

Part I
General

9 VAC 25-20-10. Definitions.

Unless otherwise defined in this chapter or unless the context clearly indicates otherwise, the terms used in this regulation shall have the meanings ascribed to them by the State Water Control Law, § 62.1-44.3; the board's Virginia Pollutant Discharge Elimination System Permit Regulation, 9 VAC 25-30-10 ~~9 VAC 25-31-10~~; the board's Virginia Pollution Abatement Permit Regulation, 9 VAC 25-32-10; the board's Virginia Water Protection Permit Regulation, 9 VAC 25-210-10; the board's Surface Water Management Area Regulation, 9 VAC 25-220-10; and the board's Ground Water Management Act of 1992, § 62.1-255 ~~of the Code of Virginia Withdrawal Regulation, 9 VAC 25-610-10~~, including any general permits issued thereunder.

"Applicant" means for the purposes of this chapter any person filing an application for issuance, reissuance, or modification, except as exempted by 9 VAC 25-20-50, of a permit, certificate or special exception or filing a registration statement or application for coverage under a general permit issued in response to Chapters 3.1 (§ 62.1-44.2 et seq.), 24 (§ 62.1-242 et seq.), and 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia.

"Application" means for the purposes of this chapter the forms approved by the State Water Control Board for applying for issuance or reissuance of a permit, certificate or special exception or for filing a registration statement or application for coverage under a general permit issued in response to Chapters 3.1, 24, and 25 of Title 62.1 of the Code of Virginia. In the case of modifications to an existing permit, permit authorization, certificate or special exception requested by the permit, permit authorization, certificate or special exception holder and not exempted by 9 VAC 25-20-50, the application shall consist of the formal written request and any accompanying documentation submitted by the permit, permit authorization, certificate or special exception holder to initiate the modification.

"Existing permit" means for the purposes of this chapter a permit, permit authorization, certificate or special exception issued by the board and currently held by an applicant.

"Major modification" means for the purposes of this chapter modification or amendment of an existing permit-~~or~~, permit authorization, certificate or special exception before its expiration which is not a minor modification as defined in this regulation.

"Major reservoir" means for the purposes of this chapter any new or expanded reservoir with greater than or equal to 17 acres of total surface water impacts (stream and wetlands), or a water withdrawal of greater than or equal to 3,000,000 gallons in any one day.

"Minor modification" means for the purposes of this chapter minor modification or amendment of an existing permit, permit authorization, certificate or special exception before its expiration as specified in ~~9 VAC 25-30~~ 9 VAC 25-31-400, 9 VAC 25-32-240, 9 VAC 25-210-210, 9 VAC 25-220-230, or in regulations promulgated in response to Chapter 25 of Title 62.1 of the Code of Virginia 9 VAC 25-610-330. Minor modification for the purposes of this chapter also means other modifications and amendments not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor permit modification or amendment does not substantially alter permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

"Minor reservoir" means for the purposes of this chapter any new or expanded reservoir with less than 17 acres of total surface water impacts (stream and wetlands), or a water withdrawal of less than 3,000,000 gallons in any one day.

"New permit" means for the purposes of this chapter a permit, permit authorization, certificate or special exception issued by the board to an applicant that does not currently hold and has never held a permit, permit authorization, certificate or special exception of that type, for that activity, at that location.

"Revoked permit" means for the purposes of this chapter an existing permit, permit authorization, certificate or special exception which is terminated by the board before its expiration.

"Single jurisdiction" means for the purposes of this chapter a single county or city. The term county includes incorporated towns which are part of the county.

~~"VWP Category I Project" means for the purposes of this chapter a project requiring complex staff review including, but not limited to, those that affect instream flows such as reservoirs, hydropower impoundments, and surface water withdrawals; major subdivisions, industrial parks, commercial developments, and regional stormwater facilities that cumulatively impact five acres or more of surface waters, including wetlands; projects in waters containing wild trout or threatened or endangered species; and new marinas, navigational dredging projects, and instream sand and gravel mining operations.~~

~~"VWP Category II Project" means for the purposes of this chapter a project requiring moderately complex staff review including, but not limited to, those impacting between two and five acres of surface waters, including wetlands, expansion of existing marinas and dredging of navigation channels.~~

~~"VWP Category III Project" means for the purposes of this chapter a project requiring routine staff review including, but not limited to, those that impact two acres or less of surface waters, including wetlands.~~

9 VAC 25-20-20. Purpose.

Section 62.1-44.15:6 of the Code of Virginia requires the promulgation of regulations establishing a fee assessment and collection system to recover a portion of the State Water Control Board's, Department of Game and Inland Fisheries', and the Department of Conservation and Recreation's direct and indirect costs associated with the processing of an application to issue, reissue, or modify any permit, permit authorization or certificate which the board has the authority to issue from the applicant for such permit, permit authorization or certificate. These regulations establish the required fee assessment and collection system.

9 VAC 25-20-30. Authority.

The authority for this chapter is pursuant to §§ 62.1-44.15(7) and (10) and ~~62.1-44.15:6~~ of the Code of Virginia.

9 VAC 25-20-40. Applicability.

A. This chapter applies to:

1. All applicants for issuance of a new permit, permit authorization or certificate, or reissuance of an existing permit, permit authorization or certificate ~~who apply on or after July 1, 1992, that have not been~~

~~issued a permit or certificate as of July 1, 1993, except as specifically exempt under 9 VAC 25-20-50 A.~~

The fee due shall be as specified under 9 VAC 25-20-110, ~~or 9 VAC 25-20-130 or 9 VAC 25-20-140~~ of this chapter.

