

CAMPBELL COUNTY CODE OF 1988

CHAPTER 8

EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT

For state law as to Erosion and Sediment Control Law generally, see [Va. Code §62.1-44.15:51 et seq.](#) As to state law as to Stormwater Management generally, see [Va. Code §62.1-44.15:24 et seq.](#)

ARTICLE I. GENERAL, PURPOSE, AUTHORITY AND DEFINITIONS.

- [§ 8-1.](#) [General](#)
- [§ 8-2.](#) [Definitions.](#)

ARTICLE II. EROSION AND SEDIMENT CONTROL

- [§ 8-3.](#) [Establishment of a Virginia Erosion and Sediment Control Program \(VESCP\).](#)
- [§ 8-4.](#) [Regulated land disturbing activities; submission and approval of erosion and sediment control plans.](#)
- [§ 8-5.](#) [Certification of local program personnel.](#)
- [§ 8-6.](#) [Submission and approval of plan; Contents of plan.](#)
- [§ 8-7.](#) [Permits; fees; security for performance.](#)
- [§ 8-8.](#) [Monitoring, reporting and inspections.](#)
- [§ 8-9.](#) [Penalties, injunctions and other legal actions.](#)
- [§ 8-10.](#) [Right of entry.](#)
- [§ 8-11.](#) [Judicial appeals, penalties, injunctions and other legal actions.](#)
- [§ 8-12.](#) [Financial surety.](#)
- [§ 8-13.](#) [Fees.](#)

ARTICLE III. STORMWATER MANAGEMENT

- [§ 8-14.](#) [Regulated land-disturbing activities.](#)
- [§ 8-15.](#) [Stormwater management program established; submission and approval of plans.](#)
- [§ 8-16.](#) [Review of a Soil Erosion Control and Stormwater Management plan.](#)
- [§ 8-17.](#) [Stormwater permit requirements, Exceptions.](#)
- [§ 8-18.](#) [Stormwater management plan; contents of plan.](#)
- [§ 8-19.](#) [Pollution prevention plan; contents of plan.](#)
- [§ 8-20.](#) [Review of stormwater management plans.](#)
- [§ 8-21.](#) [Technical criteria for regulated land disturbing activities.](#)
- [§ 8-22.](#) [Long term maintenance for permanent stormwater facilities.](#)
- [§ 8-23.](#) [Monitoring and inspections.](#)
- [§ 8-24.](#) [Hearings and appeals.](#)
- [§ 8-25.](#) [Enforcement.](#)
- [§ 8-26.](#) [Fees.](#)
- [§ 8-27.](#) [Performance bonds.](#)

ARTICLE I. GENERAL, PURPOSE AND AUTHORITY, DEFINITIONS.

Sec. 8-1. General.

The purpose of this chapter is to protect and conserve our land, water and natural resources within the county, from the potential harm from land disturbing activities, and to ensure the general health, safety and welfare of the citizens of Campbell County. The county recognizes the fact that off-site erosion, unmanaged stormwater, flooding and nonpoint source pollution from land disturbing activities have contributed to the degradation of properties, water quality and other natural resources. Pursuant to [Va. Code §62.1-44.15:27](#), Campbell County hereby establishes a stormwater management program. This chapter establishes the procedures whereby stormwater management and erosion and sediment control requirements related to water quantity and quality shall be administered and enforced in accordance with the Administrative Process Act ([Va. Code §2.2-4000 et seq.](#)). The provisions of this chapter apply throughout Campbell County, including the towns of Altavista and Brookneal, which lie within the boundaries of Campbell County and have not adopted their own programs.

The unified stormwater management program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspections and enforcement activities in a convenient and efficient manner for both Campbell County and those responsible for compliance with the program.

Where inadvertent conflicts between this Chapter and the language of the State Water Control Act ([Chapter 3.1, §62.1-44.2 et seq. of Title 62.1 of the Code of Virginia](#)) appear, the language of the state code controls. The provisions of the Stormwater Management Act ([Va. Code §62.1-44.15:24 et seq.](#)) and the Erosion and Sediment Control Law ([Va. Code §62.1-44.15:51 et seq.](#)) are hereby incorporated into this Chapter by reference.

For state law authority, see [Va. Code §62.1-44.15:54\(A\) and \(D\)](#), and [Va. Code §62.1-44.15:27](#).

Sec. 8-2. Definitions.

For the purpose of this chapter, certain terms and words used herein shall be interpreted as follows, unless the context clearly indicates otherwise. In addition, some terms not defined herein are defined in Virginia Erosion and Sediment Control Regulations [Va. Admin. Code §9VAC25-840-10](#), and the Virginia Stormwater Management Regulations [Va. Admin. Code §9VAC25-870-10](#) are incorporated herein by reference. Such incorporation by reference is specifically intended to include future amendments to the applicable statutes, state regulations, standards, and specifications.

Adequate channel. A channel that will convey the designated frequency storm event without overtopping the channel bank nor causing erosive damage to the channel bed or banks.

Administrator. The VSMP authority including the County Administrator, or designee, for

administering the VSMP on behalf of the locality, or, where context requires, the Administrator of the United States Environmental Protection Agency or an authorized representative.

Administrative Guidance Manual. The documentation of policies and procedures for documentation and calculations verifying compliance with the water quality and quantity requirements, review and approval of Stormwater Pollution Prevention Plans and Stormwater Management Plans, site inspections, obtaining and releasing bonds, reporting and recordkeeping, and compliance strategies for reviews, enforcement, and long-term maintenance and inspection programs.

Agreement in lieu of a stormwater management plan. A contract between Campbell County's 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 (i) single-family residence or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; such contract may be executed by Campbell County's VSMP authority in lieu of a stormwater management plan.

Applicant. Any person submitting a soil erosion control and/or stormwater management plan to a VSMP authority, or a stormwater management plan to the Board when it is serving as a VSMP authority, for approval in order to obtain authorization for land-disturbing activities to commence.

Best management practice or "BMP". Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.

1. "Nonproprietary best management practice" means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are in the public domain and are not protected by trademark or patent or copyright.

2. "Proprietary best management practice" means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are privately owned and controlled and may be protected by trademark or patent or copyright.

Board. State Water Control Board.

Causeway. A temporary structural span constructed across a flowing watercourse or wetland to allow construction traffic to access the area without causing erosion damage.

Certified inspector. An employee or agent of a VESCP authority who (i) holds a certification from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year

after enrollment.

Certified plan reviewer. An employee or agent of a VESCP authority who (i) holds a certification from the Board in the area of plan review, (ii) is enrolled in the Board’s training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, landscape architect, land surveyor pursuant to Va. Code §54.1-400 *et seq.*, or professional soil scientist as defined in Va. Code §54.1-2200.

Certified program administrator. An employee or agent of a VESCP authority who (i) holds a certification from the Board in the area of program administration or (ii) is enrolled in the Board’s training program for program administration and successfully completes such program within one year after enrollment.

Channel. A natural stream or manmade waterway.

Chesapeake Bay Preservation Act. Means Article 2.5 of Chapter 3.1 of Title 62.1 of the Code of Virginia ([Va. Code § 62.1-44.15:67 et seq.](#)).

Chesapeake Bay Preservation Area. Any land designated by a local government pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations ([Va. Admin Code §9VAC25-830-70 et seq.](#)) and [Va. Code §62.1-44.15:74](#). A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area as defined in the Chesapeake Bay Preservation Area Designation and Management Regulations.

Clearing. Any activity which removes the vegetative ground cover including but not limited to root mat removal or topsoil removal.

Clean Water Act or “CWA”. The federal Clean Water Act ([33 U.S.C §1251 et seq.](#)), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

Cofferdam. A watertight temporary structure in a river, lake, etc., for keeping the water from an enclosed area that has been pumped dry so that bridge foundations, dams, etc., may be constructed.

Common plan of development or sale. A contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

Comprehensive stormwater management plan. A plan, which may be integrated with other land use plans or regulations that specifies how the water quality components, quantity components, or both of stormwater are to be managed on the basis of an entire watershed or a portion thereof. The plan may also provide for the remediation of erosion, flooding, and water quality and quantity problems caused by prior development.

Construction activity. Any clearing, grading, or excavation associated with large construction activity or associated with small construction activity.

Control measure. Any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

CWA and regulations. The Clean Water Act and applicable regulations published in the Code of Federal Regulations promulgated thereunder. For the purposes of this ordinance, it includes state program requirements.

Dam. A barrier to confine or raise water for storage or diversion, to create a hydraulic head, to prevent gully erosion, or to retain soil, rock or other debris.

Denuded. A term applied to land that has been physically disturbed and no longer supports vegetative cover.

Department. The Department of Environmental Quality.

Development. Land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes. The regulation of discharges from development, for purposes of stormwater management, does not include the exclusions found in [Va. Admin Code §9VAC25-875-860](#).

Dike. An earthen embankment constructed to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands; levee.

Discharge. When used without qualification, means the discharge of a pollutant.

Discharge of a pollutant.:

1. Any addition of any pollutant or combination of pollutants to state waters from any point source; or
2. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes additions of pollutants into surface waters from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

Director. The Director of the Virginia Department of Environmental Quality.

District or Soil and water conservation district. A political subdivision of the Commonwealth organized in accordance with the provisions of the Soil and Water Conservation Districts Law, [Va. Code §10.1-506 et seq.](#), in this instance the Robert E. Lee Soil and Water Conservation District, for the purposes, with the powers, and subject to the restrictions set forth in this chapter and in [Va. Code §10.1-506 et seq.](#)

Diversion. A channel with a supporting ridge on the lower side constructed across or at the bottom of a slope for the purpose of intercepting surface runoff.

