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Fast-Track Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9 VAC 25-875
VAC Chapter title(s)	Virginia Erosion and Stormwater Management Regulation
Action title	Amend the Virginia Erosion and Stormwater Management (VESM) Regulation to improve the efficiency of permit fee collection
Date this document prepared	March 13, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The intent of this fast-track regulatory action is to amend provisions of the Virginia Erosion and Stormwater Management (VESM) Regulation (9VAC25-875, effective July 1, 2026) to (i) make fee collection procedures used by the Department of Environmental Quality (Department) and localities that administer a Virginia Erosion and Stormwater Management Program (VESMP) more efficient; (ii) increase regulatory clarity; and (iii) create consistency between the VESM Regulation and Fees for Permits and Certificates (9VAC25-20, effective November 23, 2022).

The amendments will improve the Department's permit processing procedures by requiring the full fee for coverage under the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (Construction General Permit) or for a VPDES individual permit for construction activities to be paid at the time of application (i.e., when an applicant submits a stormwater management plan or erosion control and stormwater management plan (ESM plan),

if required). The amendments will also clarify fee due dates for maintenance, applications for individual and general Municipal Separate Storm Sewer System (MS4) permits, and requests for transfers or modifications of MS4 permits, Construction General Permits, and VPDES individual permits for construction activities.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

- Board: State Water Control Board
- Construction General Permit: General VPDES Permit for Discharges of Stormwater from Construction Activities
- Department: Department of Environmental Quality
- ESM plan: Erosion control and stormwater management plan or soil erosion control and stormwater management plan
- MS4: Municipal Separate Storm Sewer System
- VESMP: Virginia Erosion and Stormwater Management Program
- VESM Regulation: Virginia Erosion and Stormwater Management Regulation, 9VAC25-875
- VPDES: Virginia Pollutant Discharge Elimination System
- VSMP: Virginia Stormwater Management Program

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On April 7, 2026, the State Water Control Board (Board):

1. Authorized the Department to promulgate the proposal for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be noncontroversial. The Board's authorization constituted its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal.
2. Authorized the Department to set an effective date no earlier than 15 days after the close of the 30-day public comment period, or July 2, 2026, whichever is later, provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the Department does not find it necessary to make any changes to the proposal.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

Section 62.1-44.15:28 of the Code of Virginia (effective July 1, 2024) authorizes the Board to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, including nonagricultural runoff, that shall be met in any VESMP to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources; subsection 9 requires the Board’s regulations to include a statewide fee schedule to cover all costs associated with the implementation of a VESMP related to land-disturbing activities where permit coverage is required, and for land-disturbing activities where the Board serves as a VESMP authority or Virginia Stormwater Management Program (VSMP) authority.

The impetus for this change is the Department’s goal to efficiently and successfully collect the fees necessary to cover the costs associated with plan review, permit registration statement review, permit issuance, permit coverage verification, inspections, reporting, and compliance activities associated with the land-disturbing activities as well as program oversight, as mandated by § 62.1-44.15:28 of the Code of Virginia.

This rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because it does not significantly change the burden on the regulated community. The regulatory change is narrow in scope and does not increase permit fees, rather it specifies when the full fee amount is due during the permitting process. This rulemaking benefits the regulated community, localities, the Department, and other stakeholders by providing regulatory clarity and consistency, and by making the permitting process more efficient.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

Promulgating Entity

The promulgating entity for this regulation is the State Water Control Board.

State Requirements

Section 62.1-44.15:28 of the Code of Virginia (effective July 1, 2024) authorizes the Board to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, including nonagricultural runoff, that shall be met in any VESMP to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. Sections 62.1-44.15:28 and 62.1-44.15:31 of the Code of Virginia authorize the establishment of a statewide fee schedule,

