

1 **Richmond County's**
2 **Virginia Stormwater Management Program (VSMP)**
3 **Policies and Procedures**

4 *Policies and Procedures for Submission of Application and Plans, Payment of Fees, Review of*
5 *Applications and Plans, Performance Guarantees, Permit Issuance, Inspections,*
6 *Long Term Maintenance & Inspections and Ordinance Enforcement*

7 **1. Submission of Applications and Plans: Stormwater Management Ordinance Section 5**

- 8 A. Applicant(s) must submit to the Local VSMP Authority a completed VSMP Authority
9 Permit Application that includes:
10 1. The completed General Permit Registration Statement (as required); and
11 2. The completed Stormwater Pollution Prevention Plan (SWPPP) which includes:
12 i. A completed Erosion and Sediment Control (E&SC) Plan;
13 ii. A completed Stormwater Management (SWM) Plan; and
14 iii. A completed Pollution Prevention Plan (as required)
15 B. Applicant(s) must also submit to the Local Virginia Erosion and Sediment Control
16 Program (VE&SCP) Authority a completed Erosion and Sediment Control Plan Review
17 Application or a completed Agreement In Lue of an Erosion and Sediment Control Plan
18 for Construction of a Single Family Dwelling.

19 **2. Payment of Permit Review Application Fees**

- 20 A. At time of submission the Applicant must submit:
21 1. Payment in full of the DEQ's portion of the permit fee for the SWM Permit;
22 2. Payment of one-half of the Local portion of the permit fee for the SWM Permit; and
23 3. Payment of one-half of the permit fee for the E&SC Plan Review.
24 i. Permit Fees for Agreement In Lue of an E&SC Plan for Construction of a Single
25 Family Dwelling are due in full at time of submission.
26 B. The remainder of the permit application fees shall be due prior to final plan approvals and
27 issuance of permits.
28 C. Any checks to the locality are to be made out to the "Treasurer of Richmond County."
29 D. All payments are non-refundable.

30 **3. Review of Applications and Plans; SWM Ord. Section 9**

- 31 A. The Local VSMP Authority will determine completeness of the VSMP Authority Permit
32 Application within a timely manner.
33 B. Non-Payment of the fees mentioned above will be deemed an incomplete application
34 submittal and will not be processed until payments have been received.
35 C. The Local VSMP Authority will determine completeness of the SWM Plan and notify the
36 Applicant, in writing, within 15 days of receipt of a complete application.
37 D. The Local VSMP Authority will determine completeness of the SWPPP and notify the
38 Applicant, in writing, regarding approval or disapproval within 60 days of
39 communication of completeness of the SWM Plan.
40 E. A SWPPP submitted that was previously disapproved will be reviewed within 45 days of
41 the date of resubmission.

42 F. The Local VSMP Authority shall review and approve any modifications to an approved
43 SWM Plan. The Local VSMP Authority shall respond in writing either approving or
44 disapproving such a request within 60 days.

45 **4. Performance Guarantees; SWM Ord. Section 19**

46 A. The Applicant must furnish a written cost estimate prepared by a Licensed Professional
47 for implementation of an approved SWPPP to the Local VSMP Authority.

48 B. The Applicant must submit a performance bond with surety, cash escrow, letter of credit
49 or any combination thereof, or such other legal arrangement acceptable to the County
50 Attorney in an amount 10% above the Engineer’s cost estimate.

51 C. Performance bonds may not be required for the construction of a single family dwelling
52 with an approved SWM Plan.

53 D. When the occupancy of a single family dwelling is desired prior to the completion of the
54 required stormwater management facilities, or other specifications of the approved plan, a
55 Certificate of Occupancy may be issued only if the applicant provides to the Board a
56 form of surety satisfactory to the County Attorney in the amount equal to the remaining
57 materials and installation costs of any required stormwater management facilities.

58 E. Upon completed implementation of the SWPPP, the Applicant must provided the Local
59 VSMP Authority:

60 1. A written statement prepared by a Licensed Professional to the effect that “all
61 construction is in substantial conformity to the Local VSMP Authority approved
62 SWPPP and the regulations and requirements of Richmond County’s SWM
63 Ordinance,” and

64 2. A construction record drawing for permanent stormwater management facilities
65 except, as required, for individual residential lots.

66 F. An Applicant’s request for release of performance guarantees will be processed within 30
67 days of receipt of the written request.