Dormant. Denuded land that is not actively being brought to a desired grade or condition.

Drainage area. A land area, water area, or both from which runoff flows to a common point.

Energy dissipator. A nonerodible structure which reduces the velocity of concentrated flow to reduce its erosive effects.

Environmental Protection Agency or EPA. means the United States Environmental Protection Agency.

Erosion and sediment control plan. A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area. An area of land not associated with a current land-disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

ESC. means erosion and sediment control.

ESM plan. A soil erosion control and stormwater management plan, commonly referred to as the erosion control and stormwater management plan.

Excavate. Ditching, dredging, or mechanized removal of earth, soil, or rock.

Farm building or structure. Means the same as that term is defined in [Va. Code § 3.2-6400](#) and also includes any building or structure used for agritourism activity, as defined in [Va. Code § 3.2-6400](#), and any related impervious surfaces including roads, driveways, and parking areas.

Flood fringe. The portion of the floodplain outside the floodway that is usually covered with water from the 100-year flood or storm event. This includes the flood or floodway fringe designated by the Federal Emergency Management Agency.

Flooding. A volume of water that is too great to be confined within the banks or walls of the stream, water body or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

Floodplain. The area adjacent to a channel, river, stream, or other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event. This includes the floodplain designated by the Federal Emergency Management Agency.

Flood-prone area. The component of a natural or restored stormwater conveyance system that is outside the main channel. Flood-prone areas may include the floodplain, the floodway, the flood fringe, wetlands, riparian buffers, or other areas adjacent to the main channel.

Floodway. The channel of a river or other watercourse and the adjacent land areas, usually associated with flowing water, that must be reserved in order to discharge the 100-year flood or storm event without cumulatively increasing the water surface elevation more than one foot. This includes the floodway designated by the Federal Emergency Management Agency.

Flume. A constructed device lined with erosion-resistant materials intended to convey water on steep grades.

General permit. A permit authorizing a category of discharges under the CWA and the VESMA within a geographical area.

Hydrologic Unit Code or HUC. A watershed unit established in the most recent version of Virginia's 6th Order National Watershed Boundary Dataset unless specifically identified as another order.

Impervious cover. A surface composed of material that significantly impedes or prevents natural infiltration of water into soil.

Incorporated place. A city, town, township, or village that is incorporated under the Code of Virginia.

Inspection. An on-site review of the project's compliance with the permit or the state permit, the VSMP, and any applicable design criteria, or an on-site review to obtain information or conduct surveys or investigations necessary in the implementation or enforcement of this Chapter.

Karst area. Any land area predominantly underlain at the surface or shallow subsurface by limestone, dolomite, or other soluble bedrock regardless of any obvious surface karst features.

Karst features. Sinkholes, sinking and losing streams, caves, large flow springs, and other

such landscape features found in karst areas.

Land disturbance or ***Land-disturbing activity***. (Erosion and Sediment Control Program, [Va. Code §62.1-44.15:51 et seq.](#)) Any man-made change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include those exemptions specified in [Va. Code §62.1-44.15:34](#) and:

1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;
2. Individual service connections;
3. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;
4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
5. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to [Title 45.2 of the Code of Virginia](#);
6. Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 of the Code of Virginia ([Va. Code §10.1-1100 et seq.](#)) or is converted to bona fide agricultural or improved pasture use as described in subsection (B) of [Va. Code 10.1-1163](#);
7. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;
8. Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act ([Va. Code §10.1-604 et seq.](#)), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;

9. Disturbances of land less extensive than are required to be regulated pursuant to the square footage or acreage standards established under [Va. Code §62.1-44.15:34](#);

10. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

11. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and

12. Emergency work to protect life, limb, or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of Campbell County's VESCP authority.

Land-disturbing approval. An approval allowing a land-disturbing activity to commence issued by the County as a VESMP or VESCP authority after the requirements of state law have been met.

Large construction activity. Construction activity including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Layout. A conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

Linear development project. A land-disturbing activity that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; (iii) highway construction projects; (iv) construction of stormwater channels and stream restoration activities; and (v) water and sewer lines. Private subdivision roads or streets shall not be considered linear development projects.

Live watercourse. A definite channel with bed and banks within which concentrated water flows continuously.

Locality. When used in this chapter of this Code, means the County of Campbell, Virginia.

Localized flooding. Smaller scale flooding that may occur outside of a stormwater conveyance system. This may include high water, ponding, or standing water from stormwater runoff, which is likely to cause property damage or unsafe conditions.

Manmade. constructed by man.

Minimize. To reduce or eliminate the discharge of pollutants to the extent achievable using stormwater controls that are technologically available and economically practicable.

Main channel. The portion of the stormwater conveyance system that contains the base flow and small frequent storm events.

Minor modification. An amendment to an existing permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor permit modification or amendment does not substantially alter permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

Natural channel design concepts. The utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Natural stream. A tidal or nontidal watercourse that is part of the natural topography. It usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams; however, channels designed utilizing natural channel design concepts may be considered natural streams.

Nonerodible. A material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.

Nonpoint source pollution. Pollution such as sediment, nitrogen and phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater runoff.

Operator. The owner or operator of any facility or activity subject to the VESMA and this ordinance. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit or VESMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry

out activities required by the stormwater pollution prevention plan or comply with other permit conditions).

Owner. Means the same as provided in [Va. Code § 62.1-44.3](#). For a land-disturbing activity that is regulated under [Va. Code § 62.1-44.15:51 et seq.](#) and this ordinance, “owner” also includes the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

Peak flow rate. The maximum instantaneous flow from a prescribed design storm at a particular location.

Percent impervious. The impervious area within the site divided by the area of the site multiplied by 100.

Permit. A VPDES permit issued by the department pursuant to [Va. Code §62.1-44.15](#) for stormwater discharges from a land-disturbing activity.

Permittee. The person to whom a permit pursuant to this Chapter is issued.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

Plan-approving authority. The Board, the program authority, or a department of a program authority, responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of lands and for approving plans. Such person or persons shall be designated from time to time by the Board of Supervisors of Campbell County as its agent(s) to administer this chapter.

Point of discharge. A location at which concentrated stormwater runoff is released.

Point source. Any discernible, confined, and discrete conveyance including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant discharge. The average amount of a particular pollutant measured in pounds per year or other standard reportable unit as appropriate, delivered by stormwater runoff.

Pollution. Such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare, or to the health of animals, fish or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water

supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the State Water Control Board, are “pollution” for the terms and purposes of this ordinance.

Post-development. The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

Predevelopment. The conditions that exist at the time that plans for the landdisturbing activity are submitted to Campbell County’s VESMP authority. Where phased development or plan approval occurs (preliminary grading, demolition of existing structures, roads and utilities, etc.), the existing conditions at the time prior to the commencement of land-disturbing activity shall establish predevelopment conditions.

Prior developed lands. Land that has been previously utilized for residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures, and that will have the impervious areas associated with those uses altered during a landdisturbing activity.

Program authority. A district, county, city, or town that has adopted a soil erosion and sediment control program that has been approved by the Board.

Qualified personnel. A person knowledgeable in the principles and practices of erosion and sediment and stormwater management controls who possesses the skills to assess conditions at the construction site for the operator that could impact stormwater quality and quantity and to assess the effectiveness of any sediment and erosion control measures or stormwater management facilities selected to control the quality and quantity of stormwater discharges from the construction activity.

Regulations. The Virginia State Administrative Code, as amended.

Responsible land disturber or RLD. An individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved erosion and sediment control plan or ESM plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the erosion and sediment control plan, ESM plan, or permit as defined in this ordinance as a prerequisite for engaging in land disturbance.

Runoff or stormwater runoff. That portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

Runoff volume. The volume of water that runs off the land development project from a

prescribed storm event.

Sediment basin. A temporary impoundment built to retain sediment and debris with a controlled stormwater release structure.

Sediment trap. A temporary impoundment built to retain sediment and debris which is formed by constructing an earthen embankment with a stone outlet.

Sheet flow (also called overland flow). Shallow, unconcentrated and irregular flow down a slope. The length of strip for overland flow usually does not exceed 200 feet under natural conditions.

Shoreline erosion control project. An erosion control project approved by local wetlands boards, the Virginia Marine Resources Commission, the department, or the United States Army Corps of Engineers and located on tidal waters and within nonvegetated or vegetated wetlands as defined in Title 28.2 of the Code of Virginia.

Single-family detached residential structure. A noncommercial dwelling that is occupied exclusively by one family.

Site. The land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity.

Site hydrology. The movement of water on, across, through, and off the site as determined by parameters including soil types, soil permeability, vegetative cover, seasonal water tables, slopes, land cover, and impervious cover.

Slope drain. Tubing or conduit made of nonerosive material extending from the top to the bottom of a cut or fill slope with an energy dissipator at the outlet end.

“Small construction activity” means:

1. A construction activity, including clearing, grading, or excavating, that results in land disturbance of equal to or greater than one acre and less than five acres. “Small construction activity” also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb an area equal to or greater than one acre and less than five acres. “Small construction activity” does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

The Board may waive the otherwise applicable requirements in a general permit for a stormwater discharge from construction activities that disturb less than five acres where stormwater controls are not needed based on an approved total maximum daily load (TMDL) that addresses the pollutants of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutants of

concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this subdivision, the pollutants of concern include sediment or a parameter that addresses sediment, such as total suspended solids, turbidity, or siltation, and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator shall certify to the Board that the construction activity will take place, and that stormwater discharges will occur, within the drainage area addressed by the TMDL or provide an equivalent analysis.

