

Agreement in lieu of a stormwater management plan is an option available to single family homes that are being built or renovated to make certain that the minimal erosion sediment control and stormwater management measures are placed to prevent offsite transportation of all forms of potential pollutants that can impact the surrounding environment and local citizens.

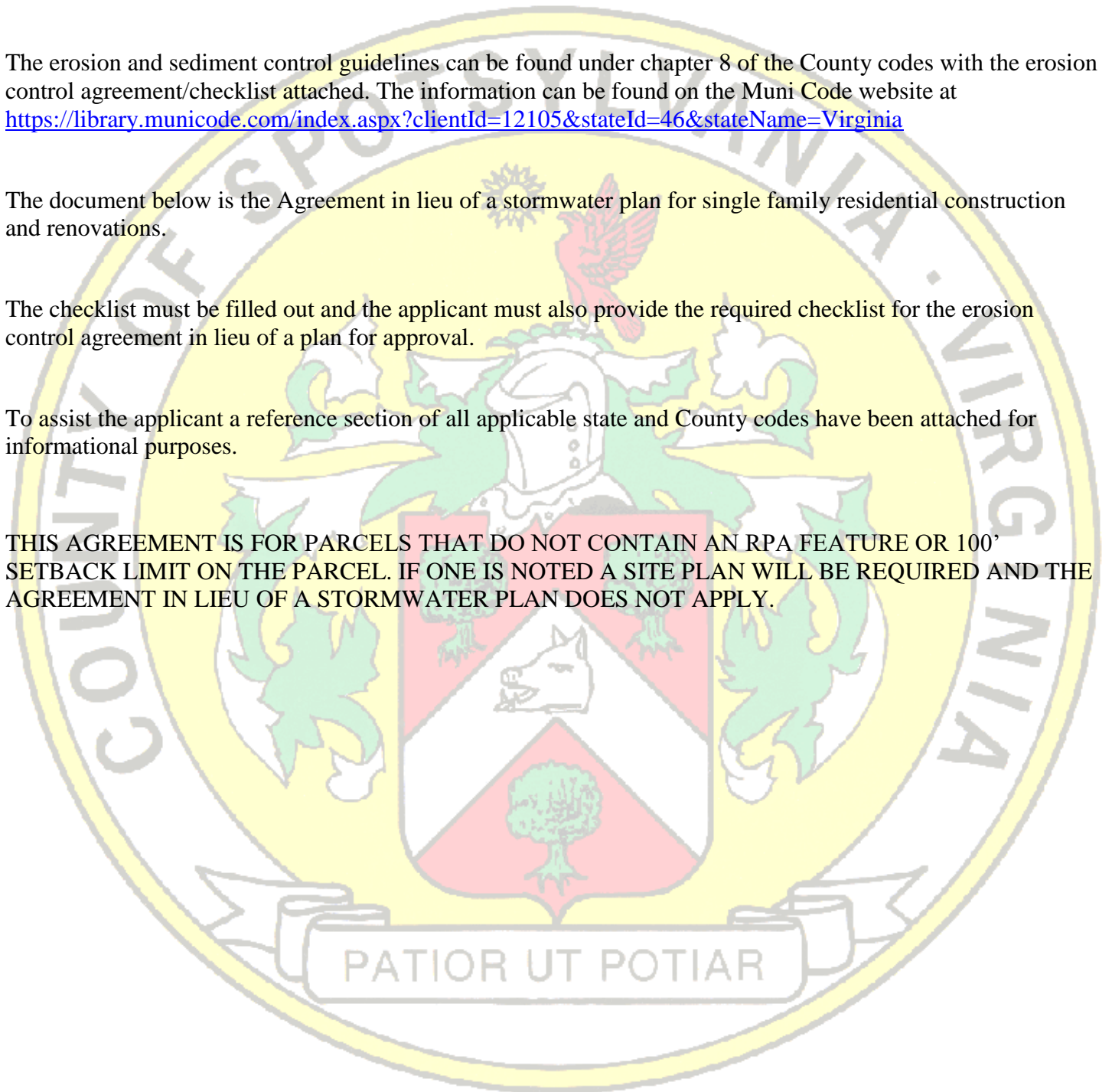
The erosion and sediment control guidelines can be found under chapter 8 of the County codes with the erosion control agreement/checklist attached. The information can be found on the Muni Code website at <https://library.municode.com/index.aspx?clientId=12105&stateId=46&stateName=Virginia>

The document below is the Agreement in lieu of a stormwater plan for single family residential construction and renovations.

The checklist must be filled out and the applicant must also provide the required checklist for the erosion control agreement in lieu of a plan for approval.

To assist the applicant a reference section of all applicable state and County codes have been attached for informational purposes.

