

ARTICLE 3. - STORMWATER MANAGEMENT

Sec. 23-11. - Stormwater management program.

- A. There is hereby adopted a stormwater management program to ensure the general health, safety, and welfare of the residents of the Town of Vienna, to protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.
- B. This article is intended to integrate the Town's stormwater management requirements into a unified stormwater program that also includes applicable elements of article 2 of this chapter (Erosion and Sediment Control) and article 21.1 of chapter 18 (Chesapeake Bay Preservation Areas).

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-12. - Stormwater management requirements; exemptions.

- A. Except as provided herein, no person may engage in any land disturbing activity, and no land disturbing or building permit shall be issued until the director has reviewed and approved all requirements in accordance with this article. These requirements include:
 - 1. An application that includes a general permit registration statement if such statement is required under Code of Virginia § 62.1-44.15:34;
 - 2. An erosion and sediment control plan approved in accordance with article 2 of this chapter (Erosion and Sediment Control);
 - 3. An approved stormwater management plan that meets the requirements of section 23-14
 - 4. Evidence that general permit coverage has been obtained, if such general permit is required;
 - 5. All fees must be paid pursuant to section 1-13 and section 23-24
 - 6. A performance bond, if required, must be posted pursuant to section 23-23
 - 7. Approval of all plans and performance criteria required in article 21.1 of chapter 18 (Chesapeake Bay Preservation Areas); and
 - 8. The application demonstrates that all land clearing, construction, disturbance, land development and drainage will be done according to this article.
- B. The permittee must develop prior to the land disturbing activity, implement, and keep at the site for inspection a stormwater pollution prevention plan that meets the requirements set forth in section 23-13 and a pollution prevention plan that meets the requirements set forth in section 23-16
- C. A land disturbing activity that results in a land disturbance equal or greater than 2,500 square feet and less than one acre that is not part of a larger common plan of development or sale shall be exempt from section 23-13 (stormwater pollution prevention plan), section 23-16 (pollution prevention plan), and the requirement to obtain a general permit unless otherwise required by this Code or state or federal law.
- D. The following shall be exempt from the requirements of this article unless otherwise required by this Code or state or federal law:
 - 1. Land disturbing activities resulting in less than 2,500 square feet of land disturbance that are not part of a common plan of development or sale except as may be required under the provisions of article 21.1 of chapter 18
 - 2. Discharges to a sanitary sewer or a combined sewer system.

3. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of a project. The paving of an existing road with a compacted or impervious surface and re-establishment of associated existing ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection.
4. Conducting land disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the director shall be advised of the disturbance within seven days of commencing the land disturbing activity and compliance with this article shall be required within 30 days of commencing the land disturbing activity.
5. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia.
6. Land clearing for agricultural or silvicultural purposes, and related activities, in accordance with Code of Virginia § 62.1-44.15:34.C.2.
7. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-13. - Stormwater pollution prevention plan contents.

- A. The SWPPP shall include the content specified by Section 9VAC25-870-54 and must also comply with the requirements and general information set forth in Section 9VAC25-880-70, Section II of the general permit.
- B. The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.
- C. The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-14. - Stormwater management plan contents.

- A. The stormwater management plan must apply the stormwater management technical criteria set forth in section 23-17 to the entire land disturbing activity. Individual lots or parcels in a residential, commercial, or industrial common plan of development or sale shall not be considered to be separate land disturbing activities. Instead, the common plan, as a whole, shall be considered to be a single land disturbing activity. The plan must also consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff, and include the following information:
 1. Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters, and the predevelopment and postdevelopment drainage areas;
 2. Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
 3. A narrative that includes a description of current site conditions and final site conditions;
 4. A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
 5. A stormwater management facility maintenance agreement as required in section 23-18