including administrative charges for state agencies, for stormwater management for land-disturbing activities, and for municipal separate storm sewer systems.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The rationale for the regulatory action is to improve the efficiency of the Department's procedures for permits issued under the authority of the Board, especially the Construction General Permit. Per the existing regulation, fee collection for coverage under the Construction General Permit may be divided into two payments: no more than 50% of the total fee amount is due at the time that a plan is submitted for review, and the remaining fee balance is due prior to issuance of coverage under the Construction General Permit. The Department and VESMP authorities have the option to forgo charging any portion of the permit fee at the time of plan submission and may charge the full amount prior to permit coverage issuance. However, this option does not consistently satisfy § 62.1-44.15:28 of the Code of Virginia, which mandates the establishment of a statewide fee schedule to cover all costs associated with implementation of a VESMP or VSMP, including plan review. When no fee is collected at the time of application (i.e., when an applicant submits a stormwater management plan or ESM plan, if required), the program costs incurred for plan processing and review may not be recuperated. This regulatory action ensures the full fee amount is collected at the time that an application is submitted. In addition, it is the goal of this regulatory action to provide increased clarity and consistency regarding fee due dates for applications, modifications, transfers, and maintenance fees. The amendments are part of the Department's initiative to make permit processing more efficient.

This regulatory action will become effective as outlined above in the Statement of Final Agency Action, unless the Department approves an alternate payment schedule. All applications for a Construction General Permit that are submitted prior to the effective date of this regulatory action will be subject to the requirements in effect at the time of submission (i.e., no more than 50% of the total fee to be paid by an applicant shall be due at the time that a stormwater management plan or an initial stormwater management plan is submitted for review in accordance with 9VAC25-875-530; the remaining total fee balance to be paid by an applicant shall be due prior to the issuance of coverage under the Construction General Permit).

This regulatory action protects water quality in the Commonwealth of Virginia by ensuring the Department and localities that administer a VESMP have adequate resources for plan review, permitting, and program administration. Robust plan review, permitting, and inspection/compliance programs reduce erosion and stormwater runoff from land-disturbing activity and its impacts to protect water quality throughout the Commonwealth, which is essential to the health, safety, and welfare of Virginia's citizens.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The substance of this regulatory action is to amend sections 1330 and 1400 of the VESM Regulation (9VAC25-875) as follows:

- Adding clarification within 9VAC25-875-1330 that applications will not be processed until the required fees are paid at the time of application submittal, unless the Department approves an alternate payment schedule.
- Clarifying what an application submission may include for those land-disturbing activities which require approval of an ESM plan or stormwater management plan.
- Organizing 9VAC25-875-1330 to create consistency with 9VAC25-20-60, which establishes fee schedules and due dates for other agency water permit programs, and to increase regulatory clarity regarding fee due dates for applications, modifications, transfers, and maintenance fees.
- Removing from 9VAC25-875-1400 the requirement that no more than 50% of the total fee to be paid by an applicant is due at the time that a plan is submitted for review.

Together, these amendments will provide regulatory clarity, consistency, and make the permitting process more efficient.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

1. Public: The primary advantage of this regulatory change for the public is an enhanced statewide erosion and stormwater management program that will be properly funded. This change will result in improved efficiency in the permitting process. In addition, the public will benefit from greater clarity of the fee collection procedures. The primary disadvantage will be adjusting from the current method of fee collection for Construction General Permits and VPDES individual permits for construction activities. However, the change does not increase permit fees, rather it specifies when the fee is due during the permitting process, so the disadvantage is expected to be minimal.

2. The Department: The updates will allow the Department and VESMP authorities to collect the full fee amount for a Construction General Permit at the beginning of the application process (i.e., when a plan is submitted, if required). This is an advantage. There are no disadvantages to the agency or the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements and therefore no requirements that exceed federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

There is no state agency which will bear any identified disproportionate material impact due to the proposal which would not be experienced by other state agencies.

Localities Particularly Affected

There is no locality which will bear any identified disproportionate material impact due to the proposal which would not be experienced by other localities.

Other Entities Particularly Affected

There is no entity which will bear any identified disproportionate material impact due to the proposal which would not be experienced by other entities.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources</p>	<p>The regulatory change will be beneficial for the Department. By collecting the full fee amount associated with issuing a Construction General Permit or VPDES individual permit for construction activities at the beginning of the application process, the Department will ensure that the program costs incurred for plan processing and review are recuperated.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>The regulatory change will not result in any additional cost to any state agency.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The direct benefit to state agencies of updating the fee collection procedures in 9VAC25-875 is a statewide stormwater management program that will be properly funded and efficiently and consistently administered.</p>