2. All permit, permit authorization or certificate holders who request that an existing permit, permit authorization or certificate be modified, except as specifically exempt under 9 VAC 25-20-50 A 3 of this chapter, ~~who apply on or after July 1, 1992, whose permit or certificate has not been modified as of July 1, 1993.~~ The fee due shall be as specified under 9 VAC 25-20-120 ~~or 9 VAC 25-20-140~~ of this chapter.

B. An applicant for a permit, permit authorization or certificate involving a ~~revoked~~ permit which is to be revoked and reissued shall be considered an applicant for a new permit. The fee due shall be as specified under 9 VAC 25-20-110 ~~or 9 VAC 25-20-140~~ of this chapter.

C. Permit maintenance fees apply to each Virginia Pollutant Discharge Elimination System (VPDES) permit holder and each Virginia Pollution Abatement (VPA) permit holder, except those specifically exempt under 9 VAC 25-20-50 B of this chapter. The fee due shall be as specified under 9 VAC 25-20-142 of this chapter.

D. Virginia Water Protection (VWP) Individual/Minimum Instream Flow permit fees apply to any permit for the construction of an intake on a stream or river, or to any permit for the construction of a new intake on an existing reservoir. The fee due shall be as specified under 9 VAC 25-20-110 or 9 VAC 25-20-120 of this chapter, as applicable.

E. VWP Individual/Reservoir permit fees apply to any permit for the construction of a new reservoir, or the expansion of an existing reservoir in which one of the purposes of the reservoir is for water supply. The fee due shall be as specified under 9 VAC 25-20-110 or 9 VAC 25-20-120 of this chapter, as applicable.
VWP Individual/Reservoir permit fees do not apply to the construction of any impoundment, pond or lake in which water supply is not part of the project's purpose.

9 VAC 25-20-50. Exemptions.

A. No permit application fees will be assessed to:

1. ~~Applicants for permits or certificates who submitted complete applications before July 1, 1992, whether or not a permit or certificate is issued before July 1, 1993. An applicant for a permit, permit authorization, certificate or special exception pertaining to a farming operation engaged in production for market.~~

2. ~~Applicants for permits or certificates who submitted complete applications on or after July 1, 1992, where permits or certificates have been issued before July 1, 1993. An applicant for a permit, permit authorization, or certificate pertaining to maintenance dredging for federal navigation channels or other U.S. Army Corps of Engineers-sponsored dredging projects.~~

3. Permit holders who request minor modifications ~~of or~~ minor amendments to permits, permit authorizations or certificates as defined in 9 VAC 25-20-10 of this chapter.

4. Permit, permit authorization or certificate holders whose permits, permit authorizations or certificates are modified or amended at the initiative of the board.

5. VPDES permit holders or VPA permit holders for the regularly scheduled renewal of an individual permit for an existing facility, except VPDES and VPA permit holders whose permits expire on or before December 27, 2004.

B. No permit maintenance fees will be assessed to:

1. VPDES and VPA facilities operating under a general permit.

2. Permits pertaining to a farming operation engaged in production for market.

3. Virginia Water Protection (VWP), Surface Water Withdrawal (SWW), and Ground Water Withdrawal (GWW) permits, permit authorizations, certificates and special exceptions.

Part II

Payment, Deposits and Use of Fees

9 VAC 25-20-60. Due date ~~dates~~.

A. ~~Except as specified in 9 VAC 25-20-60 B,~~ Virginia Pollutant Discharge Elimination System (VPDES) and Virginia Pollution Abatement (VPA) permits.

1. All permit Application fees for all new permit applications are due on the day an application is submitted and must accompany the application shall be paid in accordance with 9 VAC 25-20-70 A. Applications will not be processed without payment of the required fee. No permit will be automatically continued without payment of the required fee.

2. For reissuance of permits that expire on or before December 27, 2004, the application fee for new permit applications as set forth in this regulation is due on the day the application is submitted.

3. An application fee is due on the day an application is submitted for either a major modification or a permit reissuance that occurs (and becomes effective) before the stated permit expiration date. There is no application fee for a regularly scheduled renewal of an individual permit for an existing facility, unless the permit for the facility expires on or before December 27, 2004. There is no application fee for a major modification or amendment that is made at the board's initiative.

4. Permit maintenance fees shall be paid to the board by October 1 of each year. Additional permit maintenance fees for facilities in a toxics management program, and for facilities that have more than five process wastewater discharge outfalls at a single facility (not including "internal" outfalls) shall also be paid to the board by October 1 of each year. No permit will be reissued or automatically continued without payment of the required fee.

a. Existing individual permit holders with an effective permit as of July 1, 2004 (including permits that have been administratively continued) shall pay the permit maintenance fee or fees to the board by October 1, 2004 unless one of the following conditions apply:

(1) The permit is terminated prior to October 1, 2004; or

(2) The permit holder applied or reapplied for a municipal minor VPDES permit with a design flow of 10,000 gallons per day or less between July 1, 2003 and July 1, 2004, and paid the applicable permit application fee.

b. Effective April 1, 2005, any permit holder whose permit is effective as of April 1 of a given year (including permits that have been administratively continued) shall pay the permit maintenance fee or fees to the board by October 1 of that same year.

