

14101861D

HOUSE BILL NO. 673

Offered January 8, 2014

Prefiled January 7, 2014

A *BILL to amend and reenact § 62.1-44.15:28 of the Code of Virginia, relating to permit fees; single-family residences.*

Patrons—Poindexter and Wright

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 62.1-44.15:28 of the Code of Virginia is amended and reenacted as follows:****§ 62.1-44.15:28. Development of regulations.**

A. The Board is authorized to adopt regulations that specify minimum technical criteria and administrative procedures for Virginia Stormwater Management Programs. The regulations shall:

1. Establish standards and procedures for administering a VSMP;

2. Establish minimum design criteria for measures to control nonpoint source pollution and localized flooding, and incorporate the stormwater management regulations adopted pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), as they relate to the prevention of stream channel erosion. These criteria shall be periodically modified as required in order to reflect current engineering methods;

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

4. Require as a minimum the inclusion in VSMPs of certain administrative procedures that include, but are not limited to, specifying the time period within which a VSMP authority shall grant land-disturbing activity approval, the conditions and processes under which approval shall be granted, the procedures for communicating disapproval, the conditions under which an approval may be changed, and requirements for inspection of approved projects;

5. Establish by regulations a statewide permit fee schedule to cover all costs associated with the implementation of a VSMP related to land-disturbing activities of one acre or greater. Such fee attributes include the costs associated with plan review, VSMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with the land-disturbing activities as well as program oversight costs. The fee schedule shall also include a provision for a reduced fee for land-disturbing activities between 2,500 square feet and up to one acre in Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) localities. The fee schedule shall be governed by the following:

a. The revenue generated from the statewide stormwater permit fee shall be collected utilizing, where practicable, an online payment system, and the Department's portion shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to § 62.1-44.15:29. However, whenever the Board has approved a VSMP, no more than 30 percent of the total revenue generated by the statewide stormwater permit fees collected shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund, with the balance going to the VSMP authority.

b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made to the Department or other supporting revenue from a VSMP; however, the fees shall be set at a level sufficient for the Department and the VSMP to fully carry out their responsibilities under this article and its attendant regulations and local ordinances or standards and specifications where applicable. When establishing a VSMP, the VSMP authority shall assess the statewide fee schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department for program oversight responsibilities pursuant to subdivision 5 a. A VSMP's portion of the fees shall be used solely to carry out the VSMP's responsibilities under this article and its attendant regulations, ordinances, or annual standards and specifications.

c. Until July 1, 2014, the fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities issued by the Board, or where the Board has issued an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities for an entity for which it has approved annual standards and specifications, shall be \$750 for each large construction activity with sites or common plans of development equal to or greater than five acres and \$450 for each small construction activity with sites or common plans of development equal to or greater

INTRODUCED

HB673

59 than one acre and less than five acres. On and after July 1, 2014, such fees shall only apply where
60 coverage has been issued under the Board's General Permit for Discharges of Stormwater from
61 Construction Activities to a state agency or federal entity for which it has approved annual standards
62 and specifications. After establishment, such fees may be modified in the future through regulatory
63 actions.

64 d. Until July 1, 2014, the Department is authorized to assess a \$125 reinspection fee for each visit to
65 a project site that was necessary to check on the status of project site items noted to be in
66 noncompliance and documented as such on a prior project inspection.

67 e. *The fee schedule shall establish a fee for coverage under the General Permit for Discharges of*
68 *Stormwater from Construction Activities issued by the Board for a small construction activity involving*
69 *one or more single-family detached residential structures with sites or areas, within or outside a*
70 *common plan of development, equal to or greater than one acre but less than five acres. Such fee shall*
71 *be no greater than the fee for coverage of sites or areas with a land-disturbance acreage of less than*
72 *one acre.*

73 f. When any fees are collected pursuant to this section by credit cards, business transaction costs
74 associated with processing such payments may be additionally assessed;

75 6. Establish statewide standards for stormwater management from land-disturbing activities of one
76 acre or greater, except as specified otherwise within this article, and allow for the consolidation in the
77 permit of a comprehensive approach to addressing stormwater management and erosion and sediment
78 control, consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et
79 seq.) and this article. However, such standards shall also apply to land-disturbing activity exceeding an
80 area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay
81 Preservation Area Designation and Management Regulations;

82 7. Require that VSMPs maintain after-development runoff rate of flow and characteristics that
83 replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology,
84 or improve upon the contributing share of the existing predevelopment runoff characteristics and site
85 hydrology if stream channel erosion or localized flooding is an existing predevelopment condition.
86 Except where more stringent requirements are necessary to address total maximum daily load
87 requirements or to protect exceptional state waters, any land-disturbing activity that provides for
88 stormwater management shall satisfy the conditions of this subsection if the practices are designed to (i)
89 detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour
90 period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable
91 peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less
92 than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved
93 through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff
94 volume from the site when it was in a good forested condition divided by the runoff volume from the
95 site in its proposed condition, and shall be exempt from any flow rate capacity and velocity
96 requirements for natural or man-made channels as defined in any regulations promulgated pursuant to
97 this section or any ordinances adopted pursuant to § 62.1-44.15:27 or 62.1-44.15:33;

98 8. Encourage low-impact development designs, regional and watershed approaches, and nonstructural
99 means for controlling stormwater;

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

103 10. Establish a statewide permit fee schedule for stormwater management related to municipal
104 separate storm sewer system permits; and

105 11. Provide for the evaluation and potential inclusion of emerging or innovative stormwater control
106 technologies that may prove effective in reducing nonpoint source pollution.

107 B. The Board may integrate and consolidate components of the regulations implementing the Erosion
108 and Sediment Control program and the Chesapeake Bay Preservation Area Designation and Management
109 program with the regulations governing the Virginia Stormwater Management Program (VSMP) Permit
110 program or repeal components so that these programs may be implemented in a consolidated manner
111 that provides greater consistency, understanding, and efficiency for those regulated by and administering
112 a VSMP.