Impact on Localities

If this analysis has been reported on the ORM Economic Review Form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees or revenues resulting from the regulatory change.	The regulatory change will be beneficial for localities who administer a VESMP. By collecting the full fee amount associated with issuing a Construction General Permit at the beginning of the application process, localities will ensure that the program costs incurred for plan processing and review are recuperated.
Benefits the regulatory change is designed to produce.	ORM Economic Review Form, Table 2.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Review Form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	ORM Economic Review Form, Tables 1a, 3 and 4
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	ORM Economic Review Form, Tables 1a, 3 and 4
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	ORM Economic Review Form, Tables 1a, 3 and 4
Benefits the regulatory change is designed to produce.	The direct benefit to other entities of updating the fee collection procedures in 9VAC25-875 is a statewide stormwater management program that will be properly funded and efficiently and consistently administered.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

The Department examined two alternatives as part of this regulatory amendment. The first alternative is to leave Chapter 875 unchanged, allowing applicants to continue using the existing fee payment due date requirements and procedures. This alternative is more burdensome because it could result in the Department not receiving payment for plan reviews and approvals and it affects the Department's efforts to improve and implement a more efficient permit processing initiative. In addition, this alternative would not provide increased regulatory clarity. The second alternative is to only remove the condition that no more than 50% of the total fee is due at the time of plan submission, without amending 9VAC25-875-1330 to provide clarity. While this alternative may seem to be a simpler regulatory change, it would potentially create confusion for the regulated community based on the existing format of 9VAC25-20, Fees for Permits and Certificates, which established fees and due dates for other VPDES permits, Virginia Pollution Abatement Program permits, and Virginia Water Protection Program permits. Neither of these alternatives were expected to be less costly or less intrusive for small businesses while still achieving the purpose of the regulatory change and they were rejected.

If this analysis has been reported on the ORM Economic Review Form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

This analysis has been reported on the ORM Economic Review Form in Tables 1b and 1c.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

This regulatory change is narrow in scope and does not increase permit fees or the substantive requirements for owners and operators to submit plans, obtain permits, and maintain compliance with requirements to control erosion and stormwater runoff from land-disturbing activities. The proposed change is not expected to have an adverse impact on small business; however, the proposed regulation does include the ability for the Department to approve an alternate payment schedule, which will allow for flexibility when necessary.

If this analysis has been reported on the ORM Economic Review Form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

This analysis has been reported on the ORM Economic Review Form in Table 4.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

Anyone objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The Department is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document. Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reported, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail or email to April Rhodes, Program Manager, Office of Stormwater Management, Virginia Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia 23218, or April.Rhodes@deq.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-	New chapter-section	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
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section number	number, if applicable		
9VAC25-875-1330		<p>9VAC25-875-1330. Due dates for permits.</p> <p>A. Requests for a permit, permit modification, or general permit coverage shall not be processed until the fees required pursuant to this part are paid in accordance with 9VAC25-875-1340.</p> <p>B. Individual permit or general permit coverage maintenance fees shall be paid annually to the department or the VESMP authority, as applicable. No permit will be reissued or automatically continued without payment of the required fee. Individual permit or general permit coverage maintenance fees shall be applied until a notice of termination is effective.</p> <p>Permit maintenance fees for MS4 individual permits or MS4 general permit coverages are due by October 1 of each year. Effective April 1, 2014, any operator whose permit or general permit coverage, including operators whose permits or general permit coverages have been administratively continued, is effective as of April 1 of any given year shall pay the permit maintenance fee or fees to the department or the VESMP authority by October 1 of that same year.</p> <p>Permit maintenance fees for discharges of stormwater pursuant to 9VAC25-875-1420 are due by April 1 of each year. After approval of a VESMP authority, including</p>	<p>9VAC25-875-1330. Due dates for permits.</p> <p>A. Requests <u>An application or request</u> for a permit, permit modification, or general permit coverage shall not be processed until the fees required pursuant to this part are paid in accordance with 9VAC25-875-1340, <u>unless the department approves an alternate payment schedule.</u></p> <p><u>B. VPDES Permits for discharges of stormwater from construction activities.</u></p> <p><u>1. The fees for new coverage under a General VPDES Permit for Discharges of Stormwater from Construction Activities or an individual permit, as specified in 9VAC25-875-1400, are due at the time an application is submitted. An application may include the submission of an ESM plan or stormwater management plan for review in accordance with 9VAC25-875-530, or a variance or exception request.</u></p> <p>B. 2. <u>Individual permit or general permit coverage maintenance fees, as specified in 9VAC25-875-1420, shall be paid annually to the department or the VESMP authority, as applicable, by April 1 of each year after the initial year of issuance, including owners whose individual permit or general permit coverage has been administratively continued. No permit will be reissued or automatically administratively continued without payment of the required fee. Individual permit or general permit coverage maintenance fees shall be applied until a notice of permit termination is effective.</u></p> <p><u>3. Fees for modification or transfer of individual permits or of registration statements for coverage under a General VPDES Permit for Discharges of Stormwater from Construction Activities, as specified in 9VAC25-875-1410, are due at the time an application or request is submitted for a modification or transfer</u></p>