As of the start date in Table 1 of [Va. Admin Code §9VAC25-31-1020](#), all certifications submitted in support of the waiver shall be submitted electronically by the owner or operator to the department in compliance with this subdivision and [40 CFR Part 3](#) (including, in all cases, 40 CFR Part 3 Subpart D), [Va. Admin Code §9VAC25-875-940](#), and Part XI ([Va. Admin Code §9VAC25-31-950 et seq.](#)) of the Virginia Pollutant Discharge Elimination System (VPDES) Permit electronic reporting. Prior to this date, and independent of Part XI of [Va. Admin Code §9VAC25-31](#), permittees may be required to report electronically if specified by a particular permit. Regulation. Part XI of [Va. Admin Code §9VAC25-31](#) is not intended to undo existing requirements for

2. Any other construction activity designated by either the Board or the Regional Administrator of the U.S. Environmental Protection Agency, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters.

Soil erosion. The movement of soil by wind or water into state waters or onto lands in the Commonwealth.

Soil erosion control and stormwater management plan. A document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to the VESMA. The ESM plan may consist of aspects of the erosion and sediment control plan and the stormwater management plan as each is described in this ordinance.

Stabilized. Land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

State. The Commonwealth of Virginia.

State application or Application. The standard form or forms, including any additions, revisions, or modifications to the forms, approved by the administrator and the department for applying for a permit.

State permit. An approval to conduct a land-disturbing activity issued by the Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Board for stormwater discharges from an MS4. Under these permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations and the Virginia Stormwater Management Act and its attendant regulations.

State Water Control Law. Chapter 3.1 ([Va. Code §62.1-44.2 et seq.](#)) of Title 62.1 of the Code of Virginia.

State waters. All water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

Storm sewer inlet. A structure through which stormwater is introduced into an underground conveyance system.

Stormwater. Precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater conveyance system. A combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity. This includes:

1. “Manmade stormwater conveyance system” means a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;
2. “Natural stormwater conveyance system” means the main channel of a natural stream and the flood-prone area adjacent to the main channel; or
3. “Restored stormwater conveyance system” means a stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.

Stormwater detention. The process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.

Stormwater management facility. A control measure that controls stormwater runoff and changes the characteristics of that runoff including the quantity and quality, the period of release or the velocity of flow.

Stormwater management plan. A document(s) containing material describing methods for complying with the requirements of a VSMP.

Stormwater Pollution Prevention Plan or “SWPPP”. A document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. In addition, the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention

plan.

Subdivision. The same as defined in Chapter 21 of the Code of Campbell County.

Surface waters:

1. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - a. That are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. That are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as surface waters under this definition;
5. Tributaries of waters identified in subdivisions 1 through 4 of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subdivisions 1 through 6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA and the law, are not surface waters. Surface waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.

SWM. Stormwater management.

Temporary vehicular stream crossing. A temporary nonerodible structural span installed across a flowing watercourse for use by construction traffic. Structures may include bridges, round pipes or pipe arches constructed on or through nonerodible material.

Ten-year storm. A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedance probability with a 10% chance of being equaled or exceeded in any given year.

Total maximum daily load or “TMDL”. The sum of the individual wasteload allocations for point sources, load allocations (LAs) for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

Town. An incorporated town.

Two-year storm. A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedance probability with a 50% chance of being equaled or exceeded in any given year.

Virginia Erosion and Stormwater Management Act or VESMA. Article 2.3 of Chapter 3.1, State Water Control Law, of Title 62.1 of the Code of Virginia ([Va. Code §62.1-44.15:24 et seq.](#)).

Virginia Erosion and Sediment Control Program or VESCP. A program established by Campbell County’s VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, policies and guidelines, technical materials, and requirements for plan review, inspection, and evaluation consistent with the requirements of the Erosion and Sediment Control Law (ESCL).

Virginia Erosion and Sediment Control Program authority or VESCP authority. For purposes of this Chapter, the VESCP authority is Campbell County through its Community Development Department, and the Environmental Manager is responsible for the administration of the program.

Virginia Erosion and Stormwater Management Program or VESMP. A program established by the VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from landdisturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of the VESMA.

Virginia Erosion and Stormwater Management Program authority or VESMP authority. For purposes of this Chapter, the VESMP authority is Campbell County through its Community Development Department, and the Environmental Manager is approved by the department to operate the VESMP.

VESCP plan-approving authority. The Campbell County Community Development Department, and the Environmental Manager is responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

Virginia Pollutant Discharge Elimination System (VPDES) permit or VPDES permit. A document issued by the department pursuant to the State Water Control Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.

Virginia Stormwater BMP Clearinghouse website. A website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

Virginia Stormwater Management Handbook. A collection of pertinent information that provides general guidance for compliance with the VESMA and associated regulations and is developed by the department with advice from a stakeholder advisory committee.

Wasteload allocation or Wasteload. The portion of a receiving surface water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution. Wasteload allocations are a type of water quality-based effluent limitation.

Water quality technical criteria. Standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control nonpoint source pollution.

Water quantity technical criteria. Standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control localized flooding and stream channel erosion.

Water quality volume. The volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

Watershed. A defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

Wetlands. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

For state law authority, see [Va. Code §62.1-44.15:51](#) and [§62.1-44.15:24](#) and [Va. Admin. Code §9VAC25-870-10](#). See also [Va. Code §62.1-44.3](#). See [Virginia Erosion and Sediment Control](#)

Regulations [Va. Admin. Code §9VAC25-840-10](#) *et seq.* See also [Virginia Stormwater Management Regulations Va. Admin. Code §9VAC25-870](#).

ARTICLE II EROSION AND SEDIMENT CONTROL

Sec. 8-3. Establishment of a Virginia Erosion and Sediment Control Program (VESCP)

A. Pursuant to [Va. Code §62.1-44.15:54](#), Campbell County hereby adopts and administers a VESCP, and shall constitute a VESCP Authority pursuant to the definition found in [§8-2](#) of this Code. Campbell County hereby adopts the regulations promulgated by the Board (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. The Campbell County Board of Supervisors hereby designates the Environmental Manager as the Administrator of the Virginia Erosion and Stormwater Management Program established by this Ordinance. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Environmental Manager.

B. Pursuant to [Va. Code §62.1-44.15:53](#), an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer for ESC. Inspections of landdisturbing activities shall be conducted by a certified inspector for ESC. The Erosion and Sediment Control Program of Campbell County shall contain a certified program administrator for ESC, a certified plan reviewer for ESC, and a certified inspector for ESC (who may be the same person.)

C. Campbell County's VESCP authority may enter into agreements or contracts with soil and water conservation districts, adjacent localities, or other public or private entities to assist with carrying out the provisions of this article, including the review and determination of adequacy of erosion and sediment control plans submitted for land-disturbing activities on a unit or units of land as well as for monitoring, reports, inspections, and enforcement where authorized in this article, of such land-disturbing activities.

D. Campbell County's VESCP authority shall be approved by the Board if it establishes by ordinance requirements that are consistent with state law and associated regulations.

E. The Code of Campbell County includes provisions for the integration of the VESCP with Virginia stormwater management, flood insurance, flood plain management, and other programs requiring compliance prior to authorizing a land-disturbing activity in order to make the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities more convenient and efficient both for the County and those responsible for compliance with the programs.

F. The civil penalty for any one violation of the provisions of this Chapter of this Code shall be not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of

facts result in civil penalties that exceed a total of ten thousand dollars (\$10,000.00), except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties that exceed a total of ten thousand dollars (\$10,000.00). Adoption of such an ordinance providing that violations are subject to a civil penalty shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (A) of [§Va. Code §62.1-44.15:63](#). The penalties set out in this subsection are also available to the Board in its enforcement actions.

For state law basis, see [Va. Code §62.1-44.15:54](#).

Sec. 8-4. Regulated land disturbing activities; submission and approval of erosion and sediment control plan.

A. Except as provided for in [Va. Code §62.1-44.15:56](#) for state agency and federal entity land-disturbing activities, no person shall engage in any land-disturbing activity, including activity that results from the construction of a single-family residence, and clearing and grubbing of land other than agricultural purpose, until (i) such person has submitted to the Campbell County's VESCP Authority an erosion and sediment control plan for the land-disturbing activity, and the plan has been reviewed and approved, and (ii) where Virginia Pollutant Discharge Elimination System permit coverage is required, Campbell County's VESCP authority has obtained evidence of such permit coverage from the Department's online reporting system prior to issuing its land-disturbance approval. Campbell County's 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 (i) (a) single-family residence or (ii) (b) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by Campbell County's VESCP authority.

B. Campbell County's 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 Campbell County's VESCP authority, as provided by [Va. Code §62.1-44.15:52](#) charge of and responsible for carrying out the land-disturbing activity. 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.

When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within forty-five (45) days.

The notice shall specify the modifications, terms, and conditions that will permit approval of the plan. If no action is taken by Campbell County's VESCP authority within the time specified in this subsection, the plan shall be deemed approved and the person authorized to proceed with the proposed activity. Campbell County's VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within forty-five (45) days after the plan has been revised, resubmitted for approval, and deemed adequate.

C. Campbell County's VESCP authority may require changes to an approved plan in the following cases:

1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations; or
2. Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article and associated regulations, are agreed to by the VESCP authority and the person responsible for carrying out the plan.

