, the fees shall be set at a level sufficient for the Department to carry out its
38 responsibilities under this article;

39 6. Establish statewide standards for stormwater management from land disturbing activities of one
40 acre or greater, except as specified otherwise within this article, and allow for the consolidation in the
41 permit of a comprehensive approach to addressing stormwater management and erosion and sediment
42 control, consistent with the provisions of the Erosion and Sediment Control Law (§ 10.1-560 et seq.) and
43 this article. However, such standards shall also apply to land disturbing activity exceeding an area of
44 2500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay
45 Preservation Area Designation and Management Regulations (9 VAC 10-20 et seq.) adopted pursuant to
46 the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.);

47 7. Require that stormwater management programs maintain after-development runoff rate of flow and
48 characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics
49 and site hydrology, or improve upon the contributing share of the existing predevelopment runoff
50 characteristics and site hydrology if stream channel erosion or localized flooding is an existing
51 predevelopment condition. Any land-disturbing activity that provides for stormwater management shall
52 satisfy the conditions of this subsection if the practices are designed to (i) detain the water quality
53 volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected
54 rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate
55 resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak
56 flow rate from the site assuming it was in a good forested condition, achieved through multiplication of

57 the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it
58 was in a good forested condition divided by the runoff volume from the site in its proposed condition,
59 and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made
60 channels as defined in any regulations promulgated pursuant to this section, or any ordinances adopted
61 pursuant to § 10.1-603.3 or 10.1-603.7;

62 8. Encourage low impact development designs, regional and watershed approaches, and nonstructural
63 means for controlling stormwater; ~~and~~

64 9. *Promote the reclamation and reuse of stormwater for uses other than potable water in order to*
65 *protect state waters and the public health and to minimize the direct discharge of pollutants into state*
66 *waters; and*

67 10. Establish, with the concurrence of the Director, a statewide permit fee schedule for stormwater
68 management related to municipal separate storm sewer system permits.