6. Information on the proposed stormwater management facilities including:
 - a. The type of facilities;
 - b. Location, including geographic coordinates;
 - c. Acres treated; and
 - d. The surface waters into which the facility will discharge.
7. Hydrologic and hydraulic computations, including runoff characteristics;
8. Documentation and calculations verifying compliance with the water quality and quantity requirements of section 23-17
9. A map or maps of the site that depicts the topography of the site and includes:
 - a. All contributing drainage areas;
 - b. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
 - c. Soil types, forest cover, and other vegetative areas;
 - d. Current land use including existing structures, roads, and locations of known utilities and easements;
 - e. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
 - f. The limits of clearing and grading, and the proposed drainage patterns on the site;
 - g. Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - h. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
- B. If an operator intends to meet the water quality and/or quantity requirements through the use of off-site compliance options as set forth in subsection C or D of section 23-17, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land disturbing activity except as otherwise allowed by Code of Virginia § 62.1-44.15:35.
- C. Elements of the stormwater management plan that include activities regulated under Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- D. A construction record drawing for permanent stormwater management facilities shall be submitted to the director. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan.
- E. The director may execute an agreement in lieu of a stormwater management plan with the owner to comply with the requirements of this section for the construction of a single-family residence. Any such agreement in lieu of a stormwater management plan shall be considered a stormwater management plan for the purpose of implementing and enforcing this article.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-15. - Stormwater management plan review.

- A. The director shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:

1. The director shall determine the completeness of a plan in accordance with section 23-14 and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.
 2. The director shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision 1, then the plan shall be deemed complete and the director shall have 60 calendar days from the date of submission to review the plan.
 3. The director shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
 4. During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this article.
 5. If a plan meeting all requirements of this article is submitted and no action is taken within the time provided above in subdivision 2 for review, the plan shall be deemed approved.
- B. Approved stormwater plans may be modified as follows:
1. Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the director. The director shall have 60 calendar days to respond in writing either approving or disapproving such request.
 2. The director may require that an approved stormwater management plan be amended, within a time prescribed by the director, to address any deficiencies noted during inspection.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-16. - Pollution prevention plan contents.

- A. The pollution prevention plan shall include the content specified by Section 9VAC25-870-56, shall be developed, implemented, and updated as necessary, and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- B. The pollution prevention plan shall include effective best management practices to prohibit the following discharges:
1. Wastewater from washout of concrete, unless managed by an appropriate control;
 2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 4. Soaps or solvents used in vehicle and equipment washing.

- C. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-17. - Technical criteria for regulated land disturbing activities.

- A. All land disturbing activities regulated pursuant to this article shall comply with the technical criteria for land disturbing activities set forth in Section 9VAC25-870-62 (applicability), Section 9VAC25-870-63 (water quality design criteria requirements), Section 9VAC25-870-65 (water quality compliance), Section 9VAC25-870-66 (water quantity), Section 9VAC25-870-69 (offsite compliance options), Section 9VAC25-870-72 (design storms and hydrologic methods), Section 9VAC25-870-74 (stormwater harvesting), Section 9VAC25-870-76 (linear development), Section 9VAC25-870-85 (stormwater management impoundment structures or facilities), and Section 9VAC25-870-92 (comprehensive stormwater management plans). In addition, the following shall apply:
 - 1. Limitations applied to stormwater management facilities in the most recent edition of the Fairfax County Public Facilities Manual and subsequently approved by the department of environmental quality shall also apply in the Town unless waived by the director.
- B. Notwithstanding subsection A above, a land disturbing activity as defined in Section 9VAC25-870-48 shall be grandfathered and meet the technical criteria in Sections 9VAC25-870-93 through 9VAC25-870-99 except that the more stringent of the technical criteria in Sections 9VAC25-870-93 through 9VAC25-870-99 or the Town Code in effect prior to July 1, 2014 shall apply to the land disturbing activity.
- C. The director shall allow operators to utilize off-site compliance options in accordance with Section 9VAC25-870-69 under the following conditions:
 - 1. Less than five acres of land will be disturbed;
 - 2. The post construction phosphorus control requirement is less than 10 pounds per year; or
 - 3. At least 75 percent of the required phosphorus nutrient reductions are achieved on-site. If at least 75 percent of the required phosphorus nutrient reductions cannot be met on-site, and the operator can demonstrate to the satisfaction of the director that:
 - a. Alternative site designs have been considered that may accommodate on-site best management practices;
 - b. On-site best management practices have been considered in alternative site designs to the maximum extent practicable;
 - c. Appropriate on-site best management practices will be implemented; and
 - d. Full compliance with postdevelopment nonpoint nutrient runoff compliance requirements cannot practicably be met on-site, then the required phosphorus nutrient reductions may be achieved, in whole or in part, through the use of off-site compliance options.
- D. The director may establish criteria in addition to those established in subsection C of this section to allow an operator to use nutrient credits in accordance with Code of Virginia § 62.1-44.15:35 to meet required phosphorus reductions.
- E. Notwithstanding subsections C and D this section, offsite options shall not be allowed:
 - 1. Unless the selected offsite option achieves the necessary nutrient reductions prior to the commencement of the operator's land disturbing activity. In the case of a phased project, the operator may acquire or achieve offsite nutrient reductions prior to the commencement of each phase of land disturbing activity in an amount sufficient for each phase.
 - 2. In contravention of local water quality-based limitations at the point of discharge that are consistent with the determinations made pursuant to subsection B of Code of Virginia § 62.1-