THIS AGREEMENT IS FOR PARCELS THAT DO NOT CONTAIN AN RPA FEATURE OR 100' SETBACK LIMIT ON THE PARCEL. IF ONE IS NOTED A SITE PLAN WILL BE REQUIRED AND THE AGREEMENT IN LIEU OF A STORMWATER PLAN DOES NOT APPLY.



**AGREEMENT IN LIEU OF A
STORMWATER MANAGEMENT CONTROL PLAN
FOR SINGLE FAMILY RESIDENCE**

THIS AGREEMENT IS FOR PARCELS THAT DO NOT CONTAIN AN RPA FEATURE OR 100' SETBACK LIMIT ON THE PARCEL. IF ONE IS NOTED A SITE PLAN WILL BE REQUIRED AND THE AGREEMENT IN LIEU OF A STORMWATER PLAN DOES NOT APPLY.

Building Permit No. _____

Tax Map No. _____

Parcel _____

In lieu of submitting of a stormwater management control plan for the construction of the referenced single family dwelling, I agree to comply with attached checklist and with any requirements determined necessary by the VSMP Authority or his designee. Such requirements will be based on the regulations and design standards contained in the Spotsylvania County Stormwater management Ordinance (19A) and the County Design Standards Manual.

As a minimum, there shall be no discharge of stormwater during land disturbance activities that is greater than the pre land disturbance runoff rate.

I further understand that failure to comply with such requirements following notice by the representatives of Spotsylvania County will subject me to the remedies available to Spotsylvania County pursuant to the Spotsylvania County Erosion and Sediment Control Ordinance.

Print Name of Landowner: _____

Signature of Landowner: _____

Address: _____

Phone: _____

SPOTSYLVANIA COUNTY, VIRGINIA

Director of Erosion and Sediment Control or Designee

By: _____

Date: _____ / _____ / _____

| | |
|-------|--|
| A. | Site Plan |
| _____ | (1) Controls the volume and velocity of stormwater runoff within the site to minimize soil erosion <u>and prevent offsite impacts.</u> |
| _____ | (2) Controls stormwater discharges, including peak flow rates and total stormwater volume, to minimize <u>potential erosion</u> at outlets and to minimize downstream channel and stream bank erosion |
| _____ | (3) Minimizes the amount of soil exposed during the construction activity |
| _____ | (4) Minimizes the disturbance of steep slopes |
| _____ | (5) Minimizes sediment discharges from the site in a manner that addresses (i) the amount, frequency, intensity, and duration of precipitation; (ii) the nature of resulting stormwater runoff; and (iii) soil characteristics, including the range of soil particle sizes present on the site |
| _____ | (6) Provides and maintains natural buffers around surface waters, directs stormwater to vegetated areas to increase sediment removal, and maximizes stormwater infiltration, unless infeasible |
| _____ | (7) Minimizes soil compaction and, unless infeasible, preserves topsoil |
| _____ | (8) Ensures that stabilization of disturbed areas will be initiated immediately whenever any clearing, grading, excavating, or other land-disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 days; and |
| _____ | (9) Utilizes outlet structures that withdraw stormwater from the surface (i.e., above the permanent pool or wet storage water surface elevation), unless infeasible, when discharging from sediment basins or sediment traps. |
| B. | During Construction Stage |
| _____ | (a) Concentrated flows of stormwater in conveyances such as rills, rivulets or channels that have not been filtered, settled, or similarly treated prior to discharge, or evidence thereof |
| _____ | (b) Sediment laden or turbid flows of stormwater that have not been filtered or settled to remove sediments prior to discharge |
| _____ | (c) Sediment deposition in areas that drain to unprotected stormwater inlets or catch basins that discharge to surface waters. Inlets and catch basins with failing sediments controls due to improper installation, lack of maintenance, or inadequate design are considered unprotected |
| _____ | (d) Sediment deposition on any property (including public and private streets) outside of the construction activity covered by this general permit |
| _____ | (e) Required stabilization has not been initiated or completed on portions of the site |
| _____ | (f) Sediment basins without adequate wet or dry storage volume or sediment basins that allow the discharge of stormwater from below the surface of the wet storage portion of the basin |
| _____ | (g) Sediment traps without adequate wet or dry storage or sediment traps that allow the discharge of stormwater from below the surface of the wet storage portion of the trap; and |
| _____ | (h) Land disturbance outside of the approved area to be disturbed is not allowed. |

**AGREEMENT IN LIEU OF A STORMWATER MANAGEMENT PLAN
CHECKLIST**

THIS AGREEMENT IS FOR PARCELS THAT DO NOT CONTAIN AN RPA FEATURE OR 100' SETBACK LIMIT ON THE PARCEL. IF ONE IS NOTED A SITE PLAN WILL BE REQUIRED AND THE AGREEMENT IN LIEU OF A STORMWATER PLAN DOES NOT APPLY.

