

INTRODUCED: February 9, 2026

AN ORDINANCE No. 2026-040

To amend City Code § 14-336, concerning Richmond Erosion and Stormwater Management Program fees, for the purpose of aligning such section with recent amendments to state law and regulations approved by the State Water Control Board.

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Patron – Mayor Avula

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney

\_\_\_\_\_  
PUBLIC HEARING: FEB 23 2026 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 14-336 of the Code of the City of Richmond (2020), be and is hereby **amended** and reordained as follows:

**Sec. 14-336. Fees.**

Fees to cover costs associated with implementation of the Richmond Erosion and Stormwater Management Program and issuance of RESMP permits ~~[in this article]~~ shall be imposed in accordance with ~~[this section]~~ the Regulations, as the term “Regulations” is defined in section 14-323.

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

~~[(1) — The fees provided in this subsection apply:~~

~~a. — To any operator seeking coverage under the July 1, 2014, General Permit for Discharges of Stormwater from Construction Activities; or~~

~~b. — On or after July 1, 2014, to any operator seeking coverage under a General Permit for Discharges of Stormwater from Construction Activities, a State or Federal agency that does not file annual standards and specifications or an individual permit issued by the Board.~~

~~c. — The fees described in this subsection (1) shall be as follows:~~

<del>Fee to cover cost associated with VESMP implementation. Fee for any operator seeking coverage under a RESMP Authority permit</del>	
<del>Chesapeake Bay Preservation Act Land Disturbing Activity (Not subject to general permit coverage; sites within the City with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre) (\$0.00 paid to the Virginia Department of Environmental Quality)</del>	<del>\$290.00</del>
<del>General/Stormwater Management — Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than one acre and less than five acres) (\$756.00 paid to the Virginia Department of Environmental Quality, based upon 28 percent of total fee paid)</del>	<del>\$2,700.00</del>
<del>Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres) (\$952.00 paid to the Virginia Department of Environmental Quality, based upon 28 percent of total fee paid)</del>	<del>\$3,400.00</del>
<del>General/Stormwater Management — Small Construction Activity/Land Clearing (For single family detached residential structures within or outside of a common plan of development of sale with land disturbance acreage less than five acres) (\$0.00 paid to the Virginia Department of Environmental Quality)</del>	<del>\$209.00</del>
<del>General/Stormwater Management — Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than one acre, except for single family detached residential structures) (\$81.00 paid to the Virginia Department of Environmental Quality based upon 28 percent of total fee paid)</del>	<del>\$290.00</del>
<del>General/Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres) (\$1,260.00 paid to the Virginia Department of Environmental Quality, based upon 28 percent of total fee paid)</del>	<del>\$4,500.00</del>
<del>General/Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance</del>	<del>\$6,100.00</del>

acreage equal to or greater than 50 acres and less than 100 acres) (\$1,708.00 paid to the Virginia Department of Environmental Quality, based upon 28 percent of total fee paid)	
General/Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres) (\$2,688.00 paid to the Virginia Department of Environmental Quality, based upon 28 percent of total fee paid)	\$9,600.00

d. — ~~An applicant shall pay the fees provided in this subsection (1) for initial issuance of general permit coverage and for a Richmond Erosion and Stormwater Management Program Permit. No more than 50 percent of the total fee to be paid by the applicant shall be due at the time that a stormwater management plan or an initial stormwater management plan is submitted to the City for review. The applicant shall pay the balance of the fee prior to the issuance of coverage under the general permit. When a site or sites are 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 as set forth in this subsection.~~

(2) — ~~A permittee who wishes to modify or transfer registration under the general permit shall pay the fees provided in this subsection under the terms included therein.~~

Fee for modification or transfer of individual permits or of registration statements for the General Permit for Discharges of Stormwater from Construction Activities issued by the State Water Control Board. If the State permit modifications result in changes to stormwater management plans that require additional review by the City, such reviews shall be subject to the fees set out in this section. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the State permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial State permit fee paid and the State permit fee that would have applied for the total disturbed acreage as stated above for initial coverage	
General/Stormwater Management — Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than one acre)	\$20.00
General/Stormwater Management — Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$200.00

<del>General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)</del>	<del>\$250.00</del>
<del>General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)</del>	<del>\$300.00</del>
<del>General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</del>	<del>\$450.00</del>
<del>General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</del>	<del>\$700.00</del>
<del>Individual Permit for Discharges of Stormwater from Construction Activities</del>	<del>\$5,000.00</del>