44.19:7, contained in the Town's MS4 program plan accepted by the department of environmental quality, or as otherwise may be established or approved by the state board.

- F. The director may grant exceptions to the technical requirements of subsection A provided that the exception is the minimum necessary to afford relief, reasonable and appropriate conditions are imposed so that the intent of this article are preserved, granting the exception will not confer any special privileges that are denied in other similar circumstances, and exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this article.
 - 1. Exceptions to the requirement that the land disturbing activity obtain required general permit shall not be given by the director, nor shall the director approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse website, or any other control measure duly approved by the Department of Environmental Quality.
 - 2. Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to Section 9VAC25-870-69 have been considered and found not available.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-18. - Maintenance of permanent stormwater management facilities.

- A. The director shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff.
- B. All land owners required to maintain a stormwater management facility shall sign, deliver, and record in the Fairfax County Land Records an agreement with the Town that sets forth maintenance and inspection responsibilities and permits the Town to inspect and maintain these facilities at the landowners' expense, if they do not maintain them according to recognized engineering standards found at the Virginia Stormwater BMP Clearinghouse website. Such maintenance agreement shall be recorded prior to general permit termination or earlier as required by the director and shall at a minimum:
 - 1. Be submitted to the director for review and approval prior to the approval of the stormwater management plan;
 - 2. Be stated to run with the land;
 - 3. Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
 - 4. Provide for inspections and maintenance and require the owner or his designee to submit an inspection and maintenance report. The frequency of the reports and the qualifications for the individual completing the reports shall be appropriate for the stormwater management facility and be included in the agreement except that the report schedule shall be no less than once every five years; and,
 - 5. Be enforceable by all appropriate governmental parties.
- C. A developer or landowner who installs stormwater facilities shall be responsible for facility maintenance until the time of conveyance and shall provide the successor landowner, the builder if different from the developer (if applicable), and the Town with maintenance schedules and maintenance procedures, known as a maintenance manual, for all facilities used in the development.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-19. - Monitoring and inspections.

- A. The director shall inspect the land disturbing activity during construction for:
 - 1. Compliance with the approved erosion and sediment control plan;

2. Compliance with the approved stormwater management plan;
 3. Development, updating, and implementation of a pollution prevention plan; and
 4. Development and implementation of any additional control measures necessary to address a TMDL.
- B. The director may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article.
 - C. In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the director may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
 - D. Pursuant to Code of Virginia § 62.1-44.15:40 the director may require any person subject to the requirements under this article, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this article.
 - E. Post-construction inspections of stormwater management facilities required by the provisions of this article shall be conducted by the director pursuant to procedures developed by the director and shall occur, at minimum, at least once every five years.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-20. - Hearings.

- A. Any person subject to this article aggrieved by any action of the Town taken without a formal hearing, or by inaction of the Town, may demand in writing a formal hearing by the Town Council, provided a petition requesting such hearing is filed with the Town Manager within 30 days after notice of such action is given by the director.
- B. The hearings held under this section shall be conducted by the Town Council at a regular or special meeting of the Town Council, or by at least one member of the Town Council designated by the Town Council to conduct such hearings on behalf of the Town Council at any other time and place authorized by the Town Council.
- C. A verbatim record of the proceedings of such hearings shall be taken and filed with the Town Council. Depositions may be taken and read as in actions at law.
- D. The Town Council or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the Town Council, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-21. - Appeals.

Appeals to this article shall be conducted in the same manner as prescribed in section 23-9.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-22. - Enforcement and penalties.

- A. If the director determines that there is a failure to comply with the conditions of this article or determines there is an unauthorized discharge, notice shall be served upon the person responsible for carrying out the conditions of this article by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the general permit or land disturbing permit or by delivery at the site of the development activities to the agent or employee supervising such activities.