68 G. The Local VSMP Authority may retain up to 25% for the use in repair and maintenance
69 of improvements as necessary within one year of completion.

70 **5. Permit Issuance**

71 A. No VSMP Authority Permit shall be issued until/unless:

72 1. Evidence of General permit coverage is obtained by DEQ, where required;

73 2. All fees required have been paid in full;

74 3. Performance guarantees have been accepted; and

75 4. An instrument, satisfactory to the County Attorney, has been recorded in the local
76 land records which provide the provisions for the long-term responsibility for and
77 maintenance of the stormwater management facilities.

78 B. No other permits will be issued for a property unless a Local VSMP Authority Permit has
79 been issued first.

80 **6. Inspections; SMW Ord. Section 14**

81 A. Site Inspections will be performed by the Local VSMP Authority and will occur
82 throughout the project in conjunction with the Local VE&SCP inspections.

83 B. VSMP Inspection Reports will be logged and issued (verbal and/or written) to the owner
84 and/or operator with a description of any necessary corrective actions and a completion
85 deadline.

- 86 C. The Operator shall perform inspections of the construction site and possible off-site areas
87 at least once every 7 days or once every 14 days and within 24 hours after a runoff
88 producing rain event (0.25+” of rain over a 24hr period). Where areas have been
89 temporarily stabilized or runoff is unlikely due to winter conditions (e.g. covered with
90 snow or ice, or frozen ground) such inspections shall be conducted at least once every 30
91 days. Where temporarily stabilized areas have become arid, semi-arid or drought-stricken
92 during seasonally dry periods or during drought such inspections shall be conducted once
93 every 30 days and 24 hours after a runoff producing rain event.
- 94 D. The Operator shall document every inspection performed with the deficiencies found and
95 corrective actions made.

96 **7. Long Term Maintenance & Inspections; SWM Ord. Sections 13 & 14**

- 97 A. The Local VSMP Authority will maintain its own database for the tracking of all
98 constructed stormwater management facilities.
- 99 B. Post-construction inspections of stormwater management facilities are required to be
100 inspected at a minimum once every five years. The Local VSMP Authority will serve by
101 written notice to the owner of a facility 90 days prior to the due date of the required
102 inspection.
- 103 C. The Owner is required to provide an inspection report prepared by a licensed professional
104 or land surveyor or a person who works under the direction and oversight thereof; or a
105 person who holds an appropriate certificate of competence from the State Board.
- 106 D. A Local VSMP Authority staff person who holds an appropriate certificate of
107 competence from the State Board and employed by the County may conduct inspections
108 of individually owned stormwater management facilities upon individual residential lots.
- 109 E. A Local VSMP Authority staff person may, at reasonable times and under reasonable
110 circumstances, enter any establishment or upon any property, public or private, for the
111 purpose of obtaining information or conducting surveys or investigations necessary in the
112 enforcement of the provisions of Richmond County’s SWM Ordinance.

113 **8. Ordinance Enforcement; SWM Ord. Section 17**

- 114 A. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates
115 any of the provisions of the SWM Ordinance, or permits any such violations, or fails to
116 comply with any of the requirements hereof, or who fails to comply with the conditions
117 of any permit issued in connection with the requirements of the Stormwater Management
118 Act or SWM Ordinance shall be subject to the enforcement provisions of the ordinance.
119 The County may pursue enforcement in accordance with any of the remedies provided
120 herein.
- 121 B. Upon becoming aware of any violation of any provisions of SWM Ordinance, the Local
122 VSMP Authority may issue a verbal warning and request to take corrective action for any
123 such violation to the property owner or the person committing or permitting the same,
124 and may serve a Notice of Violation on the property owner or the person committing or
125 permitting the violation of the ordinance. The notice of violation will (i) specify the
126 provisions of this Chapter which have been violated, (ii) identify the remedial measures
127 necessary to cure the violation, and (iii) provide a reasonable time in which to remedy the
128 violations. Failure to take steps to comply with Notice of Violation within the time
129 provided for therein shall constitute a separate violation of the ordinance.

