

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, SEPTEMBER 23, 2025

ORDINANCE 092325-3 AMENDING CHAPTER 8.1 (EROSION AND STORMWATER MANAGEMENT PROGRAM) OF THE ROANOKE COUNTY CODE

WHEREAS, on July 9, 2024, the Board of Supervisors adopted Ordinance #070924-3 amending Chapter 8.1 of the Roanoke County Code and repealing Chapter 23 of the Roanoke County Code in order to create a consolidated Erosion and Stormwater Management Program Ordinance (current Chapter 8.1 of the Roanoke County Code); and

WHEREAS, certain critical provisions from repealed Chapter 23 of the Roanoke County Code were not incorporated into the consolidated Erosion and Stormwater Management Program Ordinance (current Chapter 8.1 of the Roanoke County Code); and

WHEREAS, staff recommends certain amendments to the consolidated Erosion and Stormwater Management Program Ordinance (current Chapter 8.1 of the Roanoke County Code); and

WHEREAS, the proposed amendments would incorporate certain critical provisions from repealed Chapter 23 of the Roanoke County Code, renumber various sections as a result of adding the repealed provisions, include changes to reflect general law as it relates to property owner responsibilities of drainageways, and correct various typographical errors; and

WHEREAS, the first reading of this ordinance was held on September 9, 2025 and the second reading was held on September 23, 2025.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Roanoke that:

1. Chapter 8.1 of the Roanoke County Code is amended as follows:

CHAPTER 8.1 - EROSION AND STORMWATER MANAGEMENT PROGRAM

Pursuant to § 62.1-44.15:27 of the Code of Virginia, this ordinance is adopted as part of an initiative to integrate the County of Roanoke stormwater management requirements with the County of Roanoke erosion and sediment control requirements into a consolidated erosion and stormwater management program. The erosion and stormwater management program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities for land-disturbing activities into a more convenient and efficient manner for both the County of Roanoke and those responsible for compliance with these programs.

Section 8.1-1 TITLE, PURPOSE, AND AUTHORITY.

- A. This ordinance shall be known as the “Erosion and Stormwater Management Ordinance of the County of Roanoke.”
- B. The purpose of this ordinance is to ensure the general health, safety, and welfare of the citizens of the County of Roanoke to protect the quality and quantity of state waters from the potential harm of unmanaged stormwater and soil erosion, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, steep slopes, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.
- C. This ordinance is authorized by § 62.1-44.15:27 of the Code of Virginia.
- D. Applicability of chapter in Town of Vinton: The provisions of this chapter shall be applicable within the corporate limits of the Town of Vinton. Administrative procedures and review fees may be established to accommodate the review of plans for development located within the Town.

Section 8.1-2 DEFINITIONS.

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

“*Adequate channel*” means 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.

“*Agreement in lieu of a plan*” means a contract between the County of Roanoke and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of the VESMA and this ordinance for 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, or (iii) other regulated land disturbing activities that disturb between

2,500 square feet and less than 10,000 square feet; such contract may be executed by the County of Roanoke in lieu of a soil erosion control and stormwater management plan.

“Administrator” means the County of Roanoke’s County Administrator or his or her designee who shall administer the Virginia Erosion and Stormwater Management Program established by this Ordinance.

“Applicant” means any person submitting a soil erosion control and stormwater management plan to a VESMP authority for approval to obtain authorization to commence a land-disturbing activity.

“Best management practice” or “BMP” means 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, 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, patent, or copyright.

“Board” means the State Water Control Board.

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

“Channel” means a natural stream or manmade waterway.

“Clean Water Act” or “CWA” means the federal Clean Water Act (33 USC § 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.

“Clearing” means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or topsoil removal.

“Cofferdam” means 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” means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

“Comprehensive stormwater management plan” means a plan, which may be integrated with other land use plans or regulations that specifies how the stormwater quality components, quantity components, or both are to be managed based on 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.

“Constructed steep slopes” mean steep slopes that are created or made steeper by construction activities.

“Construction activity” means any clearing, grading, or excavation associated with large construction activity or associated with small construction activity.

“Control measure” means any BMP, stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

“CWA and regulations” mean 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” means 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” means land that has been physically disturbed and no longer supports vegetative cover.

“Department” or *“DEQ”* means the Virginia Department of Environmental Quality.

“Development” means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreational, transportation-related, 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 9VAC25-875-860.

“Dike” [or *“levee”*] means an earthen embankment constructed to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands.

“Discharge” when used without qualification, means the discharge of a pollutant.

“Discharge of a pollutant” means:

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 addition 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.

“District” or “soil and water conservation district” means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

“Diversion” means 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” means denuded land that is not actively being brought to a desired grade or condition.

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

“Drainageway” means a route or course along which water moves or may move to drain an area, which includes natural watercourses, storm sewers, gutters, manmade channels, and other natural or manmade drainage paths.

“Energy dissipator” means a non-erodible 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” means 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” means an area of land that is 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*” means a soil erosion control and stormwater management plan, commonly referred to as the erosion control and stormwater management plan.

“*Farm building or structure*” means the same as defined in § 36-97 of the Code of Virginia and includes any building or structure used for an agritourism activity, as defined in § 3.2-6400 of the Code of Virginia, and any related impervious services including roads, driveways, and parking areas.

“*Flood fringe*” means 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*” means 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*” means 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*” means 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*” means the channel of a river or other watercourse and the adjacent land areas, usually associated with flowing water, that must be reserved 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*” means a constructed device lined with erosion-resistant materials intended to convey water on steep grades.

“*General permit*” means a permit authorizing a category of discharges under the CWA and the VESMA within a geographical area.

“*Geotechnical Report*” means a report prepared by a professional engineer that communicates site conditions; and recommends design, construction methods, and construction inspection.

1. The geotechnical report shall include information as determined by a professional engineer, or as required by the ~~Administrator~~Administrator, as follows:

- a. Summary of all subsurface exploration data, including subsurface soil profile;
- b. Exploration logs, laboratory or in situ test results, and groundwater information;
- c. Interpretation and analysis of the subsurface data;
- d. Specific engineering recommendations for design, construction, and construction inspection;
- e. Discussion of conditions for solution of anticipated problems; and
- f. Recommended geotechnical special provisions.

2. The professional engineer may refer to the applicable sections of the "Checklist and Guidelines for Review of Geotechnical Reports and Preliminary Plans and Specifications" contained in the U. S. Department of Transportation, Federal Highway Administration Publication No. FHWA ED-88-053, latest edition.

3. When required, the geotechnical report shall be submitted and approved by the County of Roanoke prior to the issuance of a permit.

"Hydrologic Unit Code" or *"HUC"* means 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" means a surface composed of material that significantly impedes or prevents natural infiltration of water into soil.

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

"Inspection" means an on-site review of the project's compliance with any applicable design criteria, or an on-site review to obtain information or conduct surveys or investigations necessary in the implementation or enforcement of the VESMA and applicable regulations.

"Karst area" means 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" means sinkholes, sinking and losing streams, caves, large flow springs, and other such landscape features found in karst areas.

"Land disturbance" or *"land-disturbing activity"* means a manmade change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land, except that the term shall not include those exemptions specified in Section 8.1-7.B. of this Ordinance.

