



## Botetourt County VSMP Stormwater Submittal Policy & Procedures



# **BOTETOURT COUNTY STORMWATER SUBMITTAL POLICY AND PROCEDURES**

## **Introduction**

- 1.1 Botetourt County Development Services Department is responsible for the Administration, Plan Review, Inspection and Enforcement Components of the VSMP within the County as well as any towns located therein.
- 1.2 Botetourt County's VSMP is a requirement in the Virginia Stormwater Management Program Permit Regulations and the Virginia Stormwater Management Act. All components of the local VSMP are based on 9VAC25-870 and do not contain more stringent provisions than the current VSMP regulations.
- 1.3 The following document was developed to provide guidance to developers, property owners and design professionals and to assist them in meeting the Botetourt County Code, Chapter 10, Erosion and Sediment Control; Stormwater Management (Chapt. 10) requirements. It serves as a supplement to existing State guidance manuals and was based on the requirements as established by 9VAC25-870, 9VAC25-880 and Virginia Stormwater Management Handbook, latest edition.
- 1.4 The requirements of the policy and procedures document shall apply to all land-disturbing activities that require a Construction General Permit under the VSMP Regulations. Exemptions to these regulations are as stated in the Chapt. 10, Sec. 10-53. Stormwater Permit Requirement; Exemptions.

## **Submittal, Review and Approval Process**

- 2.1 Botetourt County requires the submission of a site development plan for commercial and residential development which shall be submitted to the Botetourt County Department of Development Services. Included in the site development plan shall be a complete SWPPP for review and approval prior to commencement of any land-disturbing activity.

The contents of the SWPP shall be according to Sec. 10-56 of Chapt. 10 and 9VAC25-870-54. A SWPP shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL's.

- 2.2 For requirements for the erosion and sediment control plan, see Botetourt County Code Chapter 10, Article II, Erosion and Sediment Control; Virginia Erosion and Sediment Control Handbook, Latest Edition and 9VAC25-84.

For requirements for the stormwater management plan, see Chapt. 10, Sec. 10-56 and 9VAC25-870-55.

For requirements for the pollution prevention plan, see Chapt. 10, Sec. 10-57 and 9VAC25-870-56.

- 2.3 For requirements of the review and approval of the stormwater management plan, see Chapt. 10, Sec. 10-58 and 9VAC25-870-108.
- 2.4 Prior to notifying the applicant that the VSMP Construction General Permit (CGP) coverage has been authorized, the applicant must have completed the following:

- Obtained approval of an initial or complete stormwater management plan;
- Submitted a proposed right-of-way entry agreement or easement(s) from the owner, for the purposes of inspection and maintenance;
- Submitted proposed maintenance agreement with inspection schedule;
- Submitted a complete registration statement for the CGP; and
- Submitted the required fee form and fee.

2.4 For the requirements of the State permit application (registration statement), see 9VAC25-88-50

### **Long-term Maintenance and Inspections**

3.1 Botetourt County requires a Stormwater Infrastructure Maintenance Agreement to be recorded for all stormwater management basins and associated structures and BMP's. The maintenance agreement has a list of BMP's and required frequency of inspections.

For Long-term maintenance and inspection requirements, see Chapt. 10, Sec. 10-60, 9VAC25-870-58 and 9VAC25-870-112.

### **Monitoring and Inspections**

4.1 For monitoring and inspection requirements, see Chapt. 10, Sec. 10-61 and 9VAC25-870-114.

### **Enforcement and Hearings**

5.1 For enforcement requirements, see Chapt. 10, Sec. 10-62, Sec. 10-63, Sec. 10-64, Sec. 10-65, 9VAC25-870-116 and 9VAC25-870-118.

### **Reporting and Recordkeeping**

6.1 For reporting and recordkeeping, see 9VAC25-870-126 and Section 3.8 of the Virginia Stormwater Management Handbook.

### **Requirements for a VSMP Surety**

7.1 For policies/procedures for obtaining and releasing performance bonds, see Chapt. 10, Sec. 10-67.

### **VSMP Fee Schedule**

8.1 Fees are based on the State Fee Schedule. 50% of the total fee shall be paid at time of submittal for review and approval by the VSMP Authority. The remaining 50% shall be paid prior to the issuance of coverage under the General Permit for Discharges of Stormwater from Construction Activities.

(a) Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with Table 1. **[NOTE: 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 land-disturbing activities as well as state program oversight costs.]** When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the Applicant shall be subject to fees (“total fee to be paid by applicant” column) in accordance with the disturbed acreage of their site or sites according to Table 1.

**(b) Construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale, shall not be required to pay the Department of Environmental Quality’s portion of the fee noted below.**

**Table 1: Fees for permit issuance**

FEE TYPE	TOTAL FEE TO BE PAID BY APPLICANT (includes both VSMP authority and Department portions where applicable)
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$290
General/Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre or areas involving a single family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but not less than five acres.)	\$290
General/Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	\$2,700
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400
General/Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$4,500
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and	\$6,100

less than 100 acres)	
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600

\* If the project is completely administered by the Department such as may be the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the Department.

- (c) Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by Botetourt County, such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1. **[NOTE: Fees specified in this Subsection go to the locality.]**

**Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities**

TYPE OF PERMIT	FEE AMOUNT
General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
General/Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

- (d) The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. **[NOTE: Fees specified in this Subsection go to the locality.]**

**Table 3: Permit Maintenance Fees**

TYPE OF PERMIT	FEE AMOUNT
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$50
General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
General/Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	\$1,400

General permit coverage maintenance fees shall be paid annually to the **County** by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

(e) The fees set forth in Subsections (a) through (c) above, shall apply to:

- (1) All persons seeking coverage under the general permit.
- (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
- (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater From Construction Activities.
- (4) Permit and permit coverage maintenance fees outlined under Section 1-15 (c) may apply to each general permit holder.

(f) No general permit application fees will be assessed to:

- (1) Permittees who request minor modifications to general permits as defined in Section 1-2 of this Ordinance. Permit modifications at the request of the permittee resulting in

changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.

- (2) Permittees whose general permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.
  
- (g) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The **County** shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.