		<p>the department when acting in that capacity, any owner whose permit or general permit coverage authorizing discharges of stormwater from construction activities, including owners whose permits or general permit coverages have been administratively continued, is effective as of the effective date of the VESMP authority shall pay the permit maintenance fee or fees to the department or the VESMP authority by April 1 of that same year.</p>	<p><u>that occurs (and becomes effective) before the stated permit expiration date. There is no application fee for a modification or transfer that is made at the department's initiative.</u></p> <p><u>C. VPDES Permits for MS4s.</u></p> <p><u>1. The fees for issuance of a new MS4 individual permit or coverage under a MS4 General Permit, as specified in 9VAC25-875-1380, are due at the time an application is submitted.</u></p> <p><u>2. Permit maintenance fees for MS4 individual permits or MS4 general permit coverages, as specified in 9VAC25-875-1420, are due by October 1 of each year. Effective April 1, 2014, any Any operator whose MS4 individual permit or MS4 general permit coverage, including operators whose permits MS4 individual permit or MS4 general permit coverages have coverage has been administratively continued, is effective as of April 1 of any given year shall pay the permit maintenance fee or fees to the department or the VESMP authority by October 1 of that same year.</u></p> <p>Permit maintenance fees for discharges of stormwater from construction activities pursuant to 9VAC25-875-1420 are due by April 1 of each year. After approval of a VESMP authority, including the department when acting in that capacity, any owner whose permit or general permit coverage authorizing discharges of stormwater from construction activities, including owners whose permits or general permit coverages have been administratively continued, is effective as of the effective date of the VESMP authority shall pay the permit maintenance fee or fees to the department or the VESMP authority by April 1 of that same year.</p> <p><u>3. When a modification of a MS4 individual permit is requested by the permittee, except as specifically exempt under 9VAC25-875-1320, the required</u></p>
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<p>9VAC25-875-1400 A</p>		<p>9VAC25-875-1400. Fees for individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities.</p> <p>A. The following total fees to be paid by an applicant apply to any operator seeking coverage under a General VPDES Permit for Discharges of Stormwater from Construction Activities or a state agency or federal entity that does not file standards and specifications or an individual permit issued by the department. On and after approval by the department or a VESMP authority for coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities, no more than 50% of the total fee to be paid by an applicant set out in this part shall be due at the time that a stormwater management plan or an initial stormwater management plan is submitted for review in</p>	<p>9VAC25-875-1400. Fees for individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities.</p> <p>A. The following total fees to be paid by an applicant apply to any operator seeking coverage under a General VPDES Permit for Discharges of Stormwater from Construction Activities or a state agency or federal entity that does not file standards and specifications or an individual permit issued by the department. On and after approval by the department or a VESMP authority for coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities, no more than 50% of the total fee to be paid by an applicant set out in this part shall be due at the time that a stormwater management plan or an initial stormwater management plan is submitted for review in accordance with 9VAC25-875-530. The remaining total fee balance to be paid by an applicant shall be due prior to the issuance of coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities.</p> <p>Rationale:</p>

		<p>accordance with 9VAC25-875-530. The remaining total fee balance to be paid by an applicant shall be due prior to the issuance of coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities.</p>	<p>This amendment moves the fee due date requirements from section 1400 to section 1330, to consolidate all due date information in section 1330. In conjunction with the amendments to section 1330 B 1, this change clarifies that the total fee is due at the time an application is submitted. This benefits the regulated community and the Department by simplifying the fee payment process.</p>
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Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulatory action will not have an impact on families.