D. In order to prevent further erosion, Campbell County's VESCP authority may require approval of an erosion and sediment control plan for any land identified by Campbell County's VESCP authority as an erosion impact area.

E. For the purposes of subsections A and B, when land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

F. Notwithstanding any other provisions of this article, the following activities are not required to comply with the requirements of this article unless otherwise required by federal law:

1. Disturbance of a land area of less than 10,000 square feet in size or less than 2,500 square feet in an area designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act ([Va. Code § 62.1-44.15:67 et seq.](#)). However, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;
2. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;
3. Installation, maintenance, or repair of any individual service connection;
4. Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;

5. Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

6. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.2 of the Virginia Code;

7. Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the Board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 ([Va. Code §10.1-1100 et seq.](#)) of Title 10.1 or is converted to bona fide agricultural or improved pasture use as described in [Va. Code § 10.1-1163\(B\)](#);

8. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

9. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto;

10. 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 VESMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity;

11. Discharges to a sanitary sewer or a combined sewer system that are not from a land-disturbing activity; and

12. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.

G. The Virginia Erosion and Sediment Control Regulations and state minimum standards and specifications, as promulgated and amended from time to time by the Virginia Soil and Water Conservation Board, are hereby adopted as a part of this article and incorporated herein by reference. Such incorporation by reference is specifically intended to include future amendments to the regulations, minimum standards and specifications cited above. The design

standards set forth in the Virginia Erosion and Sediment Control Handbook, as promulgated and amended from time to time by the Virginia State Water Control Board, are hereby designated as the standards to be used in plan review and inspection in Campbell County.

For state law authority, see [Va. Code §62.1-44.15:55](#).

Editor's Note: [Va. Code §62.1-44.15:65](#), as part of a VESCP, authorizes a district or locality to adopt more stringent soil erosion and sediment control regulations than those necessary to ensure compliance with the state regulations, provided that the more stringent regulations or ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of an MS4 permit or a local adopted watershed management study and are determined by the district or locality to be necessary to prevent any further degradation to water resources, to address total maximum daily load requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent regulations or ordinances, a public hearing is held after giving due notice. However, no district or locality may impose more stringent regulations for plan approval or permit issuance than those specified in [Va. Code §62.1-44.15:55](#) and [Va. Code §62.1-44.15:57](#).

Sec. 8-5. Certification of local program personnel.

A. A local erosion and sediment control plan shall not be approved until it is reviewed by a certified plan reviewer; (ii) inspections of land-disturbing activities shall be conducted by a certified inspector; and (iii) Campbell County's VESCP shall contain a certified program administrator, a certified plan reviewer, and a certified project inspector, who may be the same person.

B. Any person who holds a certificate of competence from the Board in the area of plan review, project inspection, or program administration that was attained prior to the adoption of the mandatory certification provisions of subsection A of this section shall be deemed to satisfy the requirements of that area of certification.

For state law basis, see [Va. Code §62.1-44.15:53](#).

Sec. 8-6 Submission and approval of plan; Contents of plan.

A. Except as provided herein, no person may engage in any regulated land-disturbing activity until he or she has submitted to Campbell County's VESCP authority an erosion and sediment control plan for the regulated land-disturbing activity and such plan has been approved by Campbell County's VESCP authority. No approval to begin a land disturbing activity will be issued unless evidence of VPDES permit coverage is obtained where it is required. Where the land-disturbing activity results from the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed,

of less than five percent, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by Campbell County's VESCP plan approving authority.

B. The standards contained within the "Virginia Erosion and Stormwater Management Regulation ([Va. Admin Code §9VAC25-875](#))" and the Virginia Stormwater Management Handbook, as amended are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. Campbell County's VESCP plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the Virginia Erosion and Stormwater Management Regulation shall take precedence.

C. Campbell County's VESCP plan-approving 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 the Erosion and Sediment Control Law for Localities not Administering a Virginia Erosion and Stormwater Management Program and [Va. Admin. Code §9VAC25-875](#), and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will comply with the provisions of this ordinance. 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 the responsible land disturber to Campbell County's VESCP authority, as required by [Va. Admin. Code §9VAC25-875-300](#) and [§9VAC25-875-550](#), who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of the responsible land disturber, 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 ordinance. However, Campbell County's VESCP plan-approving authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan for construction of a single-family detached residential structure. If a violation occurs during the land-disturbing activity associated with the construction of the single-family detached residential structure, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of the responsible land disturber to Campbell County's VESCP authority. Failure to provide the name of the responsible land disturber shall be a violation of this ordinance.

D. When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within forty-five (45) days. The notice shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within forty-five (45) days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

E. Campbell County's VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within forty-five (45) days after the plan has been revised, resubmitted for approval, and deemed adequate.

F. Campbell County's VESCP authority may require changes to an approved plan when:

1. The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

2. The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by Campbell County's VESCP plan-approving authority and the person responsible for carrying out the plans.

G. Variances: Campbell County's VESCP plan-approving authority may waive or modify any of the standards that are deemed to be inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

1. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the VESCP plan-approving authority shall be documented in the plan.

2. During construction, the person responsible for implementing the approved plan may request a variance in writing from Campbell County's VESCP plan-approving authority. Campbell County's VESCP plan-approving authority shall respond in writing either approving or disapproving such a request. If Campbell County's VESCP plan-approving authority does not approve a variance within ten (10) days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

3. Campbell County's VESCP authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

H. In order to prevent further erosion, Campbell County may require approval of a plan for any land identified in the local program as an erosion impact area.

I. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

J. As an alternative to submitting soil erosion control and stormwater management plans pursuant to [Va. Code §62.1-44.15:34](#) to Campbell County's VESCP authority, any person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank that has been approved and is operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of (i) a wetlands mitigation or stream restoration bank, pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers, or (ii) a stream restoration project for purposes of reducing nutrients or sediment entering state waters

may submit standards and specifications for Department approval that describe how land-disturbing activities shall be conducted.

K. All erosion and sediment control measures required by the provisions of this article or required under an approved plan or land disturbance permit shall be undertaken at the expense of the owner or his agent. There shall be no issuance of approval or permits for any land disturbing activity, including the issuance of a building permit until the required erosion and sediment control plan has been approved.

For state law basis, see [Va. Code §62.1-44.15:55](#) and [Va. Code §62.1-44.15:57](#).

Sec. 8-7. Permits; fees; security for performance.

A. Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities shall not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan, certification that the plan will be followed and evidence of VPDES permit coverage where it is required.

B. No person may engage in any land-disturbing activity until he or she has acquired a landdisturbing permit (unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance), has paid the fees and has posted the required bond.

C. An administrative fee in the amount established pursuant to [§8-13](#) this Code shall be paid to Campbell County at the time of submission of the erosion and sediment control plan.

D. No land-disturbing permit shall be issued until the applicant submits with his or her application an approved erosion and sediment control plan or agreement in lieu of an approved erosion and sediment control plan and certification that the plan will be followed.

E. The following additional text is optional at the discretion of Campbell County's VESCP authority: All applicants for permits shall provide to Campbell County a performance bond with surety, cash escrow, or an irrevocable letter of credit acceptable to the Administrator, to ensure that measures could be taken by Campbell County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him or her by the approved plan as a result of his land-disturbing activity. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for Campbell County to take such conservation action, Campbell County may collect from the applicant any costs in excess of the amount of the surety held. Within sixty (60) days of adequate stabilization, as determined by the Administrator in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are

in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

For state law basis, see [Va. Code §62.1-44.15:57](#).

Sec. 8-8. Monitoring, reports, and inspections.

A. The responsible land disturber, as provided by [Va. Code §62.1-44.15:52](#), shall be in charge of and responsible for carrying out the land-disturbing activity and provide for periodic inspections of the land-disturbing activity. The person responsible for carrying out the plan shall monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

B. The Administrator shall periodically inspect the land-disturbing activity in accordance with [Va. Admin. Code §9VAC25-875-330](#) to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection and shall such inspection in accordance with [Va. Code §62.1-44.15:60](#) and the land-disturbing permit.

If the Administrator determines that there is a failure to comply with the plan, notice to comply may be served upon the permittee or person responsible for carrying out the plan. Such notice shall be served by delivery by facsimile, e-mail, or other technology; by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, if available, or in the land records of the locality; or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice to comply shall specify the measures needed to comply with the landdisturbance approval conditions or shall identify the plan approval or land-disturbance approval needed to comply with this article and shall specify a reasonable time within which such measures shall be completed. Upon failure to comply within the specified time, any plan approval or land-disturbance approval may be revoked and the permittee or person responsible for carrying out the plan shall be subject to the penalties provided by this ordinance.

C. Upon issuance of an inspection report denoting a violation of [Va. Code §62.1-44.15:55](#) of the Code of Virginia, the Administrator may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the landdisturbing activities permitted on the site be stopped until the specified corrective measures have been taken. If land-disturbing activities have commenced without an approved plan, the Administrator may issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan, such a stop work order may be issued without regard to

whether the alleged violator has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the alleged violator has failed to comply with such a notice to comply. The stop work order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by Campbell County or permit holder for appropriate relief to the Circuit Court of Campbell County. Campbell County shall serve such order for disturbance without an approved plan upon the owner by mailing with confirmation of delivery to the address specified in the land records. The order shall be posted on the site where the disturbance is occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies. If the alleged violator has not obtained an approved plan within seven days from the date of service of the stop work order, the Administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan has been obtained. Such an order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the plan or the land records of Campbell County.

The owner may appeal the issuance of an order to the Circuit Court of Campbell County.