~~B. Applicants that submitted applications on or after July 1, 1992, where a permit or certificate has not been issued before July 1, 1993, will be assessed fees as specified in 9 VAC 25-20-140. Payment of the fee shall be made within 60 days of the applicant's notification by the board of the fee due. No permit will be issued without payment of the required fee. Surface Water Withdrawal (SWW), and Ground Water Withdrawal (GWW) permits.~~

1. All permit application fees are due on the day an application is submitted and shall be paid in accordance with 9 VAC 25-20-70 A. Applications will not be processed without payment of the required fee. No permit will be automatically continued without payment of the required fee.

2. For reissuance of GWW permits that expire on or before March 27, 2005, the application fee for new permit applications as set forth in this regulation is due on the day the application is submitted.

3. Application fees for major modifications or amendments are due on the day an application is submitted. Applications will not be processed without payment of the required fee. There is no fee for a major modification or amendment that is made at the board's initiative.

C. Virginia Water Protection (VWP) permits.

1. VWP permit application fees shall be paid in accordance with 9 VAC 25-20-70 A. Review of applications may be initiated before the fee is received; however, draft permits or authorizations shall not be issued prior to payment of the required fee. No permit or permit authorization shall be automatically continued without payment of the required fee.

2. VWP application fees for major modifications shall be paid in accordance with 9 VAC 25-20-70 A. Review of applications may be initiated before the fee is received; however, major modifications shall not be issued prior to payment of the required fee. There is no application fee for a major modification that is made at the board's initiative.

9 VAC 25-20-70. Method of payment.

A. Fees shall be paid by check, draft or postal money order payable to the Commonwealth Treasurer of Virginia, State Water Control Board or submitted electronically (if available), and must be in U.S. currency, except that agencies and institutions of the Commonwealth of Virginia may submit Interagency

Transfers for the amount of the fee. All fees shall be sent to the following address (or submitted electronically, if available): Department of Environmental Quality, Receipts Control, P.O. Box 10150, Richmond, Virginia 23240.

B. Required information. All applicants for new permit issuance, permit reissuance or permit modification shall submit the following information along with the fee payment:

1. Applicant name, address and daytime phone number.
2. Applicant Federal Identification Number (FIN).
3. The name of the facility/activity, and the facility/activity location.
4. The type of permit applied for.
5. Whether the application is for a new permit issuance, permit reissuance or permit modification.
6. The amount of fee submitted.
7. The existing permit number, if applicable.

9 VAC 25-20-80. Incomplete payments and late payments.

All incomplete payments will be deemed as nonpayments.

Interest may be charged for late payments at the underpayment rate set out by the U.S. Internal Revenue Service established pursuant to § 6621(a)(2) of the Internal Revenue Code. This rate is prescribed 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 may be charged to any delinquent (over 90 days past due) account.

The Department of Environmental Quality is entitled to all remedies available under the Code of Virginia in collecting any past due amount and may recover any attorney's fees and/or other administrative costs incurred in pursuing and collecting any past due amount.

9 VAC 25-20-90. Deposit and use of fees.

All fees collected in response to this chapter shall be deposited into the State Water Control Board Permit Program Fund established by, and used and accounted for as specified in § 62.1-44.15:7 of the Code of

Virginia. Payment to the Departments of Conservation and Recreation and Game and Inland Fisheries for permit applications they are required under state law to review will be made from this fund. Fees collected shall be exempt from statewide indirect costs charged and collected by the Department of Accounts.

Part III

Determination of Fee Amount

9 VAC 25-20-100. General.

Each application for a new permit, permit authorization or certificate, each application for reissuance of a permit, permit authorization or certificate, each application for major modification of a permit, permit authorization or certificate, and each revocation and reissuance of a permit, permit authorization or certificate is a separate action and shall be assessed a separate fee, as applicable. The fees for each type of permit, permit authorization or certificate which the board has the authority to issue, reissue or modify will be as specified in this part.

9 VAC 25-20-110. Fee schedules for individual VPDES and VPA new permit issuance, and individual VWP, SWW and GWW new permit issuance and existing permit reissuance.

~~A. Through June 30, 2004, The following fee schedules apply to applications for issuance of a new individual permit or certificate and reissuance of an existing individual permit or certificate:~~

~~4.~~ A. Virginia Pollutant Discharge Elimination System (VPDES) permits. The following fee schedules apply to applications for issuance of a new individual VPDES permit or certificate. (Note: All flows listed in the table below are facility "design" flows.)

VPDES Industrial Major	\$24,000
VPDES Municipal Major	\$21,300
VPDES Municipal <u>Major</u> Stormwater / <u>MS4</u>	\$21,300
VPDES Industrial Minor / No Standard Limits	\$10,200
VPDES Industrial Minor / Standard Limits	\$6,600 <u>\$3,300</u>
VPDES Industrial Stormwater	\$7,200

VPDES Municipal Minor / Greater Than 100,000 GPD or More	\$7,500
VPDES Municipal Minor / More Than 10,000-10,001 GPD - Less Than 100,000 GPD	\$6,000
VPDES Municipal Minor / More Than 1,000-1,001 GPD - 10,000 GPD or Less	\$5,400
VPDES Municipal Minor / 1,000 GPD or Less	\$4,200 <u>\$2,000</u>
VPDES Municipal Minor Stormwater / MS4	<u>\$2,000</u>

2-B. Virginia Pollution Abatement (VPA) permits. The following fee schedules apply to applications for issuance of a new individual VPA permit or certificate. (Note: Land application rates listed in the table below are facility "design" rates.)

