

**SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_**

1 A BILL to amend and reenact § 62.1-44.15:6 of the Code of Virginia, relating to ground water  
2 withdrawal permit fee.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 62.1-44.15:6 of the Code of Virginia is amended and reenacted as follows:**

5 § 62.1-44.15:6. Permit fee regulations.

6 A. The Board shall promulgate regulations establishing a fee assessment and collection system to  
7 recover a portion of the State Water Control Board's, the Department of Game and Inland Fisheries' and  
8 the Department of Conservation and Recreation's direct and indirect costs associated with the processing  
9 of an application to issue, reissue, amend or modify any permit or certificate, which the Board has  
10 authority to issue under this chapter and Chapters 24 (§ 62.1-242 et seq.) and 25 (§ 62.1-254 et seq.) of  
11 this title, from the applicant for such permit or certificate for the purpose of more efficiently and  
12 expeditiously processing permits. The fees shall be exempt from statewide indirect costs charged and  
13 collected by the Department of Accounts. The Board shall have no authority to charge such fees where  
14 the authority to issue such permits has been delegated to another agency that imposes permit fees.

15 B1. Permit fees charged an applicant for a Virginia Pollutant Discharge Elimination System  
16 permit or a Virginia Pollution Abatement permit shall reflect the average time and complexity of  
17 processing a permit in each of the various categories of permits and permit actions. However,  
18 notwithstanding any other provision of law, in no instance shall the Board charge a fee for a permit  
19 pertaining to a farming operation engaged in production for market or for a permit pertaining to  
20 maintenance dredging for federal navigation channels or other Corps of Engineers sponsored dredging  
21 projects or for the regularly scheduled renewal of an individual permit for an existing facility. Fees shall  
22 be charged for a major modification or reissuance of a permit initiated by the permittee that occurs  
23 between permit issuance and the stated expiration date. No fees shall be charged for a modification or  
24 amendment made at the Board's initiative. In no instance shall the Board exceed the following amounts  
25 for the processing of each type of permit/certificate category:

Type of Permit/Certificate Category	Maximum Amount
1. Virginia Pollutant Discharge Elimination System	
Major Industrial	\$24,000
Major Municipal	\$21,300
Minor Industrial with nonstandard limits	\$10,300
Minor Industrial with standard limits	\$ 6,600
Minor Municipal greater than 100,000 gallons per day	\$7,500
Minor Municipal 10,001-100,000 gallons per day	\$6,000
Minor Municipal 1,000-10,000 gallons per day	\$5,400
Minor Municipal less than 1,000 gallons per day	\$2,000
General-industrial stormwater management	\$ 500
General-stormwater management-phase I land clearing	\$ 500
General-stormwater management-phase II land clearing	\$ 300
General-other	\$ 600
2. Virginia Pollution Abatement	
Industrial/Wastewater 10 or more inches per year	\$15,000
Industrial/Wastewater less than 10 inches per year	\$10,500
Industrial/Sludge	\$ 7,500
Municipal/Wastewater	\$13,500
Municipal/Sludge	\$ 7,500
General Permit	\$ 600
Other	\$ 750

The fee for the major modification of a permit or certificate that occurs between the permit issuance and expiration dates shall be 50 percent of the maximum amount established by this subsection. No fees shall be charged for minor modifications or minor amendments to such permits. For the purpose of this subdivision, "minor modifications" or "minor amendments" means specific types of changes defined by the Board that are made to keep the permit current with routine changes to the facility or its operation that do not require extensive review. A minor permit modification or amendment does not substantially alter permit conditions, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

B2. Each permitted facility shall pay a permit maintenance fee to the Board by October 1 of each year, not to exceed the following amounts:

Type of Permit/Certificate Category	Maximum Amount
1. Virginia Pollutant Discharge Elimination System	
Major Industrial	\$4,800
Major Municipal greater than 10	\$4,750