“Land-disturbance approval” means an approval allowing a land-disturbing activity to commence as issued by the VESMP authority after the requirements of § 62.1-44.15:34 of the Code of Virginia have been met.

“Large construction activity” means construction activity including clearing, grading, and excavating, 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.

“Linear development project” means 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” means a definite channel with bed and banks within which concentrated water continuously flows.

“Locality” means the County of Roanoke.

“Localized flooding” means 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.

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

“Manmade” means constructed by man.

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

“Minor modification” means modifications and amendments not requiring extensive review and evaluation including 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” means 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 bank-full storm event within its banks and allows larger flows to access its bank-full bench and its floodplain.

“Natural stream” means 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.

“Non-erodible” means a material that will not experience surface wear due to natural forces, such as riprap, concrete, plastic, etc.

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

“Operator” means 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 defined in § 62.1-44.3 of the Code of Virginia. For a regulated land-disturbing activity that does not require a permit, “owner” also means 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” means the maximum instantaneous flow from a prescribed design storm at a particular location.

“Percent impervious” means the impervious area within the site divided by the area of the site multiplied by 100.

“Permit” or *“Construction General Permit (CGP)”* means the General VPDES Permit for Discharges of Stormwater from Construction Activities found at 9VAC25-880-70. Coverage under this permit is issued by the Department pursuant to § 62.1-44.15 of the Code of Virginia for stormwater discharges from a land-disturbing activity.

“Permittee” means the person to whom the permit is issued.

“Person” means any applicant, owner, 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.

“Plot plan” means a detailed drawing that shows the existing layout of a property and any proposed improvements and meets the requirements of the County of Roanoke’s Zoning Ordinance (County of Roanoke Code Section 30-100-1).

“Point of discharge” means a location at which concentrated stormwater runoff is released.

“Point source” means 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” means the average amount of a particular pollutant measured in pounds per year or another standard reportable unit as appropriate, delivered by stormwater runoff.

“Pollution” means 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” refers to 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” refers to the conditions that exist at the time that plans for the land-disturbing activity are submitted to the 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 land” means land that has been previously utilized for residential, commercial, industrial, institutional, recreational, transportation-related, or utility facilities or

structures, and that will have the impervious areas associated with those uses altered during a land-disturbing activity.

“Qualified personnel” means a person knowledgeable in the principles and practices of erosion and sediment control and stormwater management 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 erosion and sediment control measures or stormwater management facilities selected to control the quality and quantity of stormwater discharges from the construction activity.

“Responsible land disturber” or *“RLD”* means 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”* means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

“Runoff characteristics” includes maximum velocity, peak flow rate, volume, and flow duration.

“Runoff volume” means the volume of water that runs off the land development project from a prescribed storm event.

“Sediment basin” means a temporary impoundment built to retain stormwater, sediment, and debris with a controlled stormwater release structure.

“Sediment trap” means a temporary impoundment built to retain stormwater, sediment, and debris which is formed by constructing an earthen embankment with a stone outlet.

“Sheet flow” (also called *“overland flow”*) means shallow, unconcentrated, and irregular flow down a slope. Overland flow usually does not exceed 200 feet under natural conditions.

“Shoreline erosion control project” means 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 non-vegetated or vegetated wetlands as defined in Title 28.2 of the Code of Virginia.

“Site” means 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. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.

“Site hydrology” means 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” means a pipe, tube, 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 for the purpose of carrying stormwater down the slope in a non-erosive manner.

“Small construction activity” means:

1. Construction activities including clearing, grading, and excavating that result in land disturbance that is 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 equal to or greater than one 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 department 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. 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 Department that the construction activity will take place, and 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 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), 9VAC25-875-940, and Part XI (9VAC25-31-950 et seq.) of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation. Part XI of 9VAC25-31 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part XI of 9VAC25-31, permittees may be required to report electronically if specified by a particular permit.
2. Any other construction activity designated by either the Department or the EPA regional administrator, 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” means the movement of soil by wind or water into state waters or onto lands in the Commonwealth.

“Soil erosion control and stormwater management plan,” commonly referred to as the erosion control and stormwater management plan, or *“ESM plan”* means 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” means land that has been treated or protected to withstand normal exposure to natural forces without incurring erosion damage.

“State” means the Commonwealth of Virginia.

“State application” or *“application”* means 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 Water Control Law” means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

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

“Steep slope” means a slope greater than 3:1, or thirty-three and one-third (33.3) percent.

“Storm sewer inlet” or *“storm drainage inlet”* means a structure through which stormwater is introduced into an underground conveyance system.

“Stormwater,” for the purposes of the VESMA, means 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” means 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” means the process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.

“Stormwater management facility” means 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 facility maintenance agreement” means a legally binding agreement between the owner of a property and the County of Roanoke regarding long-term maintenance of stormwater management facilities.

“Stormwater management plan” means a document containing material describing methods for complying with the requirements of the VESMP.

“Stormwater Pollution Prevention Plan” or *“SWPPP”* means 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. A SWPPP required under the VESMP for construction activities shall identify and require the implementation of control measures and shall include or incorporate by reference an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

“Subdivision” means the same as defined in § 15.2-2201 of the Code of Virginia.

“Surface waters” means:

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 for which the use, degradation, or destruction 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” means stormwater management.

“Temporary vehicular stream crossing” means a temporary non-erodible 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 non-erodible material.

“Ten-year storm” means a storm that can produce 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”* means 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” means an incorporated town.

“Two-year storm” means a storm that can produce 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”* means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1, State Water Control Law, of Title 62.1 of the Code of Virginia.

“Virginia Erosion and Stormwater Management Program” or *“VESMP”* means 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 land-disturbing

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” means the County of Roanoke as approved by the Department to operate the VESMP.

“Virginia Pollutant Discharge Elimination System (VPDES) permit” or “VPDES permit” means 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” means a website collection that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the VESMA and associated regulations.

“Virginia Stormwater Management Handbook” means a book 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” means 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 allocation is a type of water quality-based effluent limitation.

“Water quality technical criteria” means 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” means 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.

“Watershed” means 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” means 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.

Section 8.1-3 ADMINISTRATION OF CHAPTER IN CONJUNCTION WITH SUBDIVISION AND ZONING ORDINANCES.

This chapter shall be administered, where applicable, in conjunction with the County of Roanoke's subdivision and zoning ordinances wherein such apply to the development and subdivision of land within the County of Roanoke or where such apply to development on previously subdivided land within the County of Roanoke.

Section 8.1-4 VIRGINIA EROSION AND STORMWATER MANAGEMENT PROGRAM ESTABLISHED.

Pursuant to § 62.1-44.15:27 of the Code of Virginia, the County of Roanoke hereby establishes a Virginia Erosion and Stormwater Management Program for land-disturbing activities and adopts the Virginia Erosion and Stormwater Management Regulation that specifies standards and specifications for VESMPs promulgated by the State Water Control Board for the purposes set out in Section 4.1-8.1-1 of this Ordinance. The County of Roanoke hereby designates the County Administrator or his or her designee as the Administrator of the Virginia Erosion and Stormwater Management Program established by this Ordinance.

The County of Roanoke will utilize the policies, criteria, and information contained within its Stormwater Management Design Manual for proper implementation of the requirements of this chapter. This manual will be periodically updated subject to the authorization and approval of the Board of Supervisors by resolution.