~~(3) — Each permittee shall pay the fees provided in this subsection for annual permit maintenance, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, the fees shall apply until the permit coverage is terminated. The permittee shall pay the applicable annual maintenance fees to the City by the anniversary date of the general permit coverage. No permit will be reissued or automatically continued without payment of the required fee.~~

<del>Annual Fee For Permit Maintenance</del>	
<del>Chesapeake Bay Preservation Act Land Disturbing Activity (Not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Preservation Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)</del>	<del>\$50.00</del>
<del>General/Stormwater Management—Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than one acre)</del>	<del>\$50.00</del>
<del>General/Stormwater Management—Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than one acre and less than five acres)</del>	<del>\$400.00</del>
<del>General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)</del>	<del>\$500.00</del>
<del>General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)</del>	<del>\$650.00</del>

<del>General/Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</del>	<del>\$900.00</del>
<del>General/Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</del>	<del>\$1,400.00</del>

~~(4) — Permit and permit coverage maintenance fees provided in this section may apply to each permittee with general permit coverage. No general permit application fees will be assessed to:~~

~~a. — Permittees who request minor modifications, as defined in this article, to general permit coverage. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt.~~

~~b. — Permittees whose general permit coverage requirements are modified or amended at the initiative of the Department of Environmental Quality, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.~~

~~c. — All incomplete payments will be deemed as nonpayments, and the Administrator shall notify the applicant of any incomplete payments. Interest may be charged for late payments at the rate and in the manner set forth in this Code. A ten percent late payment fee shall be charged to any delinquent account (over 90 days past due). The City shall be entitled to all remedies available under the Code of Virginia or other applicable law in collecting any past due amount.~~

~~(5)]~~ (1) Each applicant whose application for a permit is withdrawn or rejected and each permittee whose permit is withdrawn after issuance shall pay an administrative fee and, if a

plans review has been undertaken, a plans review fee. The administrative fee and plans review fee shall each be five percent of the initial permit fee or [~~\$25.00~~] \$50.00, whichever is greater.

~~[(6)]~~ (2) Each permittee whose plans are revised after the permit is issued shall pay a revised plans fee of ten percent of the initial permit fee or [~~\$50.00~~] \$10.00, whichever is greater.

~~[(7)]~~ (3) Any excess fee greater than [~~\$2.00~~] \$5.00 shall be returned to the permit holder upon written request.

§ 2. This ordinance shall be in force and effect upon adoption.



# City of Richmond

## Intracity Correspondence

### O&R Transmittal

**DATE:** December 3, 2025  
**TO:** The Honorable Members of City Council  
**THROUGH:** The Honorable Danny Avula, Mayor  
**THROUGH:** Odie Doland II, Chief Administrative Officer  
**THROUGH:** Al Wiggins, Jr., Deputy Chief Administrative Officer  
**FROM:** Scott Morris, Director, Department of Public Utilities  
**RE:** Virginia Erosion & Stormwater Management Program, City Code revisions

#### **ORD. OR RES. No.:**

**PURPOSE:** To amend Section 14-336 of the Code of the City of Richmond (2020) concerning fees for the Richmond Erosion and Stormwater Management Program, in order to align City Code with recent amendments to state law and regulations approved by the State Water Control Board.

**BACKGROUND:** At its meeting on November 18, 2025, the State Water Control Board considered and approved final amendments to the Virginia Erosion and Stormwater Management Regulation (9VAC25-875) to comply with the requirements set forth in Chapter 2 (Budget Bill, Item 363 J) of the 2024 Special Session I Acts of Assembly. These amendments revise the statewide permit fee schedules for the Virginia Pollutant Discharge Elimination System Permit for Discharges of Stormwater from Construction Activities, Municipal Separate Storm Sewer System permits, associated permit modifications, and permit maintenance fees to represent no less than 60 percent, and not to exceed 62 percent, of the direct costs for administration, compliance, and enforcement of such permits. The effective date of these amendments is no earlier than July 1, 2026.

The amendments include revisions to the fee schedules in Sections 9VAC25-875-1380 through 1420 to align with the specified cost recovery range, based on fiscal year 2024 revenue data. A

new Section 9VAC25-875-1375 introduces an annual adjustment factor based on the Consumer Price Index to ensure fees remain aligned with inflation and the Department of Environmental Quality's operational costs. Additionally, revisions to Section 9VAC25-875-1360 increase the portion of the total permit fee remitted to the Department by local Virginia Erosion and Stormwater Management Program authorities from 28 percent to 30 percent, as permitted under Section 62.1-44.15:28 of the Code of Virginia.