74	million gallons per day	
75	Major Municipal 2-10 million gallons	\$4,350
76	per day	
77	Major Municipal less than 2 million	\$3,850
78	gallons per day	
79	Minor Industrial with nonstandard	\$2,040
80	limits	
81	Minor Industrial with standard limits	\$1,320
82	Minor Industrial water treatment system	\$1,200
83	Minor Municipal greater than 100,000	\$1,500
84	gallons per day	
85	Minor Municipal 10,001-100,000 gallons	\$1,200
86	per day	
87	Minor Municipal 1,000-10,000 gallons	\$1,080
88	per day	
89	Minor Municipal less than 1,000	\$ 400
90	gallons per day	
91	2. Virginia Pollution Abatement	
92	Industrial/Wastewater 10 or more	\$3,000
93	inches per year	
94	Industrial/Wastewater less than 10	\$2,100
95	inches per year	
96	Industrial/Sludge	\$3,000
97	Municipal/Wastewater	\$2,700
98	Municipal/Sludge	\$1,500

99 An additional permit maintenance fee of \$1,000 shall be collected from facilities in a toxics  
100 management program and an additional permit maintenance fee shall be collected from facilities that  
101 have more than five process wastewater discharge outfalls. Permit maintenance fees shall be collected  
102 annually and shall be remitted by October 1 of each year. For a local government or public service  
103 authority with permits for multiple facilities in a single jurisdiction, the permit maintenance fees for  
104 permits held as of April 1, 2004, shall not exceed \$20,000 per year. No permit maintenance fee shall be  
105 assessed for facilities operating under a general permit or for permits pertaining to a farming operation  
106 engaged in production for market.

107 B3. Permit application fees charged for Virginia Water Protection Permits, ground water  
108 withdrawal permits, and surface water withdrawal permits shall reflect the average time and complexity  
109 of processing a permit in each of the various categories of permits and permit actions and the size of the  
110 proposed impact. Only one permit fee shall be assessed for a water protection permit involving elements  
111 of more than one category of permit fees under this section. The fee shall be assessed based upon the  
112 primary purpose of the proposed activity. In no instance shall the Board charge a fee for a permit  
113 pertaining to maintenance dredging for federal navigation channels or other U.S. Army Corps of



153 direct and indirect, including the costs of overhead, water quality planning, water quality assessment,  
154 operations coordination, and surface water and ground water investigations, (ii) the total fees collected  
155 by permit category, (iii) the amount of general funds allocated to the Board, (iv) the amount of federal  
156 funds received, (v) the Board's use of the fees, the general funds, and the federal funds, (vi) the number  
157 of permit applications received by category, (vii) the number of permits issued by category, (viii) the  
158 progress in eliminating permit backlogs, (ix) the timeliness of permit processing, and (x) the direct and  
159 indirect costs to neighboring states of administering their water permit programs, including what  
160 activities each state categorizes as direct and indirect costs, and the fees charged to the permit holders  
161 and applicants.

162 E. Fees collected pursuant to this section shall not supplant or reduce in any way the general fund  
163 appropriation to the Board.

164 F. Permit fee schedules shall apply to permit programs in existence on July 1, 1992, any  
165 additional permits that may be required by the federal government and administered by the Board, or  
166 any new permit required pursuant to any law of the Commonwealth.

167 G. The Board is authorized to promulgate regulations establishing a schedule of reduced permit  
168 fees for facilities that have established a record of compliance with the terms and requirements of their  
169 permits and shall establish criteria by regulation to provide for reductions in the annual fee amount  
170 assessed for facilities accepted into the Department's programs to recognize excellent environmental  
171 performance.

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### **SUMMARY**

**Ground water withdrawal permit fees.** Increases the maximum amount that the State Water Control Board can charge for a permit to withdraw ground water from \$6,000 to \$12,000. The term of a ground water permit up to 10 years. The State Water Control Board is also authorized to set up a fee schedule to allow permit holder to pay their permit fees on an annual basis over the term of the permit.