Section 8.1-5 REGULATED LAND DISTURBING ACTIVITIES.

A. 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 is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation is applicable, as determined in accordance with 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 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation is applicable, as determined in accordance with 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 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq.) of Part V is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.

B. Land-disturbing activities exempt per 9VAC25-875-90 are not required to comply with the requirements of the VESMA unless otherwise required by federal law.

Section 8.1-6 REVIEW AND APPROVAL OF PLANS; PROHIBITIONS.

A. A person who wishes to conduct a land-disturbing activity in the County of Roanoke shall submit a soil erosion control and stormwater management plan (ESM) that is consistent with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA). Activities not required to comply with the VESMA are defined in 9VAC25-875-90.

B. A person shall not conduct any land-disturbing activity in the County of Roanoke until:

1. Such person submits 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, to the County of Roanoke;
2. Such person submits the name of the individual who will be assisting them in carrying out the activity and this individual shall hold a Responsible Land Disturber certificate pursuant to § 62.1-44.15:30 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. The County of Roanoke has issued its land-disturbance approval.

C. The County of Roanoke 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 the VESMP authority and the owner.

D. To prevent further erosion, the County of Roanoke 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, pursuant to § 62.1-44.15:34 of the Code of Virginia.

E. As a part of the land-disturbance approval process, the County of Roanoke may require the applicant 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 of Roanoke, to ensure that it can take measures at the applicant's expense should he/she fail, after proper notice, within the time specified to comply with the conditions it imposes as a result of his/her land-disturbing activity. If the County of Roanoke 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. If the applicant fulfills the VESMP authority's conditions, the County of Roanoke will refund to the applicant or terminate, as applicable, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof.

F. Exceptions

1. The applicant may request the County of Roanoke to grant an exception to waive or modify any of the erosion and sediment control requirements of Article 2 (9VAC25-875-540 et seq.) of Part V (9VAC25-875-470 et seq.) that are deemed inappropriate or too restrictive for site conditions under these conditions:
 - a. At the time of plan submission, an applicant may request an exception to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting exceptions in writing and shall provide adequate studies or other documentation. Specific exceptions which are allowed by the County of Roanoke shall be documented in the plan.
 - b. During construction, the person responsible for implementing the approved plan may request an exception in writing from the County of Roanoke. If the County of Roanoke does not approve an exception in writing within 10 days of receipt of the request, the request shall be disapproved. Following disapproval, the applicant may resubmit an exception request with additional studies or other documentation.
2. The applicant may request the County of Roanoke to grant an exception to the provisions of Article 3 (9VAC25-875-570 et seq.) of Part V. An exception may be granted by the County of Roanoke provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions shall be imposed as necessary upon any exception granted so that the intent of the VESMA is 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.
3. Economic hardship alone is not a sufficient reason to grant an exception from the requirements of this chapter.
4. Under no circumstance shall the applicant be granted an exception (i) to the requirement that the land-disturbing activity obtain required permits, or (ii) for the use of a BMP not found through the Virginia Stormwater Management Handbook~~BMP Clearinghouse~~, except as allowed under Article 4 (9VAC25-875-670 et seq.) of Part V of this chapter.
5. No exception to or waiver of post-development nonpoint source 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.

6. A record of all exceptions granted shall be maintained by the County of Roanoke in accordance with all applicable laws.

Section 8.1-7 STORMWATER PERMIT REQUIREMENT; EXEMPTIONS.

- A. Except as provided herein, no person may engage in any land-disturbing activity until the County of Roanoke has granted land disturbance approval 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 land-disturbing 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 (§ 10.1-1100 et seq. of the Code of Virginia) or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163 of the Code of Virginia;
 7. Installation of fence and signposts 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 Virginia 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, the person conducting the land-disturbing activity shall advise the County of Roanoke of the disturbance within seven days of commencing the land-disturbing activity and shall comply with the administrative requirements of subsection A 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 land-disturbing activity.

C. Notwithstanding this ordinance and in accordance with the Virginia Erosion and Stormwater Management Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia, 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.

Section 8.1-8 STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

- A. A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection D of this section.

- B. A soil erosion control and stormwater management (ESM) plan consistent with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA) and regulations must be designed and submitted to and approved by the County of Roanoke prior to land disturbance in accordance with the VESMA, this ordinance, and attendant regulations. This plan shall be implemented during construction as approved or modified by the County of Roanoke.
- C. A stormwater pollution prevention plan that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site and describe control measures that will be used to minimize pollutants in stormwater discharges from the construction site must be developed before land disturbance commences.
- D. In addition to the other requirements of this section, if a specific wasteload allocation for a pollutant has been established in an approved TMDL and is assigned to stormwater discharges from a construction activity, additional control measures must be identified and implemented by the operator so that discharges are consistent with the assumptions and requirements of the wasteload allocation.
- E. The stormwater pollution prevention plan (SWPPP) must address the following requirements as specified in 40 CFR 450.21, to the extent otherwise required by state law or regulations and any applicable requirements of a state permit:
 1. Control stormwater volume and velocity within the site to minimize soil erosion;
 2. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;
 3. Minimize the amount of soil exposed during construction activity;
 4. Minimize the disturbance of steep slopes;
 5. Minimize sediment discharges from the site. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
 6. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible;
 7. Minimize soil compaction and, unless infeasible, preserve topsoil;

8. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a time frame determined by the VESMP authority. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the County of Roanoke; and
9. Utilize outlet structures that withdraw water from the surface, unless infeasible, when discharging from basins and impoundments.

F. The SWPPP shall be amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the SWPPP. The SWPPP must be maintained 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.

Section 8.1-9 STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN.

- A. A stormwater management plan shall be developed and submitted to the County of Roanoke. The stormwater management plan shall be implemented as approved or modified by the County of Roanoke and shall be developed in accordance with the following:
 1. A stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria set forth in this ordinance and Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation to the entire land-disturbing activity. Individual lots in new residential, commercial, or industrial developments, including those developed under subsequent owners, shall not be considered separate land-disturbing activities.
 2. A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.
 3. No application for land-disturbing activity will be approved unless it includes a stormwater management plan or agreement in lieu of a stormwater management plan, as required by this Ordinance, detailing how runoff and associated water quality impacts resulting from the activity will be controlled or managed.
 4. Submittal, review, approval, and resubmittal of stormwater management plans, and agreements in lieu of stormwater management plans shall comply with the requirements set forth in this Ordinance and the County of Roanoke Stormwater Management Design Manual.

5. A stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners.
6. Stormwater management facilities include all storm drain structures, storm drain pipes, culverts, open channels, BMPs, and all other facilities used to convey, control, or treat stormwater runoff.