Any person violating or failing, neglecting or refusing to obey an order issued by the Administrator may be compelled in a proceeding instituted in the Circuit Court of Campbell County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan, the order shall immediately be lifted.

Nothing in this section shall prevent the Administrator from taking any other action authorized by this ordinance or other applicable laws.

For state law basis, see [Va. Code §62.1-44.15:58](#) and [§ 62.1-44.15:64](#).

Sec. 8-9. Penalties, injunctions, and other legal actions.

A. Any person who has violated or failed, neglected, or refused to obey any order, notice, or requirement of the Campbell County's VESCP authority, any condition of a land-disturbance approval, or any provision of this ordinance shall, upon a finding of the District Court of Campbell County, be assessed a civil penalty. The civil penalty for any one violation shall be not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), except that the civil penalty for commencement of landdisturbing activities without an approved plan shall be one thousand dollars (\$1,000.00). Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00), except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00).

B. The Administrator, or the owner or property which has sustained damage, or which is in imminent danger of being damaged, may apply to the Circuit Court of Campbell County to enjoin a violation or a threatened violation of [Va. Code §62.1-44.15:55](#) or [Va. Code §62.1-44.15:58](#) of the Code of Virginia, without the necessity of showing that an adequate remedy at law does not exist. However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

C. In addition to any criminal or civil penalties provided under this ordinance, any person who violates any provision of the Erosion and Sediment Control Law may be liable to Campbell County in a civil action for damages.

D. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation. A civil action for such violation or failure may be brought by Campbell County's VESCP authority. Any civil penalties assessed by a court shall be paid into the treasury of Campbell County, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

E. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, or order of t Campbell County's VESCP authority Campbell County may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection D of this section of this Code. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection A or D of this section of this Code.

F. The Commonwealth's Attorney shall, upon request of Campbell County's VESCP authority, take legal action to enforce the provisions of this ordinance.

For state law basis, see [Va. Code §62.1-44.15:63](#).

Sec. 8-10. Right of entry.

The Department, Campbell County's VESCP authority, where authorized to enforce this article, or any duly authorized agent of the Department or such VESCP authority 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.

In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, Campbell County's VESCP authority may also enter any establishment or upon any property, public or private, for the purpose of initiating

or maintaining appropriate actions that 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.

For state law basis, see [Va. Code §62.1-44.15:60](#).

Sec. 8-11. Judicial appeals, penalties, injunctions and other legal actions.

A. A final decision by the County, when serving as a VESCP authority under this article, shall be subject to judicial review, provided that an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

B. Violators of [Va. Code §62.1-44.15:55](#), [§62.1-44.15:56](#), or [§62.1-44.15:58](#) shall be guilty of a Class 1 misdemeanor.

C. Any person who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any order, notice, or requirement of the Department or Campbell County's VESCP authority, any condition of a permit, or any provision of this article or associated regulation shall, upon a finding of an appropriate court, be assessed a civil penalty. If the County serving as a VESCP authority has adopted a uniform schedule of civil penalties as permitted by subsection (K) of [Va. Code §62.1-44.15:54](#), such assessment shall be in accordance with the schedule. Campbell County's VESCP authority or the Department may issue a summons for collection of the civil penalty. In any trial for a scheduled violation, it shall be the burden of the County or Department to show the liability of the violator by a preponderance of the evidence. An admission or finding of liability shall not be a criminal conviction for any purpose. Any civil penalties assessed by a court shall be paid into the treasury of Campbell County, except that where the violator is the County itself, or its agent, or where the Department is issuing the summons, the court shall direct the penalty to be paid into the state treasury.

D. Campbell County's VESCP authority, the Department, or the owner of property that has sustained damage or which is in imminent danger of being damaged may apply to the circuit court in any jurisdiction wherein the land lies or other appropriate court to enjoin a violation or a threatened violation under [Va. Code §62.1-44.15:55](#), [§62.1-44.15:56](#), or [§62.1-44.15:58](#) without the necessity of showing that an adequate remedy at law does not exist; however, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the VESCP, the Department, and Campbell County's VESCP authority that a violation of the VESCP has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the VESCP, the Department, nor Campbell County's VESCP authority has taken corrective action within fifteen (15) days to eliminate the conditions that have caused, or create the probability of causing, damage to his property.

E. In addition to any criminal or civil penalties provided under this article, any person who violates any provision of this article may be liable to Campbell County's VESCP authority or the Department, as appropriate, in a civil action for damages.

F. Without limiting the remedies that may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation. A civil action for such violation or failure may be brought by Campbell County's VESCP authority wherein the land lies or the Department. Any civil penalties assessed by a court shall be paid into the treasury of Campbell County, except that where the violator is the County itself, or its agent, or other VESCP authority, or where the penalties are assessed as the result of an enforcement action brought by the Department, the court shall direct the penalty to be paid into the state treasury.

G. With the consent of any person who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any order, notice, or requirement of the Department or Campbell County's VESCP authority, any condition of a permit, or any provision of this article or associated regulations, the Board, the Director, or Campbell County's VESCP authority may provide, in an order issued by the Board or Campbell County's VESCP authority against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (F). Such civil charges shall be instead of any appropriate civil penalty that could be imposed under subsection (C) or (F).

H. Upon request of Campbell County's VESCP authority, the attorney for the Commonwealth shall take legal action to enforce the provisions of this article.

I. Compliance with the provisions of this article shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion or sedimentation that all requirements of law have been met and the complaining party must show negligence in order to recover any damages.

For state law basis, see [Va. Code §62.1-44.15:62](#) and [§62.1-44.15:63](#).

Sec. 8-12. Financial Surety.

A. All control measures required by the provisions of this article shall be undertaken at the expense of the owner or his agent; and prior to the issuance of any permit the owner or his agent shall execute and file with Campbell County's VESCP authority an agreement and a reasonable performance bond with surety, approved by Campbell County's VESCP authority, cash escrow, letter of credit, or such other legal arrangement acceptable to Campbell County's VESCP authority to ensure that measures could be taken by the authority at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required of him by the approved plan as a result of his land-disturbing activity. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent (25%) of the estimated cost of the conservation action. If Campbell County's VESCP authority takes such conservation action upon such failure by the permittee, the agency may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held.

B. It shall be the responsibility of the owner or his agent to request from the county, in writing, the release of the bond, cash escrow letter of credit or other legal arrangement. The county shall perform a final inspection to verify the completeness of the project in accordance with the approved plan. Upon the final inspection, a determination will be made if the project is eligible for termination of the financial surety.

C. Adequate site stabilization in compliance with the approved plan shall be determined by the plan-approving authority upon inspection of the development. Such measures shall meet or exceed the requirements contained in the Virginia Erosion and Sediment Control Handbook, as promulgated and amended from time to time by the Virginia Soil and Water Conservation Board.

D. Upon completion and adequate stabilization of all other measures for control of erosion, sedimentation, and/or stormwater runoff, the developer and project designer shall certify in writing that such measures were built according to design criteria approved by the plan approving authority and applicable laws, regulations, standards and specifications.

For state law basis, see [Va. Code §62.1-44.15:57](#).

Sec. 8-13. Fees.

Campbell County's VESCP authority shall be allowed charge applicants a reasonable fee to defray the cost of program administration. Such fee may be in addition to any fee charged for administration of a Virginia Stormwater Management Program, although payment of fees may be consolidated in order to provide greater convenience and efficiency for those responsible for compliance with the programs. Campbell County's Board of Supervisors shall hold a public hearing prior to establishing a schedule of fees. The fee shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and the VESCP authority's expense involved.

A schedule of fees shall be set out in the Appendix of Fees Imposed under the Campbell County Code of 1988, which may be revised from time to time by duly adopted ordinance of the Board of Supervisors, and which is incorporated herein by reference.

For state law basis, see [Va. Code §62.1-44.15:54\(J\)](#).

Editor's note: Effective January 1, 1997, the Campbell County Board of Supervisors adopted an uncodified ordinance setting a schedule of fees, set out in the Appendix of Fees Imposed under the Campbell County Code of 1988. Such fee schedule may be revised from time to time by the Board via uncodified ordinances. A current schedule of fees shall be on file and available to the public in the office of administrator of County Erosion and Sedimentation Control Program. Effective June 17, 2002, the Board of Supervisors adopted provisions imposing a land-disturbing permit fee.

ARTICLE III. STORMWATER MANAGEMENT

Sec. 8-14. Regulated land-disturbing activities.

A. Except as provided herein, a person shall not conduct any land-disturbing activity covered by the provisions of this section of this Code until he has submitted a permit application to the Campbell County VSMP authority that includes a state VSMP permit registration statement, if such statement is required, and a stormwater management plan, or an executed agreement in lieu of a stormwater management plan and has obtained approval from Campbell County's VSMP authority to begin land disturbance.

B. Notwithstanding any other provisions of this Chapter, land-disturbing activities that meet one of the criteria below are regulated as follows:

1. Land-disturbing activity that disturbs 2,500 square feet or more, is less than one acre, and in an area of a locality designated as a Chesapeake Bay Preservation Area is subject to criteria defined in Article 2 ([Va. Admin. Code §9VAC25-875-540 et seq.](#)) and Article 3 ([Va. Admin. Code §9VAC25-875-570 et seq.](#)) of Part V of the Virginia Erosion and Stormwater Management Regulation (Regulation) unless Article 4 ([Va. Admin. Code §9VAC25-875-670 et seq.](#)) of Part V of the Regulation is applicable, as determined in accordance with [Va. Admin. Code §9VAC25-875-480](#) and [§9VAC25-875-490](#).

