1   **VIRGINIA ACTS OF ASSEMBLY — CHAPTER**

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

3   [S 1114]
4   Approved

5   **Be it enacted by the General Assembly of Virginia:**
6   **1. That § 10.1-603.4 of the Code of Virginia is amended and reenacted as follows:**
7   § 10.1-603.4. Development of regulations.
8   The Board is authorized to adopt regulations that specify minimum technical criteria and
9   administrative procedures for stormwater management programs in Virginia. The regulations shall:
10   1. Establish standards and procedures for delegating the authority for administering a stormwater
11   management program to localities;
12   2. Establish minimum design criteria for measures to control nonpoint source pollution and localized
13   flooding, and incorporate the stormwater management regulations adopted pursuant to the Virginia
14   Erosion and Sediment Control Law (§ 10.1-560 et seq.), as they relate to the prevention of stream
15   channel erosion. These criteria shall be periodically modified as required in order to reflect current
16   engineering methods;
17   3. Require the provision of long-term responsibility for and maintenance of stormwater management
18   control devices and other techniques specified to manage the quality and quantity of runoff;
19   4. Require as a minimum the inclusion in local programs of certain administrative procedures which
20   include, but are not limited to, specifying the time period within which a local government that has
21   adopted a stormwater management program must grant permit approval, the conditions under which
22   approval shall be granted, the procedures for communicating disapproval, the conditions under which an
23   approved permit may be changed and requirements for inspection of approved projects;
24   5. Establish, with the concurrence of the Director, a statewide permit fee schedule for stormwater
25   management related to land disturbing activities of one acre or greater. The fee schedule shall also
26   include a provision for a reduced fee for land disturbing activities between 2,500 square feet and up to 1
27   acre in Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.) localities. The regulations shall be
28   governed by the following:
29   a. The revenue generated from the statewide stormwater permit fee shall be collected and remitted to
30   the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to
31   § 10.1-603.4:1. However, whenever the Board has delegated a stormwater management program to a
32   locality or is required to do so under this article, no more than 30 percent of the total revenue generated
33   by the statewide stormwater permit fees collected within the locality shall be remitted to the State
34   Treasurer, for deposit in the Virginia Stormwater Management Fund.
35   b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made
36   to the Department; however, the fees shall be set at a level sufficient for the Department to carry out its
37   responsibilities under this article;
38   6. Establish statewide standards for stormwater management from land disturbing activities of one
39   acre or greater, except as specified otherwise within this article, and allow for the consolidation in the
40   permit of a comprehensive approach to addressing stormwater management and erosion and sediment
41   control, consistent with the provisions of the Erosion and Sediment Control Law (§ 10.1-560 et seq.) and
42   this article. However, such standards shall also apply to land disturbing activity exceeding an area of
43   2500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay
44   Preservation Area Designation and Management Regulations (9 VAC 10-20 et seq.) adopted pursuant to
45   the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.);
46   7. Require that stormwater management programs maintain after-development runoff rate of flow and
47   characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics
48   and site hydrology, or improve upon the contributing share of the existing predevelopment runoff
49   characteristics and site hydrology if stream channel erosion or localized flooding is an existing
50   predevelopment condition. Any land-disturbing activity that provides for stormwater management shall
51   satisfy the conditions of this subsection if the practices are designed to (i) detain the water quality
52   volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected
53   rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate
54   resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak
55   flow rate from the site assuming it was in a good forested condition, achieved through multiplication of
56   the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it

57 was in a good forested condition divided by the runoff volume from the site in its proposed condition,
58 and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made
59 channels as defined in any regulations promulgated pursuant to this section, or any ordinances adopted
60 pursuant to § 10.1-603.3 or 10.1-603.7;
61   8. Encourage low impact development designs, regional and watershed approaches, and nonstructural
62 means for controlling stormwater;
63   9. Promote the reclamation and reuse of stormwater for uses other than potable water in order to
64 protect state waters and the public health and to minimize the direct discharge of pollutants into state
65 waters; ~~and~~
66   10. Establish, with the concurrence of the Director, a statewide permit fee schedule for stormwater
67 management related to municipal separate storm sewer system permits*; and*
68   *11. Provide for the evaluation and potential inclusion of emerging or innovative stormwater control*
69 *technologies that may prove effective in reducing nonpoint source pollution.*