B. A complete stormwater management plan shall include the following elements:

1. Information on the type of and location of stormwater discharges, information on the features to which stormwater is being discharged including surface waters or karst features, if present, and predevelopment 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 or if allowed by the VESMP authority, the information provided and documented during the review process that addresses the current and final site conditions;
4. A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
5. Information on the proposed stormwater management facilities, including (i) detailed narrative on the conversion to a long-term stormwater management facility if the facility was used as a temporary ESC measure; (ii) the type of facilities; (iii) location, including geographic coordinates; (iv) acres treated; and (v) 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 these regulations;
8. A map of the site that depicts the topography of the site and includes:

 - a. All contributing drainage areas;
 - b. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;

- c. Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
- d. Current land use including existing structures, roads, and locations of known utilities and easements;
- e. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels and to assess the impacts of stormwater from the adjoining parcels on the site;
- f. The limits of clearing and grading, and the proposed drainage patterns on the site;
- g. Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
- h. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including planned locations of utilities, roads, and easements;

9. Plans and plot plans shall be designed from a current topographic field survey that is referenced ~~to the National Geodetic Vertical Datum 1988 vertically to the North American Vertical Datum of 1988 (NAVD 88) and horizontally to the North American Datum of 1983 (NAD 83 (2011))~~, and such plans shall be prepared by a licensed professional. The survey must meet the minimum requirements of the County of Roanoke Stormwater Management Design Manual. Plot plans associated with site development plans that were previously approved using a different survey datum shall use the datum of the approved site development plans. Plot plans for development that disturbs less than 10,000 square feet on lots of one acre or larger are exempt from the requirement to provide a topographic field survey, unless required by the Administrator;

10. If an operator intends to meet the requirements established in 9VAC25-875-580 or 9VAC25-875-600 using off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included; and

11. If the County of Roanoke requires payment of a fee with the stormwater management plan submission, the fee and the required fee form in accordance with Section 8.1-25 of this ordinance must have been submitted.

C. All final plan elements, specifications, or calculations of the stormwater management plans whose preparation requires a license under Chapter 4 (§ 54.1-400 et seq.) or Chapter 22 (§ 54.1- 2200 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately signed and sealed by a professional who is licensed to engage in practice in the Commonwealth of Virginia. Nothing in this subsection shall authorize any person to engage in practice outside his area of professional competence.

Section 8.1-10 POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

- A. A plan for implementing pollution prevention measures during construction activities shall be developed, implemented, and updated as necessary. The pollution prevention plan shall detail the design, installation, implementation, and maintenance of effective pollution prevention measures as specified in 40 CFR 450.21(c) to address dewatering requirements and in 40 CFR 450.21(d) 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 in accordance with 40 CFR 450.21(e):
 - 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. The pollution prevention plan shall include appropriate controls for the discharge from dewatering activities, including discharges from dewatering trenches in accordance with 40 CFR 450.21(c).

Section 8.1-11 EROSION AND SEDIMENT CONTROL PLAN; CONTENTS OF PLANS.

- A. An erosion and sediment control plan, which is a component of the ESM plan, shall be filed for a development and the buildings constructed within, regardless of the phasing of construction. The erosion and sediment control plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the erosion and sediment control criteria, techniques, and methods (i.e., the minimum standards) in 9VAC25-875-560. The erosion and sediment control plan ~~may~~ shall include:
 - 1. Plans and plot plans shall be designed from a current topographic field survey that is referenced ~~to vertically to the North American Vertical Datum of 1988 (NAVD 88)~~ and

~~horizontally to the North American Datum of 1983 (NAD 83 (2011)), the National Geodetic Vertical Datum 1988 and North American Datum 1983~~ and such plans shall be prepared by a licensed professional. The survey must meet the minimum requirements of the County of Roanoke Stormwater Management Design Manual. Plot plans associated with site development plans that were previously approved using a different survey datum shall use the datum of the approved site development plans. Plot plans for development that disturbs less than 10,000 square feet on lots of one acre or larger are exempt from the requirement to provide a topographic field survey, unless required by the Administrator;

2. Appropriate maps;
3. An appropriate soil and water plan inventory and management information with needed interpretations; and
4. A record of decisions contributing to conservation treatment.

B. The person responsible for carrying out the plan shall provide the name of an individual holding a Responsible Land Disturber (RLD) certificate who will oversee and be responsible for carrying out the land-disturbing activity to the County of Roanoke.

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

Section 8.1-12 TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES.

A. To protect the quality and quantity of state waters from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the County of Roanoke hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part V of 9VAC25-875 expressly to include 9VAC25-875-580 (water quality design criteria requirements); 9VAC25-875-590 (water quality compliance); 9VAC25-875-600 (water quantity); 9VAC25-875-610 (offsite compliance options); 9VAC25-875-620 (design storms and hydrologic methods); 9VAC25-875-630 (stormwater harvesting); 9VAC25-875-640 (linear development projects); 9VAC25-875-650 (stormwater management impoundment structures or facilities), the Virginia Stormwater Management Handbook, as amended, and those more stringent local criteria which the County Board of Supervisors may adopt by resolution and incorporate into the manual of regulations and policies entitled "Stormwater Management Design Manual," ~~and "Design and Construction Standards Manual,"~~ which shall apply to all land-disturbing activities regulated pursuant to this ordinance, except as expressly set forth in Subsection B of this Section.

B. Steep Slopes; Positive Drainage.

1. All development that requires an erosion and sediment control plan or an Agreement in Lieu of a Plan shall address the following requirements:
 - a. If the grade of a site is more than thirty-three and one-third (33.3) percent, the site design must comply with the International Building Code, Chapter 18, as amended, for foundation clearances from slopes.
 - b. Development on steep slopes shall meet the requirements contained in the County of Roanoke Stormwater Management Design Manual.
 - c. Concentrated stormwater flows shall be kept off steep slopes by water diversions placed at the top of the slope or by other means. Constructed steep slopes shall collect stormwater runoff on the slope by the provision of reverse benches placed at intervals not to exceed twenty (20) vertical feet with an adequate stormwater conveyance system to collect the stormwater and convey it to an adequate outfall at the bottom of the slope. No more than two reverse benches shall be required on any one parcel.
 - d. An as-built plan consisting of a field survey certified by an appropriate design professional shall be submitted to the County of Roanoke for all constructed steep slopes that have a vertical height of twenty (20) feet or more. Additionally, all constructed steep slopes with a slope of 2:1 or steeper shall have a certified as-built plan regardless of vertical height, and constructed steep slopes with a slope of 2:5:1 or steeper but less than 2:1 shall have a certified as-built plan if the vertical height is five (5) feet or greater.
 - e. Fill materials, compaction methods, and density specifications shall be indicated on the plan. Fill areas intended to support structures shall also be indicated on the plan.
2. Any plan for a new subdivision shall show proposed lot grades to ensure positive drainage away from all permanent structures.

C. Stream buffers.

1. Except as provided in this section, each regulated land-disturbing activity shall provide for stream buffers for the purposes of retarding runoff, preventing stream bank erosion, and filtering nonpoint source pollution from runoff.
2. The stream buffer on existing undeveloped land shall extend a minimum of 25 feet on each side of any perennial stream or contiguous wetlands, measured horizontally from the edge of the contiguous wetlands or from the ordinary high-water mark if no wetlands exist.
3. The stream buffer on previously developed land shall either meet the requirements of (ii) above or extend from the side of any perennial stream or contiguous wetlands,

measured horizontally from the edge of the contiguous wetlands or from the ordinary high-water mark if no wetlands exist to the edge of existing paved surfaces, structures, or other hardscape, whichever is less.