2. Land-disturbing activity that disturbs less than one acre, but is part of a larger common plan of development or sale that disturbs one acre or more, is subject to criteria defined in Article 2 ([Va. Admin. Code §9VAC25-875-540 et seq.](#)) and Article 3 ([Va. Admin. Code §9VAC25-875-570 et seq.](#)) of Part V of the Virginia Erosion and Stormwater Management Regulation (Regulation) unless Article 4 ([Va. Admin. Code §9VAC25-875-670 et seq.](#)) of Part V of the Regulation is applicable, as determined in accordance with [Va. Admin. Code §9VAC25-875-480](#) and [§9VAC25-875-490](#).

3. Land-disturbing activity that disturbs one acre or more is subject to criteria defined in Article 2 ([Va. Admin. Code §9VAC25-875-540 et seq.](#)) and Article 3 ([Va. Admin. Code §9VAC25-875-570 et seq.](#)) of Part V of the Virginia Erosion and Stormwater Management Regulation (Regulation) unless Article 4 ([Va. Admin. Code §9VAC25-875-670 et seq.](#)) of Part V of the Regulation is applicable, as determined in accordance with [Va. Admin. Code §9VAC25-875-480](#) and [§9VAC25-875-490](#).

C. Land-disturbing activities exempt per [Va. Admin. Code §9VAC25-875-90](#) are not required to comply with the requirements of the VESMA unless otherwise required by federal law.

For state law basis, see [Va. Code §62.1-44.15:34](#).

Sec. 8-15. Stormwater management program established; submission and approval of plans.

A. Campbell County hereby establishes a Virginia stormwater management program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Board. The Campbell County Board of Supervisors hereby designates the County Administrator, or designee, as the Administrator of the Virginia stormwater management program.

B. Campbell County's VESMP authority shall review and approve soil erosion control and stormwater management (ESM) plans, except for activities not required to comply with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA), pursuant to § 62.1-44.15:34 of the Code of Virginia. Activities not required to comply with VESMA are defined in 9VAC25-875-90.

C. A person shall not conduct any land-disturbing activity in Campbell County until:

1. An application that includes a permit registration statement, if required, a soil erosion control and stormwater management plan or an executed agreement in lieu of a plan, if required, has been submitted to Campbell County's VESMP authority;

2. The name of the individual who will be assisting the owner in carrying out the activity and holds a Responsible Land Disturber certificate pursuant to § 62.1-44.15:30 of the Code of Virginia is submitted to Campbell County's VESMP authority, except that such certificate shall not be required where an agreement in lieu of a plan for construction of a single-family detached residential structure is provided; however, if a violation occurs during the land-disturbing activity for the single-family detached residential structure, then the owner shall correct the violation and provide the name of the individual holding a Responsible Land Disturber certificate as provided by § 62.1-14:30 of the Code of Virginia.] Failure to provide the name of an individual holding a Responsible Land Disturber certificate prior to engaging in land-disturbing activities may result in revocation of the land-disturbance approval and shall subject the owner to the penalties provided by the VESMA; and

3. Campbell County's VESMP authority has issued its land-disturbance approval. In addition, as a prerequisite to engaging in an approved land-disturbing activity, the name of the individual who will be assisting the owner in carrying out the activity and holds a Responsible Land Disturber certificate pursuant to § 62.1-44.15:30 of the Code of Virginia shall be submitted to Campbell County's VESMP authority. Campbell County's VESMP authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan for construction of a single-family detached residential structure; however, if a violation occurs during the land-disturbing activity for the single-family detached residential structure, then the owner shall correct the violation and provide the name of the individual holding a Responsible Land Disturber certificate as provided by § 62.1-14:30 of the Code of Virginia. Failure to provide the name of an individual holding a Responsible Land Disturber certificate prior to engaging in land-disturbing

activities may result in revocation of the land-disturbance approval and shall subject the owner to the penalties provided the Act.

D. Campbell County's VESMP authority may require changes to an approved ESM plan in the following cases:

1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations or ordinances; or

2. Where the owner finds that because of changed circumstances or for other reasons the plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of the Act, are agreed to by Campbell County's VESMP authority and the owner.

E. In order to prevent further erosion, Campbell County's VESMP authority may require approval of an erosion and sediment control plan and a stormwater management plan for any land it identifies as an erosion impact area. (§ 62.1-44.15:34)

F. Prior to issuance of any land-disturbance approval, Campbell County's VESMP authority may also require an applicant, excluding state agencies and federal entities, to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement it finds acceptable, to ensure that it can take measures at the applicant's expense should he fail, after proper notice, within the time specified to comply with the conditions it imposes as a result of his land-disturbing activity. If Campbell County's VESMP authority takes such action upon such failure by the applicant, it may collect from the applicant the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within 60 days of the completion of Campbell County's VESMP authority's conditions, 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.

G. Campbell County's VESMP authority may enter into an agreement with an adjacent VESMP authority regarding the administration of multijurisdictional projects, specifying who shall be responsible for all or part of the administrative procedures. Should adjacent VESMP authorities fail to reach such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction.

H. No exception to, or waiver of, post-development nonpoint nutrient runoff compliance requirements shall be granted unless offsite options have been considered and found not available in accordance with subsection D of § 62.1-44.15:35 of the Code of Virginia.

I. Campbell County's VESMP authority is authorized to cooperate and enter into agreements with any federal or state agency in connection with the requirements for land-disturbing activities in accordance with § 62.1-44.15:50 of the Code of Virginia.

For state law basis, see [Va. Code §62.1-44.15:27](#), [§62.1-44.15:34](#). See also [Virginia Admin. Code](#)

[§9VAC25-870-54\(A\)](#), [9VAC25-870-20](#), [9VAC25-870-59](#) and [9VAC25-880-70](#).

Sec. 8-16. Review of a Soil Erosion Control and Stormwater Management plan.

A. Campbell County’s VESMP authority shall approve or disapprove an ESM plan according to the following:

1. Campbell County’s VESMP authority shall determine the completeness of any application within fifteen (15) days after receipt, and shall act on any application within sixty (60) days after it has been determined by Campbell County’s VESMP authority to be complete.
2. Campbell County’s VESMP authority] shall issue either land-disturbance approval or denial and provide written rationale for any denial.
3. Prior to issuing a land-disturbance approval, Campbell County’s VESMP authority shall be required to obtain evidence of permit coverage when such coverage is required.
4. Campbell County’s VESMP authority also shall determine whether any resubmittal of a previously disapproved application is complete within 15 days after receipt and shall act on the resubmitted application within 45 days after receipt.

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.

For state law basis, see [Va. Admin. Code §9VAC25-870-54](#). See also [Va. Admin. Code §9VAC25-880-70](#).

Sec. 8-17. Stormwater permit requirements, Exemptions.

A. Except as provided herein, no person may engage in any land-disturbing activity until a permit has been issued by Campbell County’s VESMP authority in accordance with the provisions of this ordinance and the Regulation.

B. Notwithstanding any other provisions of this ordinance, the following activities are not required to comply with the requirements of this ordinance unless otherwise required by federal

law:

1. Minor land-disturbing activities, including home gardens and individual home landscaping, repairs, and maintenance work;
2. Installation, maintenance, or repair of any individual service connection;
3. Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the landdisturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;
4. Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
5. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.2 of the Code of Virginia;
6. Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the Board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 ([Va. Code §10.1-1100 et seq.](#)) or is converted to bona fide agricultural or improved pasture use as described in [Va. Code §10.1-1163](#);
7. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
8. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to the VESMA and the regulations adopted pursuant thereto;
9. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;
10. 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, Campbell County's VESMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing

activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity; and

11. Discharges to a sanitary sewer or a combined sewer system; that are not from a landdisturbing activity.

C. Notwithstanding this ordinance and in accordance with the Virginia Erosion and Stormwater Management Act, [Va. Code §62.1-44.15:24 et seq.](#), the following activities are required to comply with the soil erosion control requirements but are not required to comply with the water quantity and water quality technical criteria, unless otherwise required by federal law:

1. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;

2. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and

3. Discharges from a land-disturbing activity to a sanitary sewer or a combined sewer system.

For state law basis, see [Va. Code §62.1-44.15:34](#).

Sec. 8-18. Stormwater management plan; contents of plan.

A. A stormwater management plan shall be developed and submitted to the VSMP authority. The plan shall be implemented as approved or modified by Campbell County's VSMP authority and shall be developed accordingly, as required by the VSMP Permit Regulations ([Va. Admin. Code §9VAC25-870-55\(A\)](#)) and the Administrative Guidance Manual.

1. A stormwater management plan for land disturbing activity shall apply the stormwater management technical criteria set forth in this part of the entire land disturbance activity, per [§8-21](#) of this Code. The construction of a single family detached residential structure, within or outside a common plan of development or sale, disturbing equal to or greater than one acre, may be eligible for an "Agreement in Lieu of a Stormwater Management Plan." This agreement shall not require a registration statement, nor the Department's portion of the state permit for coverage under the General Permit for Discharges of Stormwater from Construction Activities.

2. Individual lots in new residential, commercial or industrial developments shall not be considered separate land disturbing activities.

3. A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.

B. The stormwater management plan shall contain the following:

1. Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and pre-development and post-development drainage areas;

2. Contact information including the name, address, telephone number, and email address 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 and a note that states the stormwater management meets the requirements set forth in the VSMP Permit Regulations ([Va. Admin. Code §9VAC25-870-55\(B\)](#)) and the Administrative Guidance Manual;

5. Information on the proposed stormwater management facilities, including:

i. The type of facilities;

ii. Location, including geographic coordinates;

iii. Acres treated; and

iv. The surface waters or karst features into which the facility will discharge.