VPA Concentrated Animal Feeding Operation	(Reserved)
VPA Intensified Animal Feeding Operation	(Reserved)
<u>VPA Industrial Wastewater Operation / Land Application of 10 or More Inches Per Year</u>	<u>\$15,000</u>
<u>VPA Industrial Wastewater Operation / Land Application of Less Than 10 Inches Per Year</u>	\$10,500
VPA Industrial Sludge Operation	\$7,500
VPA Municipal Wastewater Operation	\$13,500
VPA Municipal Sludge Operation	\$7,500
All other operations not specified above	\$750

3-C. Virginia Water Protection (VWP) permits. The following fee schedules apply to applications for issuance of a new individual, and reissuance of an existing individual VWP permit or certificate. Only one permit application fee shall be assessed per application; for a permit application involving more than one of the operations described below, the governing fee shall be based upon the primary purpose of the proposed activity. (Note: Withdrawal amounts shown in the table below are maximum daily withdrawals.)

VWP Category I Project Individual / <u>Surface Water Impacts (Wetlands, Streams and/or Open Water)</u>	\$9,000-\$2,400 <u>plus \$220 for each 4,356 sq. ft. (1/10 acre) (or portion thereof) of incremental impact over 87,120 sq. ft. (two acres) (\$60,000 maximum)</u>
VWP Category II Project Individual / <u>Minimum Instream Flow - Withdrawals equal to or greater than 3,000,000 gallons on any day</u>	<u>\$6,300-\$25,000</u>

<u>VWP Individual / Minimum Instream Flow - Withdrawals between 2,000,000 and 2,999,999 gallons on any day</u>	<u>\$20,000</u>
<u>VWP Individual / Minimum Instream Flow - Withdrawals between 1,000,000 and 1,999,999 gallons on any day</u>	<u>\$15,000</u>
<u>VWP Individual / Minimum Instream Flow - Withdrawals less than 1,000,000 gallons on any day that do not otherwise qualify for a general VWP permit for water withdrawals</u>	<u>\$10,000</u>
<u>VWP Category III Project Individual / Reservoir - Major</u>	<u>\$2,400-\$35,000</u>
<u>VWP Individual / Reservoir - Minor</u>	<u>\$25,000</u>
<u>VWP Individual/Nonmetallic Mineral Mining</u>	<u>\$2,400 plus \$220 for each 4,356 sq. ft. (1/10 acre) (or portion thereof) of incremental impact over 87,120 sq. ft. (two acres) (\$7,500 maximum)</u>

4-D. Surface Water Withdrawal (SWW) permits or certificates issued in response to Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 of the Code of Virginia. The following fee schedules apply to applications for issuance of a new individual, and reissuance of an existing individual SWW permit or certificate.

<u>Agricultural withdrawal not exceeding 150 million gallons in any single month</u>	<u>(Reserved)</u>
<u>Agricultural withdrawal greater than 150 million gallons but less than 300 million gallons in any single month</u>	<u>(Reserved)</u>
<u>Agricultural withdrawal of 300 million gallons or greater in any single month</u>	<u>(Reserved)</u>
<u>Certificate for an Existing Nonagricultural Withdrawal</u>	<u>\$6,000</u>
<u>Permit for a New or Expanded Nonagricultural Surface Water Withdrawal</u>	<u>\$9,000-\$12,000</u>

5-E. Ground Water Withdrawal (GWW) permits for the withdrawal of groundwater issued in response to Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia. The following fee schedules apply to applications for issuance of a new individual, and reissuance of an existing individual GWW permit or certificate.

<u>Agricultural withdrawal not exceeding 150 million gallons in any single month</u>	<u>(Reserved)</u>
--	-------------------

Agricultural withdrawal greater than 150 million gallons but less than 300 million gallons in any single month	(Reserved)
Agricultural withdrawal of 300 million gallons or greater in any single month	(Reserved)
<u>Ground Water Withdrawal / Initial Permit for an Existing Nonagricultural-Withdrawal Based Solely on Historic Withdrawals</u>	\$1,200
<u>Permit for a New or Expanded Nonagricultural Ground Water Withdrawal</u>	\$6,000

B. Effective July 1, 2004, the following fee schedules apply to applications for issuance of a new individual permit or certificate and reissuance of an existing individual permit or certificate:

1. Virginia Pollutant Discharge Elimination System (VPDES) permits.

VPDES Industrial Major	\$8,000
VPDES Municipal Major	\$7,100
VPDES Municipal Stormwater	\$7,100
VPDES Industrial Minor/No Standard Limits	\$3,400
VPDES Industrial Minor/Standard Limits	\$2,200
VPDES Industrial Stormwater	\$2,400
VPDES Municipal Minor/100,000 GPD or More	\$2,500
VPDES Municipal Minor/More Than 10,000 GPD Less Than 100,000 GPD	\$2,000
VPDES Municipal Minor/More Than 1,000 GPD 10,000 GPD or Less	\$1,800
VPDES Municipal Minor/1,000 GPD or less	\$1,400