4. Each stream buffer shall be retained in as natural a condition as possible. Natural ground contours and native vegetation shall be preserved to the fullest possible extent.
5. The following types of improvements and activities shall not be required to retain, establish, or manage a stream buffer, provided that the requirements of this section are satisfied:
 1. a. The construction, installation, operation, and maintenance of electric, gas and telephone transmission lines, railroads, and activities of the Virginia Department of Transportation and their appurtenant structures, which are accomplished in compliance with § 62.1-44.15:27 (Virginia Programs for Erosion Control and Stormwater Management) or an erosion and sediment control plan approved by the Board.
 2. b. The construction, installation, and maintenance by public agencies of ~~storm drainage~~ water, and sewer lines.
 3. c. The construction and installation of water and sewer lines constructed by private interests for dedication to public agencies, if all the following are satisfied:
 - i. To the extent practical, as determined by the Administrator, the location of the water or sewer lines, shall be outside of all stream buffer areas.
 - ii. No more land shall be disturbed than is necessary to construct, install and maintain the water or sewer lines.
 - iii. All construction and installation of the water or sewer lines shall comply with all applicable federal, state, and local requirements and permits and be conducted in a manner that protects water quality.
6. The following types of structures, control measures, and activities shall be allowed in a stream buffer, provided that the requirements of this section are satisfied:
 1. a. Temporary erosion and sediment control measures, provided that to the extent practical, as determined by the Administrator, the control measures shall be located outside of the stream buffer and disturbance impacts are minimized. Upon removal of the temporary measures, grading and plantings shall be provided to reestablish the stream buffer by restoring pre-development grades and providing appropriate plantings.
 2. b. Water-dependent facilities, water wells, passive recreation access, such as

pedestrian trails and multi-use paths, historic preservation, and archaeological activities provided that all applicable federal, state, and local permits are obtained.

3.c. Storm drainage facilities necessary to drain to the stream, and stormwater management best management practices, provided that the disturbance to the buffer is minimized.

4.d. Roads, streets, and driveways if disturbance to the natural stream channel and buffer is limited to the minimum reasonably required to develop the site. Whenever practical, roads, streets, and driveways shall not be constructed parallel to a stream within the buffer.

5.e. Selective removal of invasive plants and reestablishment of vegetative buffer using native plants.

6.f. Stream drainage improvements that comply with all federal and state permitting requirements. Where channel improvements are made, stream buffers shall be reestablished on both sides of the improved channel. There shall be no stream buffer requirements where streams are replaced with storm drainage pipes.

7.g. Stream buffers shall be indicated on erosion and sediment control plans and plot plans, and they shall be physically marked and protected in the field with safety fencing or other appropriate means prior to the commencement of clearing or grading.

8.h. Any lot that was platted prior to July 27, 2021, and any land disturbance with an erosion and sediment control plan that was submitted to the County of Roanoke for review prior to July 27, 2021, are exempt from the requirements to protect and establish stream buffers.

D. Finished floor elevations shall be included on all building plans submitted to the County of Roanoke. The County of Roanoke will verify finished floor elevations prior to building footing inspections and will submit in writing to the developer confirming compliance before the footing inspection takes place. The construction of single-family residences on parcels of one acre or larger are exempted from the requirement to provide a field survey, unless the Administrator determines that a field survey is required.

Finished floor elevations shall be included on all building plans submitted to the County of Roanoke. The County of Roanoke will verify finished floor elevations prior to building footing inspections and will submit in writing to the developer confirming compliance before the footing inspection takes place.

E. Nothing in this section shall preclude an operator from constructing to a more stringent standard at his/her discretion.

Section 8.1-13 SPECIAL PROVISIONS FOR LAND-DISTURBING ACTIVITIES THAT

DISTURB LESS THAN 10,000 SQUARE FEET.

- A. Land-disturbing activity of less than 2,500 square feet on individual lots in a residential development shall not be considered exempt from the provisions of this chapter, if the total land-disturbing activity in the development is equal to or greater than 2,500 square feet.
- B. Land-disturbing activities shall meet all the requirements of this chapter, except that the technical provisions contained in 9VAC25-875-560 shall not apply to land disturbing activities that meet the requirements of this section. These include:
 1. The adequacy of downstream channels and pipes are not required to be analyzed and verified.
 2. No stormwater management measures to address any flow rate capacity or velocity requirements for downstream natural or man-made channels shall be required.
- C. An agreement in lieu of a plan may, at the discretion of the County of Roanoke, be substituted for an erosion and sediment control plan if executed by the County of Roanoke. All the requirements of section 5.18.1-12 shall apply. This provision expands the use of an agreement in lieu of a plan to all land-disturbing activities that disturb less than ten thousand 10,000 square feet. Additional requirements include:
 1. Where the land-disturbing activity ~~from the construction of a single family residence~~ results in less than five thousand (5,000) square feet of disturbed area, an "agreement in lieu of a plan" shall be accompanied by a plot plan that complies with Section 30-90 of the County of Roanoke's Zoning Ordinance and Chapter 8 of ~~the~~its Stormwater Management Design Manual~~meets the County building permit plot plan requirements~~.
 2. Where the land-disturbing activity ~~from the construction of a single family residence~~ results in 5,000 square feet or more of disturbed area, an "agreement in lieu of a plan" shall be accompanied by a plot plan that complies with Section 30-90 of the County of Roanoke's Zoning Ordinance and Chapter 8 of ~~the~~its Stormwater Management Design Manual~~meets the County building permit plot plan requirements~~, and it shall be prepared by a responsible land disturber, Virginia professional engineer, land surveyor, landscape architect, architect, or professional soil scientist. A responsible land disturber must also be provided and identified.
 3. Plot plans shall show positive drainage away from permanent structures and they shall be designed from a topographic field survey that indicates current site conditions. -The field survey shall be referenced ~~vertically to the North American Vertical Datum of 1988 (NAVD 88) and horizontally to the North American Datum of 1983 (NAD 83 (2011)), to the National Geodetic Vertical Datum 1988 and North American Datum 1983~~ and shall be prepared by a Licensed Professional. -The survey must meet the minimum requirements of the ~~Roanoke~~ County of Roanoke Stormwater Management Design Manual. Development that disturbs less than 10,000 square feet on parcels of one acre or larger are exempted from the requirement to provide a field survey, unless the Administrator determines that a field survey is required.

4.

5.—The County of Roanoke may require additional information or may decline to execute an agreement in lieu of a plan and may require an erosion and sediment control plan in instances where, in the County of Roanoke's opinion, it is necessary to properly protect downstream properties or the environment.

6.4.

Section 8.1-14 PROPERTY OWNER RESPONSIBILITIES FOR DRAINAGEWAYS

- A. Every person owning or leasing property through which a drainageway passes shall keep and maintain that part of the drainageway within the property free of trash, debris, yard wastes, and other obstacles that could pollute or contaminate the water in violation of Chapter 24 of the Roanoke County Code (the Illicit Discharge Ordinance of the County of Roanoke, Virginia).
- B. Every person owning or leasing property through which a drainageway passes shall keep and maintain that part of the drainageway within the property free of obstacles that could significantly retard the flow of water in violation of any public drainage easements.
- C. Every person owning or leasing property through which a drainageway passes may have additional responsibilities to maintain the functionality of the drainageway pursuant to other private laws or obligations (including, but not limited to, private easements, covenants, deed restrictions, and other recorded instruments). In such instances, Roanoke County lacks regulatory or enforcement authority over proper maintenance of the drainageway but urges compliance with such private laws or obligations.