The provisions checked below shall be complied with during the designated stages of the planning and construction process: (The items within this checklist are in addition to the ESC-AIP checklist.)

Agreement in Lieu of a plan code section reference

9VAC25-840-10. Definitions.

"Agreement in lieu of a plan" means a contract between the VESCP authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the VESCP authority in lieu of an erosion and sediment control plan.

"Applicant" means any person submitting an erosion and sediment control plan or an agreement in lieu of a plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

9VAC25-840-70. Developments.

A. An erosion and sediment control plan shall be filed for a development and the buildings constructed within, regardless of the phasing of construction.

B. If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an "Agreement in Lieu of a Plan" signed by the property owner.

C. Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the Act and this chapter if the total land-disturbing activity in the development is equal to or greater than 10,000 square feet.

Part I

Definitions, Purpose, and Applicability

9VAC25-870-10. Definitions.

"Agreement in lieu of a stormwater management plan" means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

"Stormwater management plan" means a document(s) containing material for describing methods for complying with the requirements of the VSMP or this chapter. An agreement in lieu of a stormwater management plan as defined in this chapter shall be considered to meet the requirements of a stormwater management plan.

9VAC25-880-30. Authorization to discharge.

A. Any operator governed by this general permit is authorized to discharge to surface waters of the Commonwealth of Virginia provided that:

1. The operator submits a complete and accurate registration statement...
2. The operator submits any permit fees, if required to do so, in accordance with [9VAC25-870-700](#) et seq.;
3. The operator complies with the applicable requirements of [9VAC25-880-70](#);
4. The operator obtains approval of:

a. An erosion and sediment control plan from the appropriate VESCP authority as authorized under the Erosion and Sediment Control Regulations ([9VAC25-840](#)), unless the operator receives from the VESCP authority an "agreement in lieu of a plan" as defined in [9VAC25-840-10](#) or prepares the erosion and sediment control plan in accordance with annual standards and specifications approved by the department. The operator of any land-disturbing activity that is not required to obtain erosion and sediment control plan approval from a VESCP authority or is not required to adopt department-approved annual standards and specifications shall submit the erosion and sediment control plan to the department for review and approval; and

b. A stormwater management plan from the appropriate VSMP authority as authorized under the Virginia Stormwater Management Program (VSMP) Regulation ([9VAC25-870](#)), unless the operator receives from the VSMP authority an "agreement in lieu of a stormwater management plan" as defined in [9VAC25-870-10](#) or prepares the stormwater

management plan in accordance with annual standards and specifications approved by the department. The operator of any land-disturbing activity that is not required to obtain stormwater management plan approval from a VSMP authority or is not required to adopt department-approved annual standards and specifications shall submit the stormwater management plan to the department for review and approval; and

9VAC25-880-70. General permit.

PART II

STORMWATER POLLUTION PREVENTION PLAN

A. Stormwater pollution prevention plan contents. The SWPPP shall include the following items:

2. Erosion and sediment control plan.

a. An erosion and sediment control plan approved by the VESCP authority as authorized under the Erosion and Sediment Control Regulations ([9VAC25-840](#)), an "agreement in lieu of a plan" as defined in [9VAC25-840-10](#) from the VESCP authority, or an erosion and sediment control plan prepared in accordance with annual standards and specifications approved by the department. Any operator proposing a new stormwater discharge from construction activities that is not required to obtain erosion and sediment control plan approval from a VESCP authority or does not adopt department-approved annual standards and specifications shall submit the erosion and sediment control plan to the department for review and approval.

b. All erosion and sediment control plans shall include a statement describing the maintenance responsibilities required for the erosion and sediment controls used.

c. A properly implemented approved erosion and sediment control plan, "agreement in lieu of a plan," or erosion and sediment control plan prepared in accordance with department-approved annual standards and specifications, that adequately:

- (1) Controls the volume and velocity of stormwater runoff within the site to minimize soil erosion;
- (2) Controls stormwater discharges, including peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;
- (3) Minimizes the amount of soil exposed during the construction activity;
- (4) Minimizes the disturbance of steep slopes;
- (5) Minimizes sediment discharges from the site in a manner that addresses (i) the amount, frequency, intensity, and duration of precipitation; (ii) the nature of resulting stormwater runoff; and (iii) soil characteristics, including the range of soil particle sizes present on the site;
- (6) Provides and maintains natural buffers around surface waters, directs stormwater to vegetated areas to increase sediment removal, and maximizes stormwater infiltration, unless infeasible;
- (7) Minimizes soil compaction and, unless infeasible, preserves topsoil;
- (8) Ensures that stabilization of disturbed areas will be initiated immediately whenever any clearing, grading, excavating, or other land-disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 days; and
- (9) Utilizes outlet structures that withdraw stormwater from the surface (i.e., above the permanent pool or wet storage water surface elevation), unless infeasible, when discharging from sediment basins or sediment traps.