2. Virginia Pollution Abatement (VPA) permits.

VPA Concentrated Animal Feeding Operation	(Reserved)
VPA Intensified Animal Feeding Operation	(Reserved)
VPA Industrial Wastewater Operation	\$3,500
VPA Industrial Sludge Operation	\$2,500
VPA Municipal Wastewater Operation	\$4,500
VPA Municipal Sludge Operation	\$2,500
All other operations not specified above	\$250

3. Virginia Water Protection (VWP) permits.

VWP Category I Project	\$3,000
VWP Category II Project	\$2,100
VWP Category III Project	\$800

~~4. Surface Water Withdrawal (SWW) permits or certificates issued in response to Chapter 24 (62.1-242 et seq.) of Title 62.1 of the Code of Virginia.~~

Agricultural withdrawal not exceeding 150 million gallons in any single month	(Reserved)
Agricultural withdrawal greater than 150 million gallons but less than 300 million gallons in any single month	(Reserved)
Agricultural withdrawal of 300 million gallons or greater in any single month	(Reserved)
Certificate for an Existing Nonagricultural Withdrawal	\$2,000
Permit for a New or Expanded Nonagricultural Withdrawal	\$3,000

~~5. Permits for the withdrawal of groundwater issued in response to Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia.~~

Agricultural withdrawal not exceeding 150 million gallons in any single month	(Reserved)
Agricultural withdrawal greater than 150 million gallons but less than 300 million gallons in any single month	(Reserved)
Agricultural withdrawal of 300 million gallons or greater in any single month	(Reserved)
Initial Permit for an Existing Nonagricultural Withdrawal	\$400
Permit for a New or Expanded Nonagricultural Withdrawal	\$2,000

9 VAC 25-20-120. Fee schedules for major modification of individual permits or certificates requested by the permit or certificate holder.

~~A. Through June 30, 2004,~~ The following fee schedules apply to applications for major modification of an individual permit or certificate requested by the permit or certificate holder:

~~4-A.~~ Virginia Pollutant Discharge Elimination System (VPDES) permits. The application fees listed in the table below apply to a major modification that occurs (and becomes effective) before the stated permit expiration date. (Note: All flows listed in the table below are facility "design" flows.)

VPDES Industrial Major	\$12,000
------------------------	----------

VPDES Municipal Major	\$10,650
VPDES Municipal <u>Major Stormwater / MS4</u>	\$10,650
VPDES Industrial Minor / No Standard Limits	\$5,100 <u>\$5,150</u>
VPDES Industrial Minor / Standard Limits	\$3,300
VPDES Industrial Stormwater	\$3,600
VPDES Municipal Minor / <u>Greater Than 100,000 GPD or More</u>	\$3,750
VPDES Municipal Minor / More Than 10,000 <u>10,001</u> GPD - Less Than 100,000 GPD	\$3,000
VPDES Municipal Minor / More Than 1,000 <u>1,001</u> GPD - 10,000 GPD or Less	\$2,700
VPDES Municipal Minor / 1,000 GPD or Less	\$2,100 <u>\$1,000</u>
<u>VPDES Municipal Minor Stormwater / MS4</u>	<u>\$1,000</u>

2-B. Virginia Pollution Abatement (VPA) permits. The application fees listed in the table below apply to a major modification that occurs (and becomes effective) before the stated permit expiration date. (Note: Land application rates listed in the table below are facility "design" rates.)

VPA Concentrated Animal Feeding Operation	(Reserved)
VPA Intensified Animal Feeding Operation	(Reserved)
<u>VPA Industrial Wastewater Operation / Land Application of 10 or More Inches Per Year</u>	<u>\$7,500</u>
<u>VPA Industrial Wastewater Operation / Land Application of Less Than 10 Inches Per Year</u>	\$5,250
VPA Industrial Sludge Operation	\$3,750
VPA Municipal Wastewater Operation	\$6,750
VPA Municipal Sludge Operation	\$3,750
All other operations not specified above	\$375

3-C. Virginia Water Protection (VWP) permits. (Note: Only one permit application fee shall be assessed per application; for a permit application involving more than one of the operations described below, the governing fee shall be based upon the primary purpose of the proposed activity.)

<u>VWP Category I Project-Individual / Surface Water Impacts (Wetlands, Streams and/or Open Water)</u>	<u>\$4,500</u> \$1,200 plus \$110 for each 4,356 sq. ft. (1/10 acre) (or portion thereof) of incremental impact over <u>87,120 sq. ft. (two acres) (\$30,000 maximum)</u>
<u>VWP Category II Project-Individual / Minimum</u>	<u>\$3,150</u> \$5,000

<u>Instream Flow</u>	
<u>VWP Category III Project Individual / Reservoir (Major or Minor)</u>	\$1,200-\$12,500
<u>VWP Individual / Nonmetallic Mineral Mining</u>	\$1,200 plus \$110 for each 4,356 sq. ft. (1/10 acre) (or portion thereof) of incremental impact over 87,120 sq. ft. (two acres) (\$3,750 maximum)

4-D. Surface Water Withdrawal (SWW) permits or certificates issued in response to Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 of the Code of Virginia.