Section 8.1-15 NOTICE OF CONSTRUCTION COMMENCEMENT.

The permittee shall notify the County of Roanoke within forty-eight hours of the prior to the commencement of land-disturbing activities. In addition, the permittee shall notify the County of Roanoke within forty-eight hours in advance of construction of critical components of a stormwater management facility.

Section 8.1-16 LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES; STORMWATER MANAGEMENT FACILITY MAINTENANCE AGREEMENTS.

- A. The operator shall submit a construction record drawing for permanent stormwater management facilities to the County of Roanoke in accordance with 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 it shall serve as a permanent record of the actual location of all constructed elements.

B. The operator shall submit a "Stormwater Management Facility Maintenance Agreement" that is executed by the property owner and provides for the long-term responsibility and maintenance of stormwater management facilities 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 County of Roanoke. The maintenance agreement shall be binding on all subsequent property owners and shall at a minimum:

1. Be submitted to the County of Roanoke 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 County of Roanoke and
5. Be enforceable by all appropriate governmental parties.

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

D. The property owner of the site shall execute an access easement agreement, prior to plan approval, to provide for access to stormwater management facilities at reasonable times for periodic inspection by the County of Roanoke, or their contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Ordinance. The easement agreement shall be recorded in the County of Roanoke's land records by the County of Roanoke, and it shall be binding on all subsequent property owners.

E. A stormwater management facility that serves more than one parcel shall be located on its own, separate parcel. The landowners of each parcel served by the stormwater management facility shall be jointly and severally responsible for the maintenance of the stormwater management facility through a formal maintenance agreement with the County of Roanoke.

F. Responsibility for the operation and maintenance of stormwater management facilities, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements, acceptable to the County of Roanoke, shall be made to pass the

responsibility to successors in title. These arrangements shall designate for each landowner, governmental agency, or other legally established entity to be permanently responsible for maintenance.

G. As part of the maintenance agreement, a schedule shall be developed identifying anticipated routine maintenance, to be performed by the property owner, needed for proper function of the stormwater management facility. The maintenance agreement shall also include a schedule for periodic inspections, to be performed by the property owner, to ensure proper performance of the facility between scheduled routine maintenance activities, and it shall require repairs when needed for proper function of the SWMF. The maintenance agreement shall require that the property owner document routine maintenance, repair, and periodic inspection activities, maintain said documentation for five (5) years, and submit said documentation to the County of Roanoke, if requested.

H. The maintenance agreement shall also include "failure to maintain" provisions. If maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health, safety, or the environment, the County of Roanoke reserves the authority to perform the necessary maintenance or repair work and to recover the costs from the property owner. Nothing in this Ordinance shall be construed to mean that the County of Roanoke has the responsibility to maintain privately-owned SWMFs.

I. Prior to the release of the performance security or bond, the developer shall either (1) transfer the maintenance responsibilities of the stormwater management facilities to a Homeowners Association or (2) provide the County of Roanoke with a maintenance security.

1. Requirements for Transfer of Maintenance Responsibilities to the Homeowners Association (HOA)
 - a. Submission of acceptable record drawings.
 - b. Acceptable final inspection of the stormwater management facility by the County of Roanoke.
 - c. Transfer of the necessary property to the HOA.
 - d. Organize and hold a meeting attended by the developer, the County of Roanoke and members of the HOA. Provide evidence to the County of Roanoke that each member of the HOA was provided prior notice of the meeting. The meeting shall be held at a place and time convenient for members of the HOA.
 - e. Provide a copy of the recorded documents establishing the Homeowners Association to the County of Roanoke.
 - f. Provide the County of Roanoke with evidence that the Homeowners Association is funded. Minimum funding shall be based on the following schedule:

1 to 20 lots = \$1,000
21 to 50 lots = \$1,500
51 and over = \$1500 + \$30 per lot over 50

J. Requirements for Posting Maintenance Security.

1. The County of Roanoke shall require a maintenance guaranty in the amount of twenty (20%) percent of the construction costs of the stormwater management facility.
2. The maintenance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the permittee in accordance with the approved stormwater management plan.
3. If the County of Roanoke takes such action upon such failure by the permittee, the County of Roanoke may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held.
4. The maintenance agreement and security will be the responsibility of the permittee or owner until such time as the permittee or owner provides the County of Roanoke with the necessary requirements for Transfer of Maintenance Responsibilities to the Homeowners Association as outlined above in (1).

Section 8.1-17 PERIODIC CONSTRUCTION MONITORING AND INSPECTIONS.

- A. The land-disturbing activity is subject to monitoring and inspections by the County of Roanoke. These inspections will be used to determine if there is:

 1. Compliance with the approved erosion and sediment control plan or executed agreement in lieu of an erosion and sediment control plan;
 - 1.2. Compliance with the approved stormwater management plan or executed agreement in lieu of a stormwater management plan;
 - 2.3. Development, updating, and implementation of a pollution prevention plan; and
 - 3.4. Development and implementation of any additional control measures necessary to address a TMDL.
- B. The land-disturbing activity is subject to periodic and documented inspections by the County of Roanoke in accordance with its Department-approved alternative inspection program.
- C. If the County of Roanoke inspections reveal any violations, the permittee shall be notified in writing of the nature of the violations and the required corrective actions. No additional

construction or land-disturbing activity near the violations shall proceed until the violations are corrected and all work previously completed has received approval from the County of Roanoke. The permittee is responsible for maintenance and repair for all stormwater management facilities during construction.

D. The person responsible for implementing the approved stormwater management plan is required to provide adequate inspection monitoring and reports to ensure compliance with the approved plan, to determine whether the measures required in the plan provide effective stormwater management, and to allow the registered professional to certify the record documents in accordance with Section 8.1-9 STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN. All permittee inspections shall be documented, and written reports prepared that contain the following information:

1. The date and location of the permittee inspection.
2. Whether construction complies with the approved stormwater management plan.
3. Variations from the approved construction specifications.
4. Corrective actions that have been taken to correct previous violations.
5. Any violations that exist.
6. The name and signature of the person who performed the inspection.
7. The Permittee inspection documentation shall be organized chronologically and be stored with the SWPPP.

E. If the County determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan in accordance Section 8.1-24 ENFORCEMENT of this Ordinance.

C. Permanent stormwater management facilities are subject to periodic and documented inspections by the County of Roanoke to determine if such facilities are adequately maintained and functioning, as designed.

D. The County of Roanoke 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 Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1; 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. Stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located and for which a recorded instrument is not required pursuant to 9VAC25-875-130, may be subject to periodic inspections by the County of Roanoke, or the County of Roanoke may conduct homeowner outreach and education or employ other methods targeted at promoting the long-term maintenance of such facilities.

Section 8.1-18 FINAL INSPECTION AND RECORD DOCUMENTATION.