These changes stem from the directive in the 2024 Budget Bill to adjust fees accordingly. The proposed amendments were published in the Virginia Register of Regulations on August 11, 2025, initiating a 60-day public comment period that concluded on October 10, 2025. A public hearing was held on September 23, 2025, during which comments were received. In total, comments from five individuals were submitted via the Townhall Comment Forum, three via email, and one verbal comment at the hearing, with a written summary provided. The Department of Environmental Quality's responses to these comments are detailed in the Agency Background Document (Form TH-03).

Final amendments incorporate modifications since the proposed stage, including refinements to Section 9VAC25-875-1375 to specify that the Department will calculate the Consumer Price Index adjustment using data from the 12-month period ending June 30 of the prior year, determine fees by January 1 of the fee year, and implement adjustments effective July 1 annually. These provisions ensure adequate advance notice: at least six months for new Construction General Permit coverage fees, eight months for Municipal Separate Storm Sewer System maintenance fees, and over 12 months for Construction General Permit annual maintenance fees. Further clarifications in Sections 9VAC25-875-1400, 1410, and 1420 affirm the Department's role as both a Virginia Erosion and Stormwater Management Program authority and a Virginia Stormwater Management Program authority. None of these post-proposal changes are substantive.

Specific fee adjustments include increases for new Municipal Separate Storm Sewer System permit issuance under 9VAC25-875-1380 (from \$16,000 to \$25,000 for individual permits and from \$4,000 to \$6,500 for general permits, applicable only to first-time applicants); higher Con-



struction General Permit coverage fees under 9VAC25-875-1400 (e.g., from \$2,700 to \$4,100 for sites between one and five acres); and elevated annual permit maintenance fees under 9VAC25-875-1420 for Municipal Separate Storm Sewer System permits (e.g., from \$8,800 to \$14,100 for large and medium individual permits, from \$6,000 to \$9,600 for small individual permits, and from \$3,000 to \$4,800 for small general permits) and Construction General Permit permittees, all subject to annual Consumer Price Index adjustments.

In response to stakeholder input, including from the Virginia Municipal Stormwater Association, the Department recommends that localities reference state fees generally in local codes to avoid the need for annual legislative updates. The proposed ordinance amends Section 14-336 to incorporate these state regulations by removing specific fee amounts and referring to the Regulations as defined in Section 14-323, thereby ensuring ongoing compliance

**COMMUNITY ENGAGEMENT:** No specific community engagement activities were conducted for this administrative alignment with state regulations, as the changes primarily address procedural and fiscal adjustments mandated by state law.

**STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL:** This amendment aligns with the Richmond 300 Master Plan,<sup>1</sup> adopted by the City Council on December 14, 2020, and amended on September 26, 2023, specifically supporting Goal 16 to improve local water quality and manage the built environment to enhance and protect natural assets such as the James River. It furthers the City's strategic priorities for environmental compliance and sustainable stormwater management in accordance with regulations promulgated by the Virginia Department of Environmental Quality and the State Water Control Board. Other governmental bodies involved include the Planning Commission for land use and development considerations related to stormwater permits, and the Virginia Municipal Stormwater Association for stakeholder recommendations on administrative efficiencies.

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<sup>1</sup> Richmond 300: A guide for Growth. Designing an equitable, sustainable, and beautiful Richmond for its 300<sup>th</sup> birthday in 2037. [rva.gov/sites/default/files/2025-03/R300\\_Amended\\_RRHA\\_lowres\\_20250321.pdf](https://rva.gov/sites/default/files/2025-03/R300_Amended_RRHA_lowres_20250321.pdf). Last Accessed: December 2, 2025.

**FISCAL IMPACT:** The revised fees will increase revenue from permits and maintenance activities in accordance with state-mandated adjustments, including higher Construction General Permit coverage fees, new Municipal Separate Storm Sewer System issuance fees for first-time applicants, and annual maintenance fees subject to Consumer Price Index escalation. The City's share of fees will adjust accordingly, with the Department of Environmental Quality receiving 30 percent. No additional expenditures are anticipated, as the changes streamline implementation without requiring new resources.

**DESIRED EFFECTIVE DATE:** July 1, 2026

**REQUESTED INTRODUCTION DATE:** January 12, 2026

**CITY COUNCIL PUBLIC HEARING DATE:** February 23, 2026

**REQUESTED AGENDA:** Consent Agenda.

**RECOMMENDED COUNCIL COMMITTEE:** Land Use, Housing and Transportation Standing Committee (February 17, 2026)

**AFFECTED AGENCIES:** Department of Public Utilities

**RELATIONSHIP TO EXISTING ORD. OR RES.:** N/A

**ATTACHMENTS:** None

**STAFF:** Lee Crowell, Department of Public Utilities, (804) 646-5209