Agricultural withdrawal not exceeding 150 million gallons in any single month	(Reserved)
Agricultural withdrawal greater than 150 million gallons but less than 300 million gallons in any single month	(Reserved)
Agricultural withdrawal of 300 million gallons or greater in any single month	(Reserved)
Certificate for an Existing Nonagricultural Withdrawal	\$3,000
Permit for a New or Expanded Nonagricultural Surface Water Withdrawal	\$4,500-\$6,000

5-E. Ground Water Withdrawal (GWW) permits for the withdrawal of groundwater issued in response to Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia.

Agricultural withdrawal not exceeding 150 million gallons in any single month	(Reserved)
Agricultural withdrawal greater than 150 million gallons but less than 300 million gallons in any single month	(Reserved)
Agricultural withdrawal of 300 million gallons or greater in any single month	(Reserved)
<u>Ground Water Withdrawal / Initial Permit for an Existing Nonagricultural Withdrawal Based Solely on Historic Withdrawals</u>	\$600
Permit for a New or Expanded Nonagricultural Ground Water Withdrawal	\$3,000

B. Effective July 1, 2004, the following fee schedules apply to applications for major modification of an individual permit or certificate requested by the permit or certificate holder:

1. Virginia Pollutant Discharge Elimination System (VPDES) permits.

<u>VPDES Industrial Major</u>	\$4,000
-------------------------------	---------

VPDES Municipal Major	\$3,550
VPDES Municipal Stormwater	\$3,550
VPDES Industrial Minor/No Standard Limits	\$1,700
VPDES Industrial Minor/Standard Limits	\$1,100
VPDES Industrial Stormwater	\$1,200
VPDES Municipal Minor/100,000 GPD or More	\$1,250
VPDES Municipal Minor/More Than 10,000 GPD-Less Than 100,000 GPD	\$1,000
VPDES Municipal Minor/More Than 1,000 GPD-10,000 GPD or Less	\$900
VPDES Municipal Minor/1,000 GPD or Less	\$700

2. Virginia Pollution Abatement (VPA) permits.

VPA Concentrated Animal Feeding Operation	(Reserved)
VPA Intensified Animal Feeding Operation	(Reserved)
VPA Industrial Wastewater Operation	\$1,750
VPA Industrial Sludge Operation	\$1,250
VPA Municipal Wastewater Operation	\$2,250
VPA Municipal Sludge Operation	\$1,250
All other operations not specified above	\$125

3. Virginia Water Protection (VWP) permits.

VWP Category I Project	\$1,500
VWP Category II Project	\$1,050
VWP Category III Project	\$400

4. Surface Water Withdrawal (SWW) permits or certificates issued in response to Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 of the Code of Virginia.

Agricultural withdrawal not exceeding 150 million gallons in any single month	(Reserved)
Agricultural withdrawal greater than 150 million gallons but less than 300 million gallons in any single month	(Reserved)
Agricultural withdrawal of 300 million gallons or greater in any single month	(Reserved)
Certificate for an Existing Nonagricultural Withdrawal	\$1,000

Permit for a New or Expanded Nonagricultural Withdrawal	\$1,500
---	---------

5. Permits for the withdrawal of groundwater issued in response to Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia.

Agricultural withdrawal not exceeding 150 million gallons in any single month	(Reserved)
Agricultural withdrawal greater than 150 million gallons but less than 300 million gallons in any single month	(Reserved)
Agricultural withdrawal of 300 million gallons or greater in any single month	(Reserved)
Initial Permit for an Existing Nonagricultural Withdrawal	\$200
Permit for a New or Expanded Nonagricultural Withdrawal	\$1,000

9 VAC 25-20-130. Fees for filing registration statements or applications for general permits issued by the board.

A. ~~Through June 30, 2004,~~ The following fees apply to filing of applications or registration statements for all general permits issued by the board, except:

~~1-A.~~ The fee for filing a registration statement for coverage under 9 VAC 25-110 (General VPDES Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 GPD) is \$0.

~~2-B.~~ The fee for filing a registration statement for coverage under 9 VAC 25-120 (General VPDES Permit Regulation for Discharges From Petroleum Contaminated Sites) is \$0.

~~3-C.~~ The fee for filing an application or registration statement for coverage under ~~any a~~ VWP general permit ~~authorizing impacts to one tenth of an acre or more but less than one half of an acre of nontidal surface waters shall be \$600.~~ issued by the board shall be:

<u>VWP General / Less Than 4,356 sq. ft. (1/10 acre) of Surface Water Impact (Wetlands, Streams and/or Open Water)</u>	<u>\$0</u>
<u>VWP General / 4,356 sq. ft. to 21,780 sq. ft. (1/10 acre to 1/2 acre) of Surface Water Impact (Wetlands, Streams and/or Open Water)</u>	<u>\$600</u>
<u>VWP General / 21,781 sq. ft. to 43,560 sq. ft. (greater than 1/2 acre to one acre) of Surface Water Impact (Wetlands, Streams and/or Open Water)</u>	<u>\$1,200</u>

<u>VWP General / 43,561 sq. ft. to 87,120 sq. ft. (greater than one acre to two acres) of Surface Water Impact (Wetlands, Streams and/or Open Water)</u>	<u>\$1,200 plus \$120 for each 4,356 sq. ft. (1/10 acre) (or portion thereof) of incremental impact over 43,560 sq. ft. (one acre) (\$2,400 maximum)</u>
<u>VWP General / Minimum Instream Flow / Reservoir - Water withdrawals and/or pond construction</u>	<u>\$2400</u>