- A. The permittee shall submit record drawings and supporting documentation for all stormwater management facilities and storm drainage systems associated with the project before final County of Roanoke inspection. Record drawings and supporting documents shall comply with the requirements contained in the County of Roanoke Stormwater Management Design Manual. Record drawings shall not be required where the Administrator does not require a formal maintenance agreement and access easement agreement for stormwater management facilities designed to treat stormwater runoff primarily from an individual single-family residential lot on which they are located.**
- B. Receipt of record drawings and supporting documentation as required under this Chapter, final inspection and approval by the County of Roanoke, execution and recordation of maintenance agreement, and permit termination is required before the final release of performance securities.**
- C. If it is determined from the record drawings, or inspections, that the storm drainage systems and the stormwater management facilities have not been constructed in accordance with the approved stormwater management plan, then corrective action will be taken to comply with the approved Plan or the permittee shall provide studies and information required by the County of Roanoke to demonstrate that the constructed system will function equivalent to the approved Stormwater Management Plan, and that all regulatory requirements are met.**
- D. A supplemental digital file of the record drawings shall be submitted to the County of Roanoke for its use in maintaining public records. The supplemental digital file shall comply with the requirements contained in the County of Roanoke Stormwater Management Design Manual.**

Section 8.1-19 POST-CONSTRUCTION MAINTENANCE INSPECTIONS OF SWMFs.

- A. Following the completion and acceptance of construction, the property owner is responsible for the maintenance and repair of stormwater structures and stormwater management facilities. The property owner shall ensure that proper maintenance and repair of stormwater structures and stormwater management facilities occur, and that periodic inspection, maintenance, and repair are performed so that the structures and facilities operate properly. All inspection, maintenance, and repair activities, performed by the property owner shall be documented. Documentation shall be submitted to the County of Roanoke, if requested.**
- B. Stormwater structures and stormwater management facilities that have recorded stormwater facility maintenance agreements shall be operated, inspected, maintained, and repaired by the property owner in conformance with the applicable performance requirements contained in the approved stormwater facility maintenance agreement.**
- C. Any stormwater structures and stormwater management facilities were required as a condition for parcel development. Therefore, they shall be operated, inspected, maintained,**

and repaired by the property owner, as necessary, for proper operation of the structures and facilities even if there is no recorded stormwater facility maintenance agreement. The following are the minimum maintenance requirements for stormwater structures and stormwater management facilities are required for all SWMFs including those that do not have a recorded stormwater facility maintenance agreement:

1. Stormwater structures and stormwater management facilities shall be inspected and maintained or repaired as needed, by the property owner, after significant rainfall events that cause localized flooding, and at least annually.
2. All structures and slopes shall be kept in a safe condition. Stormwater sheet flow shall not be converted to concentrated flow by extending downspouts or other drains toward streets or property lines. Rain gardens, pervious pavement, and other stormwater management facilities shall not be removed or rendered inoperable.
3. Stormwater management facilities and stormwater conveyance systems shall be kept clear of grass clippings, cut brush, and other debris.
4. All pipes and structures shall be kept clean and clear of debris that could decrease flow capacity.
5. Sediment and silt that washes into stormwater management facilities shall be removed and properly disposed of when the sediment and silt build up to the point that they adversely impact the facility's proper operation.
6. Trees and other woody plants shall be annually cut and removed from embankment slopes.
7. Trees and woody plants shall be cut and removed from non-embankment areas of a stormwater management facility as needed to avoid buildup of debris in the facility and to avoid a nuisance. Periodic cutting and brush removal shall occur at a frequency of at least once in three years.
8. Landscaping and grass cover shall be maintained for proper operation and erosion control. Replace landscaping as required. Repair erosion and replace grass cover as required.
9. Manufactured stormwater management facilities shall be maintained as recommended by the manufacturer.
10. Additional maintenance activities shall be performed, as needed, to maintain proper operation.

D. In addition to the inspections performed by the property owner, permanent stormwater management facilities are subject to periodic and documented inspections by the County

of Roanoke to determine if such facilities are adequately maintained and functioning. If the stormwater management facility has not been maintained and/or becomes a danger to public safety, public health, or the environment, the County of Roanoke shall notify the property owner by registered or certified mail. The notice shall specify the measures needed to comply and shall specify the time within which such measures shall be completed. If the responsible party fails or refuses to correct the violation, the County of Roanoke, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition, and recover the costs from the property owner.

- E. If stormwater management facility inspection requires entry into a confined space, or special equipment or training, then the County of Roanoke may hire licensed professionals to perform the inspection, or it may require the property owner to hire a licensed professional to perform the inspection. The cost for any licensed professionals to perform the required inspection shall be paid by or recovered from the owner.
- F. The County of Roanoke may utilize the inspection reports of the owner of a stormwater management facility as part of an inspection program established in subsection C 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 Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1; 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.
- G. The County of Roanoke will conduct post-construction inspections of privately-owned stormwater management facilities pursuant to the County of Roanoke's developed, and State Board's approved inspection program and will inspect each stormwater management facility at least once every five (5) years. For stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located and for which a recorded instrument is not required pursuant to 9VAC25-875-130, such facilities may be subject to periodic inspections by the County of Roanoke, or the County of Roanoke may conduct homeowner outreach and education or employ other methods targeted at promoting the long-term maintenance of such facilities.

Section 8.1-20 RECORDS OF SWMF INSPECTION, MAINTENANCE, AND REPAIR.

- A. Property owners responsible for the operation and maintenance of stormwater management facilities shall keepmake records of all inspections, maintenance, and repairs, and shall retain the records for at least five (5) years.
- B. Upon request from the County of Roanoke, property owners shall provide copies of records documenting property owner inspections, maintenance, and repairs.

Section 8.1-21 HEARINGS.

- A. Any applicant or operator, or person subject to the requirements of this ordinance, aggrieved by any action of the County of Roanoke taken without a formal hearing, or by inaction of the County of Roanoke, may demand in writing a formal hearing by the County Administrator or his or her designee, provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.
- B. The hearings held under this Section shall be conducted by the County Administrator or his or her designee on behalf of the County of Roanoke Board of ~~Supervisors at~~ Supervisors at any time and place authorized by the County Administrator or his or her designee, and such hearings shall be held in a manner consistent with local hearing procedures. In the event the County Administrator does not designate another individual to be the Administrator of this Ordinance, then the County Administrator shall designate someone other than the County Administrator to conduct the hearings held under this Section.
- C. A verbatim record of the proceedings of such hearings shall be taken and filed with the Clerk to the County of Roanoke Board of Supervisors. Depositions may be taken and read as in actions at law.
- D. The County Administrator or his or her designee shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the County Administrator or his or her designee, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.
- E. During the review, the County Administrator or his or her designee shall consider evidence presented by all parties. After considering the evidence, the County Administrator's (or his or her designee's) decision shall be final.

Section 8.1-22 APPEALS.

Final decisions of the County Administrator or his or her designee, under this chapter, shall be conducted in accordance with local appeal procedures and shall be subject to judicial review by the Roanoke 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 any permit applicant, permittee, or person subject to any enforcement action under this chapter.

Section 8.1-23 RIGHT OF ENTRY.

- A. Pursuant to all applicable law, the County of Roanoke or any duly authorized agent thereof, bearing proper credentials and identification, may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, which has a permit or a maintenance agreement, for the purpose of obtaining information

or conducting surveys or investigations necessary in the enforcement of the provisions of this ordinance.