- 130 C. If a permittee or a person receiving a Notice of Violation fails to comply within the time
131 specified therein, the County may issue a Stop Work Order requiring the owner,
132 permittee, person responsible for carrying out an approved plan, or the person conducting
133 the land-disturbing activities without an approved plan or required permit to cease all
134 land-disturbing activities until the violation of the permit has ceased, or an approved plan
135 and required permits are obtained, and specified corrective measures have been
136 completed. Such orders shall become effective upon service. Failure to comply with a
137 Stop Work Order shall constitute a separate violation of the ordinance.
- 138 D. If the County finds that any such violation is grossly affecting or presents an imminent
139 and substantial danger of causing harmful erosion of lands or sediment deposition in
140 waters within the watersheds of the Commonwealth or otherwise substantially impacting
141 water quality, it may issue, without advance notice or hearing, an Emergency Order
142 directing such person to cease immediately all land-disturbing activities on the site and
143 shall provide an opportunity for a hearing, after reasonable notice as to the time and place
144 thereof, to such person, to affirm, modify, amend, or cancel such Emergency Order. If a
145 person who has been issued such order is not complying with the terms thereof, the
146 County may institute a proceeding in accordance with subsection H. Failure to comply
147 with an Emergency Order shall constitute a separate violation of the ordinance.
- 148 E. It is unlawful and constitutes a separate violation of the ordinance for any person to fail to
149 comply with any Stop Work Order or Emergency Order issued in accordance with this
150 article. Any person violating or failing, neglecting, or refusing to obey any rule,
151 regulation, ordinance, approved standard and specification, order, or any permit condition
152 issued by the County, or any provisions of this Article may be compelled in a proceeding
153 instituted in any appropriate court by the Director, on behalf of the Board of Supervisors,
154 to obey same and to comply therewith by injunction, mandamus, or other appropriate
155 remedy.
- 156 F. The service requirement under the ordinance shall be satisfied if any Notice of Violation
157 or other order is delivered by registered or certified mail, return receipt requested or in
158 person to the property owner or his authorized representative, the permittee, or the person
159 committing or permitting a violation of the ordinance.
- 160 G. Any person violating or failing, neglecting, or refusing to obey any injunction,
161 mandamus, or other remedy obtained pursuant to the ordinance shall be subject, in the
162 discretion of the court, to a civil penalty in accordance with the provisions of the SWM
163 Act.
- 164 H. The Local VSMP Authority may apply to the Richmond County Circuit Court for
165 injunctive relief to enjoin a violation or a threatened violation of any provision of the
166 ordinance without the necessity of showing that an adequate remedy at law does not
167 exist.
- 168 I. Any person who violates any provision of the ordinance or standards and specifications
169 adopted or approved thereunder, neglects or refuses to comply with any order issued
170 hereunder by the Local VSMP Authority or a court, shall be subject to a civil penalty not
171 to exceed \$32,500 for each violation within the discretion of the court. Each day of
172 violation of each requirement shall constitute a separate offense.
- 173 J. Violations for which a civil penalty may be imposed under this subsection shall include
174 but are not limited to the following:
- 175 (i) No state permit registration;

- 176 (ii) No SWPPP;
177 (iii) Incomplete SWPPP;
178 (iv) SWPPP not available for review;
179 (v) No approved Erosion and Sediment Control Plan;
180 (vi) Failure to install stormwater BMPs or erosion and sediment controls;
181 (vii) Stormwater BMPs or erosion and sediment controls improperly installed or
182 maintained;
183 (viii) Operational deficiencies;
184 (ix) Failure to conduct required inspections;
185 (x) Incomplete, improper, or missed inspections; and
186 (xi) Discharges not in compliance with the requirements of Section 4VAC 50-60-1170
187 of the general permit.
- 188 K. The VSMP Authority may issue a summons for collection of the civil penalty and the
189 action may be prosecuted in the appropriate circuit court. Any civil penalties assessed by
190 a court as a result of a summons issued by Richmond County shall be paid into the
191 treasury of Richmond County, except where the violator is Richmond County, or its
192 agent. Such civil penalties paid into the treasury of Richmond County are to be used for
193 the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of
194 the locality and abating environmental pollution therein in such manner as the court may,
195 by order, direct.
- 196 L. With the consent of any person who has violated or failed, neglected, or refused to obey
197 the SWM ordinance, any condition of a permit or state permit, or any order of the VSMP
198 Authority, the County may provide, in an order issued against such person, for the
199 payment of civil charges or violations in specific sums, not to exceed the limit specified
200 in this section. Any civil charges collected shall be paid into the treasury of Richmond
201 County.