~~4-D. The fee for filing an application or registration statement for coverage under any VWP General Permit authorizing impacts to one-half of an acre or more of nontidal surface waters shall be \$1,200.~~

VPDES Storm Water General Permits

1. Except as specified in subdivision 2 of this subsection, the fee for filing a registration statement for coverage under a VPDES storm water general permit issued by the board shall be:

<u>VPDES General / Industrial Storm Water Management</u>	<u>\$500</u>
<u>VPDES General / Storm Water Management - Phase I Land Clearing ("Large" Construction Activity - Sites or common plans of development equal to or greater than 5 acres)</u>	<u>\$500</u>
<u>VPDES General / Storm Water Management - Phase II Land Clearing ("Small" Construction Activity - Sites or common plans of development Less Than 5 Acres)</u>	<u>\$300</u>

2. Owners of facilities that are covered under the Industrial Activity (VAR5) and Construction Site (VAR10) storm water general permits that expire on June 30, 2004, and who are reapplying for coverage under the new general permits that are effective on July 1, 2004, must submit an application fee of \$600 to reapply.

~~5-E. Except as specified in subdivisions 1, 2, 3 and 4-A, B, C and D of this subsection, the maximum fee for filing an application or registration statement for coverage under any general permit issued by the board shall be \$600. Fees for coverage under general permits will be based on the number of years from the filing of a registration statement until the general permit expires. The annual prorated amount is equal to the maximum fee of \$600 divided by the total term of the general permit. The fee is the annual prorated amount multiplied by the number of years rounded to the nearest whole year from the filing of a registration statement until the expiration of the general permit.~~

B. Effective July 1, 2004, the following fees apply to filing of applications or registration statements for all general permits issued by the board, except:

1. The fee for filing a registration statement for coverage under 9 VAC 25-110 is \$0.
2. The fee for filing a registration statement for coverage under 9 VAC 25-120 is \$0.
3. The fee for filing an application or registration statement for coverage under any VWP General Permit authorizing impacts to one-tenth of an acre or more but less than one-half of an acre of nontidal surface waters shall be \$200.
4. The fee for filing an application or registration statement for coverage under any VWP General Permit authorizing impacts to one-half of an acre or more of nontidal surface waters shall be \$400.
5. Except as specified in subdivisions 1, 2, 3 and 4 of subsection A of this section and subdivisions 1, 2, 3 and 4 of this subsection, the maximum fee for filing a registration statement for coverage under any general permit issued by the board shall be \$200. Fees for coverage under general permits will be based on the number of years from the filing of a registration statement until the general permit expires. The annual prorated amount is equal to the maximum fee of \$200 divided by the total term of the general permit. The fee is the annual prorated amount multiplied by the number of years rounded to the nearest whole year from the filing of a registration statement until the expiration of the general permit.

9 VAC 25-20-140. ~~Fee assessment. (Repealed)~~

~~Applicants that submitted applications on or after July 1, 1992, where a permit or certificate has not been issued as of July 1, 1993, shall be assessed the applicable fee as specified in 9 VAC 25-20-110, 9 VAC 25-20-120 or 9 VAC 25-20-130, as appropriate, except that where a public notice has been published before July 1, 1993, the fee shall be 50% of the fee specified in 9 VAC 25-20-110, 9 VAC 25-20-120, or 9 VAC 25-20-130.~~

9 VAC 25-20-142. Permit Maintenance Fees.

A. The following annual permit maintenance fees apply to each individual VPDES and VPA permit, including expired permits that have been administratively continued, except those exempted by 9 VAC 20-25-50 B or 9 VAC 20-25-60 A 4:

1. Virginia Pollutant Discharge Elimination System (VPDES) permitted facilities. (Note: All flows listed in the table below are facility "design" flows.)

<u>VPDES Industrial Major</u>	<u>\$4,800</u>
<u>VPDES Municipal Major / Greater Than 10 MGD</u>	<u>\$4,750</u>
<u>VPDES Municipal Major / 2 MGD - 10 MGD</u>	<u>\$4,350</u>
<u>VPDES Municipal Major / Less Than 2 MGD</u>	<u>\$3,850</u>
<u>VPDES Municipal Major Stormwater / MS4</u>	<u>\$3,800</u>
<u>VPDES Industrial Minor / No Standard Limits</u>	<u>\$2,040</u>
<u>VPDES Industrial Minor / Standard Limits</u>	<u>\$1,200</u>
<u>VPDES Industrial Minor / Water Treatment System</u>	<u>\$1,200</u>
<u>VPDES Industrial Stormwater</u>	<u>\$1,440</u>
<u>VPDES Municipal Minor / Greater Than 100,000 GPD</u>	<u>\$1,500</u>
<u>VPDES Municipal Minor / 10,001 GPD - 100,000 GPD</u>	<u>\$1,200</u>
<u>VPDES Municipal Minor / 1,001 GPD - 10,000 GPD</u>	<u>\$1,080</u>
<u>VPDES Municipal Minor / 1,000 GPD or Less</u>	<u>\$400</u>
<u>VPDES Municipal Minor Stormwater / MS4</u>	<u>\$400</u>

2. Virginia Pollution Abatement (VPA) permits. (Note: Land application rates listed in the table below are facility "design" rates.)