6. Hydrologic and hydraulic computations, including runoff characteristics;

7. Documentation and calculations verifying compliance with the water quality and quantity requirements of [§8-18](#) of this Code and the Administrative Guidance Manual.

8. A map or maps of the site that depicts the topography of the site and includes:

i. All contributing drainage areas;

ii. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;

iii. Soil types, geologic formations if karst features are present in the area,

- forest cover, and other vegetative areas;
- iv. Current land use including existing structures, roads, and locations of known utilities and easements;
 - v. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
 - vi. The limits of clearing and grading, and the proposed drainage patterns on the site;
 - vii. Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - viii. 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.

9. If an operator intends to meet the water quality and/or quantity requirements set forth in [§8-21](#) of this Code through the use of off-site compliance options, where applicable, 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 [Va. Code §62.1-44.15:27](#).

10. If payment of a fee is required with the stormwater management plan submission by Campbell County's VSMP Authority, the fee and the required fee form must have been submitted.

C. Elements of the stormwater management plans that include activities regulated under Chapter 4 ([Va. Code §54.1-400 et seq.](#)) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional engineer, architect, surveyor, or landscape architect registered in the Commonwealth of Virginia pursuant to Article 1 ([Va. Code §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 Campbell County's VSMP authority in accordance with [Va. Admin Code §9VAC25-870-108](#) and [§9VAC25-870-112](#), except for stormwater management facilities for which maintenance agreements are not required pursuant to [§8-22](#) of this Code. The construction record drawing shall be appropriately sealed and signed by a professional engineer, architect, surveyor, or landscape architect registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan.

For state law basis, see [Va. Admin. Code §9VAC25-870-55](#), [Va. Admin. Code §9VAC25-875-510](#). See also [Va. Admin. Code §9VAC25-880-70](#).

Sec. 8-19. Pollution prevention plan; contents of plan.

A. Pollution Prevention Plans 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.

For state law basis, see [Va. Admin. Code §9VAC25-870-56](#).

Sec. 8-20. Review of stormwater management plan.

A. Campbell County's VSMP Authority shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:

1. The Administrator or any duly authorized agent of the Administrator shall

determine the completeness of a plan in accordance with this Code, and shall notify the applicant, in writing, of such determination, within fifteen (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 Administrator shall have an additional sixty (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 fifteen (15) calendar days, then plan shall be deemed complete and the Administrator shall have sixty (60) calendar days from the date of submission to review the plan.

3. For plans not approved by the Administrator, all comments shall be addressed by the applicant within ninety (90) calendar days. Plans that are not resubmitted within this time period will be subject to a new application fee.

4. The Administrator shall review any plan that has been previously disapproved, within forty-five (45) calendar days of the date of resubmission.

5. During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the Applicant. If the plan is not approved, the reasons for not approving the plan shall be provided in writing to the Applicant. Approval or denial shall be based on the plan's compliance with the requirements of this Chapter and the Administrative Guidance Manual.

6. If a plan meeting all requirements of this Chapter is submitted and no action is taken within the time provided above 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 Administrator. The Administrator shall have sixty (60) calendar days to respond in writing either approving or disapproving such request.

2. The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.

C. The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to [§8-22](#) of this Code.

For state law basis, see [Va. Admin. Code §9VAC25-870-108](#).

Sec. 8-21. Technical criteria for regulated land disturbing activities.

A. To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, Campbell County hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, expressly to include [§9VAC25-870-62](#); [§9VAC25-870-63](#); [§9VAC25-870-65](#); [§9VAC25-870-66](#); [§9VAC25-870-69](#); [§9VAC25-870-72](#); [§9VAC25-870-74](#); [§9VAC25-870-76](#); [§9VAC25-870-85](#), [§9VAC25-870-92](#), and [§9VAC25-870-93](#) thru [99](#), which shall apply to all land-disturbing activities regulated pursuant to this Chapter, except as expressly set forth in this Chapter. Reference the Administrative Guidance Manual.

B. Any land-disturbing activity shall be considered grandfathered by Campbell County's VSMP authority and shall be subject to Part II C technical criteria of the VSMP regulation provided:

1. A valid proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the County as being equivalent thereto, (i) was approved by the County prior to July 1, 2012, (ii) provided a layout as defined in [Va. Admin. Code §9VAC25-870-10](#), (iii) will comply with Part II c technical criteria of the VSMP Regulation, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in volume or rate of runoff;

2. A state permit has not been issued prior to July 1, 2014.

3. Land disturbance did not commence prior to July 1, 2014.

C. Locality, state, and federal projects shall be considered grandfathered by Campbell County's VSMP authority and shall be subject to the Part II C technical criteria of the VSMP Regulation provided:

1. There has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Department has approved a stormwater management plan prior to July 1, 2012.

2. A state permit has not been issued prior to July 1, 2014; and

3. Land disturbance did not commence prior to July 1, 2014.

E. Land-disturbing activities grandfathered under Subsections B and C of this section shall remain subject the Part II C technical criteria of the VSMP regulation for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

E. In cases where governmental bonding or public debt financing has been issued for

a project prior to July 1, 2012, such project shall be subject to the technical criteria Part II C of the Regulations, as adopted by the County in [§8-21](#) of this Code.

F. The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, [Va. Admin. Code §9VAC25-870-122](#) provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Chapter are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) 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 Chapter.

1. Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director.

2. Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to [Va. Admin. Code §9VAC25-870-69](#) have been considered and found not available.

G. Nothing in this Section shall preclude an operator from constructing to a more stringent standard at their discretion.

For state law basis, see [Va. Admin. Code §9VAC25-870-48](#). See also [Va. Admin Code §§9VAC25-870-62; 9VAC25-870-63; §9VAC25-870-65; §9VAC25-870-66; §9VAC25-870-69; §9VAC25-870-72; §9VAC25-870-74; §9VAC25-870-76; §9VAC25-870-85; and §9VAC25-870-92; §9VAC25-870-93 thru 99](#).

Sec. 8-22. Long term maintenance of permanent stormwater facilities.

A. The operator shall submit a construction record drawing for permanent stormwater management facilities to Campbell County's VESMP authority in accordance with [Va. Admin. Code §9VAC25-875-535](#). The record drawing shall contain a statement signed by a professional registered in the Commonwealth of Virginia pursuant to Chapter 4 of Title 54.1 of the Code of Virginia, stating that to the best of their knowledge, the construction record drawing shows all adjustments and revisions to the Stormwater Management Plan made during construction and serve as a permanent record of the actual location of all constructed elements.

B. The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities, both commercial and individual residential lots and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit

termination or earlier as required by the Administrator and shall at a minimum:

1. Be submitted to the Administrator 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 the submission of inspection and maintenance reports to the Administrator; and
5. Be enforceable by all appropriate governmental parties.

C. Campbell County's VESMP authority shall establish an inspection program that ensures that permanent stormwater management facilities are being adequately maintained as designed after completion of land-disturbing activities. Inspection programs shall:

1. Be approved by the department;
2. Ensure that each stormwater management facility is inspected by Campbell County's VESMP authority, or its designee, not to include the owner, except as provided in subsections D, E, and F of this section, at least once every five (5) years; and
3. Be documented by records.

D. Campbell County's VESMP authority may utilize the inspection reports of the owner of a stormwater management facility as part of an inspection program established in subsection B of this section if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to [Va. Code § 54.1-400 et seq.](#); a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor; or a person who holds an appropriate certificate of competence from the department.

E. At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.

F. If a recorded instrument is not required pursuant to subsection (B), the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities.

Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator.

For state law basis, see [Va. Admin. Code §9VAC25-870-58](#) and [§9VAC25-870-112](#), and [§9VAC25-870-114](#).

Sec. 8-23. Monitoring and inspections, Right of entry.

- A. The Administrator 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. Installation of stormwater management facilities/practices. These inspections shall be coordinated in advance with Office of Environmental Management.
 4. Development, updating, and implementation of a pollution prevention plan;
and,
 5. Development and implementation of any additional control measures necessary to address a TMDL.

B. The Administrator has the right, 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 Chapter. In the event the Administrator, or his agent shall be denied access to property, the Administrator may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony establishes probable cause that a violation of this Chapter has occurred, request that the magistrate or court grant the Administrator an inspection warrant to enable the director of public works or his agent to enter the property for the purpose of determining whether a violation of this Chapter exists. The Administrator shall make a reasonable effort to obtain consent from the owner or occupant of the subject property prior to seeking the issuance of an inspection warrant under this section. It shall be a violation of this section for any person to deny the Administrator access to any property after the director of public works or his agent has obtained an inspection warrant from a magistrate or a court of competent jurisdiction for the inspection of such property. Nothing herein shall be construed to authorize Administrator to enter or inspect the interior portions of any dwelling or structure situated on such property unless that inspection be reasonably necessary and directly related to verifying the presence and character of a stormwater control mitigation system or control measure that the owner of the property claims to be installed therein.

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 Administrator 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. The Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Chapter, 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 Chapter.

E. Post-construction inspections of stormwater management facilities required by the provisions of this Chapter and the recorded maintenance agreement shall be conducted by the Owner and at the Owner’s cost pursuant to the County’s adopted and State Board approved inspection program, and shall occur within the minimum frequencies shown in Table 1-11-1 following approval of the final construction record report for each stormwater facility. [Va. Admin Code §9VAC25-870-114](#).