1. The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with subsection B or land disturbing permits may be revoked by the director.
2. If a person fails to comply with a notice issued in accordance with this section within the time specified, the director may issue an order requiring the owner or person responsible for carrying out an approved plan, or the person conducting the land disturbing activities without an approved plan or required permit to cease all land disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the Town, or by personal delivery by an agent of the director. However, if the director finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the director may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with subsection C.

- B. In addition to any other remedy provided by this article, if the director determines that there is a failure to comply with the provisions of this article, he may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with policies adopted by the Town.
- C. Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the director may be compelled in a proceeding instituted in court by the Town to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
- D. Any person who violates any provision of this article or who fails, neglects, or refuses to comply with any order of the director, shall be subject to a civil penalty not to exceed \$32,500.00 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
1. Violations for which a penalty may be imposed under this subsection shall include but not be limited to the following:
 - a. No general permit registration statement;
 - b. No SWPPP;
 - c. Incomplete SWPPP;
 - d. SWPPP not available for review;
 - e. No approved erosion and sediment control plan;
 - f. Failure to install stormwater BMPs or erosion and sediment controls;

- g. Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
 - h. Operational deficiencies;
 - i. Failure to conduct required inspections;
 - j. Incomplete, improper, or missed inspections; and,
 - k. Discharges not in compliance with the requirements of Section 9VAC25-880-70 of the general permit.
- 2. The director may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
 - 3. In imposing a civil penalty pursuant to this subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
 - 4. Any civil penalties assessed by a court as a result of a summons issued by the Town shall be paid into the treasury of the Town to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the Town and abating environmental pollution therein in such manner as the court may, by order, direct.
- E. Notwithstanding any other civil or equitable remedy provided by this section or by law, any person who willfully or negligently violates any provision of this article, any order of the director, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500.00 nor more than \$32,500.00, or both.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-23. - Performance bonds.

Prior to any land disturbing activity the applicant may be required by the director to submit a performance bond in the amount of \$2,500.00 with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the Town attorney to ensure that measures could be taken by the Town at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If the Town takes such action upon such failure by the applicant, the Town may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, including but not limited to the submittal of a construction record drawing in accordance with section 23-14.D, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)

Sec. 23-24. - Fees.

- A. No land disturbing or building permit shall be issued until applicable fees have been submitted to the Town in accordance with this section and section 1-13 concerning stormwater management.
- B. Fees associated with an initial land disturbing permit issuance shall be in accordance with the table in section 1-13 titled "Stormwater Management Fees — Initial Permit Issuance." 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 in accordance with the disturbed acreage of their site or sites in the aforementioned table section.
- C. Fees for the modification or transfer of general permit registration statements issued by the state board shall be imposed in accordance with the table in section 1-13 titled "Stormwater Management Fees — Modifications or Transfers." If the general permit modifications result in changes to stormwater management plans that require additional review by the Town, such reviews shall be

subject to the fees set out in the aforementioned table section. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the 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 been applied for the total disturbed acreage in accordance with subsection B.

- D. General permit coverage maintenance fees shall be paid annually to the Town by April 1 of each year, in accordance with the table in section 1-13 titled "Stormwater Management Fees — Permit Maintenance." No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until the permit coverage is terminated. Permit maintenance fees shall apply to expired permits that have been administratively continued.
- E. Persons whose coverage under the general permit has been revoked shall apply to the department of environmental quality for an individual permit for discharges of stormwater from construction activities.
- F. Fees shall not be assessed to the following:
 - 1. Permittees who request minor modifications to general permits as defined in section 23-3. Permit modifications at the request of the permittee resulting in changes to the stormwater management plan that require additional review by the director shall not be exempt pursuant to this subsection.
 - 2. Permittees whose general permits are modified or amended at the initiative of the department of environmental quality, excluding errors in the registration statement identified by the director 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 shall be charged for late payments at the underpayment rate set forth in Code of Virginia § 58.1-15 and is calculated on a monthly basis at the applicable periodic rate. A ten percent late payment fee shall be charged to any delinquent account, defined as over 90 days past due. The Town is entitled to all remedies under the Code of Virginia in collecting any past due amount.

(Ord. No. 2014-006, § 1, 5-12-2014, eff. 7-1-2014)