<u>VPA Industrial Wastewater Operation / Land Application of 10 or More Inches Per Year</u>	<u>\$1,500</u>
<u>VPA Industrial Wastewater Operation / Land Application of Less Than 10 Inches Per Year</u>	<u>\$1,050</u>
<u>VPA Industrial Sludge Operation</u>	<u>\$750</u>
<u>VPA Municipal Wastewater Operation</u>	<u>\$1,350</u>
<u>VPA Municipal Sludge Operation</u>	<u>\$750</u>
<u>VPA Concentrated Animal Feeding Operation</u>	<u>(Reserved)</u>
<u>VPA Intensified Animal Feeding Operation</u>	<u>(Reserved)</u>

<u>All other operations not specified above</u>	<u>\$75</u>
---	-------------

B. Additional permit maintenance fees.

1. An additional permit maintenance fee of \$1,000 shall be paid annually by permittees in a toxics management program. Any facility that performs acute or chronic biological testing for compliance with a limit or special condition requiring monitoring in a VPDES permit is included in the toxics management program.

2. An additional permit maintenance fee of \$1000 shall be paid annually by permittees that have more than five process wastewater discharge outfalls at a single facility (not including "internal" outfalls).

3. For a local government or public service authority with permits for multiple facilities in a single jurisdiction, the total permit maintenance fees for all permits held as of April 1, 2004, shall not exceed \$20,000 per year.

C. If the category of a facility (as described in 9 VAC 25-20-142 A1 or A2) changes as the result of a permit modification, the permit maintenance fee based upon the permit category as of April 1 shall be submitted by October 1.

D. Annual permit maintenance fees may be discounted for participants in the Environmental Excellence Program as described in 9 VAC 25-20-145.

9 VAC 25-20-145. Discounted permit maintenance fees for Environmental Excellence Program participants.

A. The term "Virginia Environmental Excellence Program" (VEEP) means a voluntary program established by the department to provide public recognition and regulatory incentives to encourage higher levels of environmental performance for program participants that develop and implement Environmental Management Systems (EMS). The Program is based on the use of EMSs that improve compliance, prevent pollution, and utilize other measures to improve environmental performance.

B. Participants in the VEEP shall be eligible for reduced annual permit maintenance fees. The VEEP includes the Environmental Enterprise (E2) level of participation and the Exemplary Environmental Enterprise (E3) level of participation.

C. Annual permit maintenance fee discounts will not become effective until 2005. The availability of discounts to the annual permit maintenance fees will be dependent upon acceptance and continued participation in the VEEP.

D. Eligibility for reduced annual permit maintenance fees shall be based upon the department's review of the annual report that is required to be submitted by the VEEP. The department shall review annual reports to verify that facilities continue to meet VEEP criteria prior to offering discounted annual permit maintenance fees.

1. The participant's annual report must reflect activities occurring through December 31 and must satisfy all reporting requirements established in the VEEP.

2. Annual reports must be received at the department's central office by April 1 of the following year to be eligible for a reduction of the annual permit maintenance fees.

3. The annual report must list all regulated and permitted activities included within the scope of the facility's Environmental Management System.

4. A participant's level of participation will be evaluated as of December 31 of each calendar year.

E. If a facility participated in the VEEP but participation in the program was terminated, discounted fees will not be available to participants until they have been re-accepted into the VEEP.

F. Participants at the E2 level of participation will be eligible to receive a discount to annual permit maintenance fees for up to a maximum of 3 years.

G. Prior to distributing bills for annual permit maintenance fees, the department shall calculate the discounted annual permit maintenance fees. The total amount of all facilities' discounts to water annual permit maintenance fees shall not exceed \$64,000 annually.

1. The total of a 5% discount for each participant at the E3 level of participation and a 2% discount for each participant at the E2 level of participation shall be calculated.

2. If the calculated total of the discounts to annual permit maintenance fees would exceed \$64,000, annual permit maintenance fees for participants at the E3 level of participation shall be discounted 2%. additional discounts of annual permit maintenance fees for participants at the E3 level of participation

shall not be available, and annual permit maintenance fees for participants at the E2 level of participation shall not be discounted.

3. If the calculated total of the discounts to annual permit maintenance fees would not exceed \$64,000, annual permit maintenance fees for participants at the E3 level of participation shall be discounted 5%, annual permit maintenance fees for participants at the E2 level of participation shall be discounted 2%, and a larger discount may be provided for participants at the E3 level of participation, based upon direct program costs and program revenues, not to exceed a total discount of 20%. The total of all discounts shall not exceed \$64,000. Any additional discounted fees will be calculated as follows:

(Total program revenues in the previous fiscal year minus direct program costs for the previous fiscal year) multiplied by 0.75 equals the additional discounts to be distributed to program participants. Additional discounts will be distributed to participants at the E3 level of participation in equal whole percentages.

4. If the calculated total of all facilities' discounts to annual fees exceeds \$64,000, the department shall re-evaluate the discounts offered to VEEP participants and shall begin the regulatory process to revise the discounts offered to VEEP participants.

9 VAC 25-20-150. Delegation of authority.

The director, or his designee, may perform any action of the State Water Control Board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

FORMS

Water Division Permit Application Fee Form, ~~issued~~ revised July 1996 2004.

Certified True and Accurate: _____

Robert G. Burnley, Director, Department of Environmental Quality

Date: _____