



# Virginia Stormwater Management Program (VSMP) Fees

# Presentation Overview

- Authority for, and purpose of, the establishment and use of the State VSMP fee schedule by localities
- Basis for the State fee schedule
- Local flexibility for the level of fees

# State Fee Schedule

	<u>Initial</u>	<u>Maintenance</u>
• Chesapeake Bay Land = Disturbing Activity	\$290	\$50
• Comm. POD < 1 acre =	\$290	\$50
• $\geq 1$ acre < 5 acres =	\$2,700	\$400
• $\geq 5$ acres < 10 acres =	\$3,400	\$500
• $\geq 10$ acres < 50 acres =	\$4,500	\$650
• $\geq 50$ acres < 100 acres =	\$6,100	\$900
• $\geq 100$ acres =	\$9,600	\$1,400

# What the Permit Fees Cover

- **9VAC25-870-700** : Fees for coverage under the General Permit for Discharges of Stormwater from Construction Activities are to cover “*all costs associated with the implementation*” of a VSMP by a VSMP authority. Such fee attributes include the following\*:
  - plan review
  - registration statement review
  - permit issuance
  - state-coverage verification
  - inspections
  - Reporting and database management
  - compliance activities associated with land disturbing activities
  - program oversight
  - state permit maintenance, modification, and transfer

\* Above listed fee attributes are based on 9VAC25-870-700 (Purpose) of the VSMP regulations.

# What DCR's Portion of the Fee Covers

- Review of all local program application packages submitted for consideration
- Statewide program oversight for the auditing of all local programs compliance
- Training, certification and educational outreach
- Ordinance development and review
- Local program technical assistance
- Response to complaints not resolved at the local level
- Enforcement responsibilities as needed
- BMP Clearinghouse
- Development of stormwater management handbook
- Support for e-Permitting platform and improvements

# Authority & Purpose of Virginia Stormwater Management Program (VSMP) Fees

- **Authority:** Stormwater Management Act - §62.1-44.15:28 - “Establish by regulations, with the concurrence of the Director, 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.”
- **Purpose:** The fees are established to cover all costs associated with the implementation of a VSMP.

# Authority for Flexibility for VSMP Fees

- **§ 62.1-44.15:28.5 b:** “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....”
- **9VAC25-870-700 :** A VSMP authority may establish greater fees than those base fees specified by [the regulations] should it be demonstrated to the board that such greater fees are necessary to properly administer the VSMP.
- **9VAC25-870-700 :** Nothing in [the Regulations] shall prohibit a locality from establishing other local fees authorized by the Code of Virginia related to stormwater management within their jurisdictions. A VSMP's portion of the fees shall be used solely to carry out the VSMP's responsibilities under the [Stormwater Management] Act.

# Basis of Fees

- **Economic Impact Analysis** of Revisions to the Virginia Stormwater Regulation - Final Report<sup>1</sup> - Kurt Stephenson, Professor, Virginia Tech  
Bobby Beamer, Economist
  - Survey of local stormwater and erosion and sediment control programs in the summer of 2006
  - Interviews conducted with staff for 7 large stormwater programs within the Chesapeake Bay Preservation Act area
- June – September 2008 – **Technical Advisory Committee (TAC)** held 5 meetings to assist DCR with the development of the fee schedule – Part XIII of the VSMP regulations
- March – April 2008 – **Public Comments on Part XIII** – draft fee schedule
- Significant local government feed back that fees should be based on actual costs of administering a stormwater program

# Other Key Provisions Regarding VSMP Fees §62.1-44.15:28 A 5 b.

- VSMPs shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges
- In no case shall such fee changes affect the amount established in the regulations as available to the Department for program oversight
- Localities are able to maintain other program related charges

# Flexibility for State permit maintenance fees

- **9VAC25-870-700** : “... should a VSMP authority demonstrate to the board its ability to fully and successfully implement a VSMP without a full implementation of the fees..., the board may authorize the ...establishment of a lower fee...provided that such reduction shall not reduce the amount of fees due to the department for its program oversight...” These fees may be reduced to zero.
- **9VAC25-870-830**: Maintenance fees shall apply until the state permit coverage is terminated, and shall only be effective when assessed by a VSMP authority.
- **§ 62.1-44.15:28.5 b**: “...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...”

# VSMP Adoption Schedule

- **December 13, 2012** – First date localities may adopt a VSMP (15 months from effective date of stormwater management regulations)
- **April 1, 2013** – Localities submit 12-month extension requests with draft stormwater programs demonstrating substantive progress
- **June 6, 2013** – VSWCB consideration of 12-month extension requests
- **June 13, 2013** – Final VSMP adoption date, *without* 12-month extension (21 months from the effective date of the stormwater management regulations)
- **December 15, 2013** – Localities submit *preliminary* draft local VSMP application packages for final review by DEQ
- **April 1, 2014** – Final adopted VSMP packages, including adopted ordinances submitted for review by DEQ
- **June 2014** – Final date for approval of local VSMPs