Table 1-11-1

BMP Classification	BMP Type	Minimum Inspection Schedule	Notes
1	Rooftop Disconnection	Every 5 Years	Owner shall inspect and provide documentation as per the requirements found on the Virginia Stormwater BMP Clearinghouse Website and the Administrative Guidance Manual for BMPs within classification 2, 3, and 4.
1	Sheetflow to Vegetated Filter or Conserved Open Space	Every 5 Years	
1	Grass Channel	Every 5 Years	
1	Soil Amendments	Every 5 Years	
2	Permeable Pavement	Annually	
2	Infiltration	Annually	
2	Bioretention	Annually	
2	Dry Swale	Annually	
2	Wet Swale	Annually	
2	Filtering Practice	Annually	
2	Constructed Wetland	Annually	
2	Wet Pond	Annually	
2	Extended Detention	Annually	
3	Vegetated Roof	Twice per year (Spring/Fall)	
3	Rainwater Harvesting	Twice per year (Spring/Fall)	

4	Manufactured/ Other BMP	Yearly or per manufacturer recommendations, whichever is more frequent.	Owner shall inspect and provide documentation according to manufacturer's guidelines and the Administrative Guidance Manual.
---	----------------------------	---	---

F. The owner shall furnish to the Administrator an inspection report for BMPs within classifications 2, 3, and 4 as provided in Table 1-11-11 prepared by a qualified inspector within the timeframe listed in Table 1-11-1. This report shall include, but not be limited to, the items listed in Table 1-11-1, current photographs of the BMP, and a summary of the current BMP condition and any recommendations for improvements, if necessary.

G. Qualified inspection personnel include professional engineer, architect, landscape architect, or land surveyor registered in the Commonwealth of Virginia or project inspector for SWM or combined administrator for SWM who have met the certification requirements of [Va. Admin. Code §9VAC25-850-50](#).

H. Post-construction inspections of stormwater management facilities required by the provisions of this Chapter shall be conducted by the Administrator pursuant to the County's adopted and State Board approved inspection program, and shall occur, at a minimum, at least once every five (5) years.

For state law basis, see [Va. Code §62.1-44.15:39](#) and [§62.1-44.15:40](#); [Va. Admin. Code §9VAC25-870-114](#).

Sec. 8-24. Hearings and appeals.

A. Campbell County's VSMP authority shall ensure that any permit applicant, permittee, or person subject to state permit requirements under the Act aggrieved by any action of the VSMP authority taken without a formal hearing, or by inaction of Campbell County's VSMP authority, shall have a right to a hearing pursuant to this Article and shall ensure that all hearings held under this chapter shall be conducted as described in subsection C below. The provisions of the Administrative Process Act ([Va. Code §2.2-4000 et seq.](#)) shall not apply to decisions rendered by localities but appeals shall be conducted in accordance with local appeal procedures.

B. The aggrieved permit applicant, permittee, or person subject to state permit requirements under the Act may demand in writing a formal hearing, provided a petition requesting such hearing is filed with Campbell County's VSMP Authority within thirty (30) days after notice of such action.

C. The Campbell County Planning Commission shall hold hearings under this Article in a manner consistent with [Va. Code §62.1-44.26](#).

1. Formal hearings held under this section shall be conducted at a regular or special meeting of the Planning Commission, or by at least one member of the Planning Commission designated by the Chairman of the Planning Commission to conduct such hearings on behalf of the Planning Commission at any other time and place authorized.

2. A verbatim record of the proceedings of such hearings shall be taken and filed with the Planning Commission. Depositions may be taken and read as in actions at law.

3. The Planning Commission shall have the 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 Planning Commission in the manner prescribed in [Va. Code §2.2-4022](#). Witnesses who are subpoenaed shall receive the same fees and mileage as in civil actions.

D. Appeals to decisions made by the Campbell County Planning Commission are subject to judicial review by the Campbell County Circuit Court, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities. Decisions of the Circuit Court shall be subject to review by the Virginia Court of Appeals.

For state law basis, see [Va. Code §62.1-44.15:44](#), [§62.1-44.15:45](#) and [§62.1-44.15:46](#); [§62.1-44.26](#); see also [Va. Admin. Code §9VAC25-870-118](#).

Sec. 8-25. Enforcement.

A. If the Administrator determines that there is a failure to comply with Campbell County's VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions 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 permit application 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 [§8-8](#) of this Code or the permit may be revoked by the Administrator.

2. If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, 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 be issued in accordance with Administrative Guidance Manual. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the County land records, or by personal delivery by an agent of the Administrator. However, if the Administrator 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 Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with [§8-25](#) of this Code.

B. In addition to any other remedy provided by this Chapter, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Chapter, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with the Administrative Guidance Manual.

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 Administrator may be compelled in a proceeding instituted in by the Circuit Court of the locality by the Locality to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

D. Any person who violates any provision of this Chapter or who fails, neglects, or refuses to comply with any order of the Administrator, 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:

- i. No state permit registration;
- ii. No SWPPP;
- iii. Incomplete SWPPP;
- iv. SWPPP not available for review;
- v. No approved erosion and sediment control plan;
- vi. Failure to install stormwater BMPs or erosion and sediment controls;
- vii. Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
- viii. Operational deficiencies;

- ix. Failure to conduct required inspections;
- x. Incomplete, improper, or missed inspections; and
- xi. Discharges not in compliance with the requirements of [Va. Admin. Code §9VAC 25-880-70](#) of the general permit.

2. The Administrator 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 Section, 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 County shall be paid into the treasury of the Campbell County to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the County 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 Code, any order of the Administrator, 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 twelve (12) months or a fine of not less than \$2,500.00 nor more than \$32,500.00, or both.

For state law basis, see [Va. Code §62.1-44.15:37](#), [§62.1-44.15:49](#), [§62.1-44.15:38](#) and [Va. Admin. Code 9VAC25-870-116](#).

Sec. 8-26. Fees.

A. Fees to cover costs associated with implementation of a VSMP related to land disturbing activities (excluding single family construction), for issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with the VSMP Permit Regulations [Va. Admin. Code §9VAC25-870-820](#), [§9VAC25-870-750\(A\)](#), [Va. Code §62.1-44.15:28](#) and the Administrative Guidance Manual. The applicable fees designated to Campbell County's VSMP authority shall be paid by the Applicant directly to the Administrator at the initial plan submittal; fees designated to the Department shall be paid by the Applicant directly to Campbell County's VSMP authority. A schedule of fees shall be set out in the Appendix of Fees Imposed under the Campbell County Code of 1988, an uncodified ordinance which may be revised from time to time by duly adopted ordinance of the Board of Supervisors, and which is incorporated herein by reference.

1. Construction of single family detached residential structure shall not require a registration statement.

B. Fees for the modification or transfer of registration statements from the general

permit issued by the State Board shall be imposed in accordance with the VSMP Permit Regulations [Va. Admin. Code §9VAC25-870-825](#) and the Administrative Guidance Manual and shall be paid directly to the Administrator.

If the general permit modifications result in changes to stormwater management plans that require additional review by Campbell County such reviews shall be subject to the fees set out in the VSMP Permit Regulations [Va. Admin. Code §9VAC25-870-825](#) and the Administrative Guidance Manual. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit 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 applied for the total disturbed acreage in the VSMP Permit Regulations [Va. Admin. Code §9VAC25-870-820](#) and the Administrative Guidance Manual. These fees shall be paid directly to the Administrator.

C. The annual permit maintenance shall be imposed in accordance with the VSMP Permit Regulations [Va. Admin. Code §9VAC25-870-830](#) and the Administrative Guidance Manual, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated.

General permit coverage maintenance fees shall be paid annually to Campbell County, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

D. The fees set forth in Subsections (A) through (C) above, shall apply to:

1. All persons seeking coverage under the general permit.
2. All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
3. Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater from Construction Activities.
4. Permit and permit coverage maintenance fees may apply to each general permit holder.

E. No general permit application fees will be assessed to:

1. Permittees who request minor modifications to general permits as defined in [§8-2](#) of this Code. 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 pursuant to this Section.
2. Permittees whose general permits are modified or amended at the initiative

of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.

F. All incomplete payments will be deemed as non-payments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in [Va. Admin. Code §9VAC25-870-770](#) and [Va. Code §58.1-15](#) and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. Campbell County shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

For state law basis, see Va. Code §§ 62.1-44.15:28 and [Va. Admin. Code §§ 9VAC25-870-820, 9VAC25-870-750\(A\), 9VAC25-870-825, 9VAC25-870-830, and 9VAC25-870-770](#). See also [Va. Code §15.2-2114](#).

Sec. 8-27. Performance bond

Prior to issuance of any permit, the Applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the County attorney and Administrator, or designee, to ensure that measures could be taken by Campbell County 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 Campbell County takes such action upon such failure by the Applicant, the Locality 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, 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.

Commercial and non-residential projects that require a stormwater maintenance agreement shall provide a reasonable and permanent stormwater management maintenance bond. This bond shall be issued by a licensed bonding company and shall be submitted prior to the termination of the construction performance bond. Campbell County's VSMP authority may increase the bond amount from time to time to allow for inflation and the increase in construction costs. The bond may only be increased at the time when the bond is scheduled for renewal. Campbell County's VSMP authority shall notify, in writing the bonding company as well as the owner, the reason(s) for increase and increased bond amount. The bond shall automatically renew and shall not be terminated without prior written authorization from Campbell County's VSMP authority.

For state law basis, see [Va. Code § 62.1-44.15:34\(A\)](#) and [Va. Admin. Code §9VAC25-870-104](#).