3. Stormwater management plan.

a. New construction activities. A stormwater management plan approved by the VSMP authority as authorized under the Virginia Stormwater Management Program (VSMP) Regulation ([9VAC25-870](#)), or an "agreement in lieu of a stormwater management plan" as defined in [9VAC25-870-10](#) from the VSMP authority, or a stormwater management plan prepared in accordance with annual standards and specifications approved by the department. Any operator proposing a new stormwater discharge from construction activities that is not required to obtain stormwater management plan approval

from a VSMP authority or does not adopt department-approved annual standards and specifications shall submit the stormwater management plan to the department for review and approval.

F. SWPPP Inspections.

3. Inspection requirements.

a. As part of the inspection, the qualified personnel shall:

(7) Inspect for evidence that the approved erosion and sediment control plan, "agreement in lieu of a plan," or erosion and sediment control plan prepared in accordance with department-approved annual standards and specifications has not been properly implemented. This includes but is not limited to:

(a) Concentrated flows of stormwater in conveyances such as rills, rivulets or channels that have not been filtered, settled, or similarly treated prior to discharge, or evidence thereof;

(b) Sediment laden or turbid flows of stormwater that have not been filtered or settled to remove sediments prior to discharge;

(c) Sediment deposition in areas that drain to unprotected stormwater inlets or catch basins that discharge to surface waters. Inlets and catch basins with failing sediments controls due to improper installation, lack of maintenance, or inadequate design are considered unprotected;

(d) Sediment deposition on any property (including public and private streets) outside of the construction activity covered by this general permit;

(e) Required stabilization has not been initiated or completed on portions of the site;

(f) Sediment basins without adequate wet or dry storage volume or sediment basins that allow the discharge of stormwater from below the surface of the wet storage portion of the basin;

(g) Sediment traps without adequate wet or dry storage or sediment traps that allow the discharge of stormwater from below the surface of the wet storage portion of the trap; and

(h) Land disturbance outside of the approved area to be disturbed;

62.1-44.15:55. Regulated land-disturbing activities; submission and approval of erosion and sediment control plan.

A. Except as provided in § [62.1-44.15:56](#) for state agency and federal entity land-disturbing activities, no person shall engage in any land-disturbing activity until he has submitted to the VESCP authority an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved. Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VESCP authority shall then be required to obtain evidence of Virginia Stormwater Management Program permit coverage where it is required prior to providing approval to begin land disturbance. Where land-disturbing activities involve lands under the jurisdiction of more than one VESCP, an erosion and sediment control plan may, at the request of one or all of the VESCP authorities, be submitted to the Department for review and approval rather than to each jurisdiction concerned. The Department may charge the jurisdictions requesting the review a fee sufficient to cover the cost associated with conducting the review. A VESCP may enter into an agreement with an adjacent VESCP regarding the administration of multijurisdictional projects whereby the jurisdiction that contains the greater portion of the project shall be responsible for all or part of the administrative procedures. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the VESCP authority.

B. The VESCP authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of this article and the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and shall comply with the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence to the VESCP authority, as provided by § [62.1-44.15:52](#), who will be in charge of and responsible for carrying out the land-disturbing activity. However, any VESCP authority may waive the certificate of competence requirement for an agreement in lieu of a plan

for construction of a single-family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by § 62.1-44.15:52. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

Sec. 19A-10. Definitions.

Agreement in lieu of a stormwater management plan means a contract between the County and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP Authority Permit for the construction of a single-family residence; such contract may be executed by the County in lieu of a stormwater management plan.

Sec. 19A-30. General requirements.

- (A) Except as provided for in section 19A-5(b) and section 19A -30(D) of this chapter, no grading, building, or other permit shall be issued for land development unless a stormwater management plan has been submitted to and approved by the Program Administrator.
- (B) The applicant shall demonstrate that the project meets the criteria set forth in this chapter.
- (C) Failure of the applicant to demonstrate that the project meets the criteria set forth in this chapter shall be reason to deny the applicant's application for the proposed land disturbance activity.
- (D) When land-disturbing activity results from the construction of a single family residence, an agreement in lieu of a stormwater management plan may be substituted for a stormwater management plan if approved by the Program Administrator. Failure to comply with the terms of an agreement in lieu of a stormwater management plan shall constitute a violation of this chapter which may be enforced pursuant to Section 19A-70 herein.