- B. If the Administrator has cause to believe an activity regulated under this ordinance is occurring without a permit, or if the person in charge of the property refuses to allow the Administrator to enter in accordance with subsection (A), then the Administrator may present sworn testimony to a magistrate or court of competent jurisdiction and request the issuance of an inspection warrant to enter the property for the purpose of making such inspection and investigation. The Administrator shall make a reasonable effort to obtain consent from the owner or person in charge of the property prior to seeking the issuance of an inspection warrant under this section.
- C. Pursuant to all applicable law, and in accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, the County of Roanoke or any duly authorized agent thereof, bearing proper credentials and identification, may, at reasonable times and under reasonable circumstances, also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by conditions imposed by the County of Roanoke on a land-disturbing activity when an owner, after proper notice, has failed to take acceptable action within the time specified.

Section 8.1-24 ENFORCEMENT.

- A. If the Administrator determines that there is a failure to comply with the land disturbance approval or determines there is an unauthorized discharge, notice shall be served upon the operator or person responsible for carrying out the conditions of the land disturbance approval 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 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 conditions of the land disturbance approval and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection 2 or the permit may be revoked by the Administrator.
 - 2. If an operator or person responsible for carrying out the conditions of the land-disturbance approval fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue a stop work order requiring the owner, operator, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required land disturbance approval to cease all land-disturbing activities until the violation has ceased, or an approved plan and required land-disturbance approval are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with the County of Roanoke's enforcement procedures and this ordinance. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his/her address specified in the land records of the locality, 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, the Administrator 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~~ Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with ~~Subsection 5.7.C8.1-24C~~ this Ordinance.

- B. In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with the County of Roanoke's enforcement procedures and this ordinance.
- C. Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any condition of the land-disturbance approval by the Administrator may be compelled in a proceeding instituted in the Circuit Court of Roanoke County by the County of Roanoke to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy.

Section 8.1-25 PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS.

- A. A civil penalty may be imposed and a summons issued for violations that include but are not limited to the following, in accordance with § 62.1-44.15:63:
 - 1. Commencement of land disturbing activity without Construction General Permit coverage from Department (i.e., no permit registration statement submitted) (\$1,000 per day);
 - 2. Commencement of land disturbing activity without preparation of a SWPPP (\$500 per day);
 - 3. Commencement of land disturbing activity with an incomplete SWPPP, or failure to properly amend a SWPPP to reflect changes in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to surface waters and has not been previously addressed in the SWPPP (\$300 per day);

4. State permit registration statement not posted or SWPPP not available for review (\$300 per day);
5. Failure to comply with SWPPP requirements (\$300 per day);
6. Commencement of land-disturbing activity without an approved erosion and sediment control plan or land-disturbance approval pursuant to Section 3.2 (\$1,000 per day);
7. Failure to install stormwater BMPs or erosion and sediment controls (\$300 per day);
8. Failure to comply with the minimum standards in 9VAC25-875-560 (\$300 per day);
9. Improperly installed or improperly maintained stormwater BMPs or erosion and sediment controls (\$300 per day);
10. Operational deficiencies (\$300 per day);
11. Failure to conduct and document required inspections (\$300 per day);
12. Incomplete, improper, or missed inspections, including lack of proper signature (\$300 per day);
13. Discharges not in compliance with the requirements of Section 9VAC25-880-70 of the Construction General Permit (\$300 per day);
14. Failure to obey a Stop Work Order (\$1,000 per day); and
15. Failure to stop work when permit is revoked (\$1,000 per day).

B. Each day during which the violation is found to have existed shall constitute a separate offense. However, 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). The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of this section.

C. The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.

1. The Administrator, or his or her assignee, shall serve upon any owner or permittee in violation of this chapter, a summons notifying the owner or permittee of said violation. If unable to serve the owner or permittee in person, the County of Roanoke may notify by summons an owner or permittee committing or suffering the existence of a violation by certified, return receipt requested mail, of the infraction. The Roanoke County

Sheriff's Office may also deliver the summons. The summons shall contain the following information:

- i.a. The name and address of the person charged.
- ii.b. The nature of the violation and chapter provision(s) being violated.
- iii.c. The location, date, and time that the violation occurred, or was observed.
- iv.d. The amount of the civil penalty assessed for the violation.
- v.e. The manner, location, and time that the civil penalty may be paid to the County of Roanoke.
- vi.f. The right of the recipient of the summons to elect to stand trial for the infraction.

2. The summons shall provide that any person summoned for a violation may, within five (5) days of actual receipt of the summons or, within ten (10) days from the date of mailing of the summons, elect to pay the civil penalty by making an appearance in person, or in writing by mail to the County of Roanoke Treasurer's Office and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged and provide that a signature to an admission of liability shall have the same force and effect as a judgment in court; however, an admission shall not be deemed a criminal conviction for any purpose.

2. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the County of Roanoke shall cause the sheriff of the County of Roanoke to serve the summons on the person charged in the manner prescribed by law. The violation shall be tried in General District Court in the same manner and with the same right of appeal as provided for in Title 8.01 of the Code of Virginia. In any trial for a scheduled violation authorized by this section, it shall be the burden of the County of Roanoke to show the liability of the violator by the preponderance of the evidence. Any admission of liability or finding of liability shall not be a criminal conviction for any purpose.

a.

3. The remedies provided for in this section are cumulative, and are not exclusive and, except as provided above, shall be in addition to any other remedies by law.

b.

3.c. The owner or permittee may pay the civil penalty to the treasurer prior to the trial date, provided he also pays necessary court costs in addition to the civil penalty.

4.d. Within the period prescribed in (c), above, the owner or permittee, may contest the violation by presenting it to Administrator, who shall certify the contest in writing, on an appropriate form, to the General District Court.

5.e. Failure to pay the civil penalty, or to contest the violation, within the time period prescribed in (c), above, shall result in the immediate issuance of a stop work order and the revocation of the permit, if any.

- D. The owner of property which has sustained damage, or which is in imminent danger of being damaged, may apply to the Roanoke County Circuit Court to enjoin a violation or a threatened violation of Va. Code §§ 62.1-44.15:55, 62.1-44.15:56, without the necessity of showing that an adequate remedy at law does not exist.
- E. Civil penalty enumerated. 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 the County of Roanoke. Any civil penalties assessed by a court shall be paid into the treasury of the County of Roanoke, 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
- F. 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 chapter, the County of Roanoke may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (bB)(2) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (bB) or (eE).
- G. In addition to the penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the County of Roanoke in a civil action for damages.
- H. In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and the economic benefit to the violator from noncompliance.
- I. Any civil penalties assessed by a court because of a summons issued by the County of Roanoke shall be paid into the treasury of the County of Roanoke to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.
- J. Notwithstanding any other civil or equitable remedy provided by this ordinance or by law, any person who willfully or negligently violates any provision of this ordinance, any order of the Administrator, any condition of the land-disturbance approval, or any order of a

court shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

Section 8.1-26 FEES.

A. Fees to cover costs associated with plan and plat reviews shall be imposed in accordance with Table 1.

Table 1: Fees for plan and plat reviews

Fee Type	Fee
<u>Small Plat Review (Less than 5 parcels)</u>	<u>\$25.00</u>
<u>Large Subdivision Review (5 or more parcels)</u>	<u>\$350.00 + \$75.00 per lot</u>
<u>Site Plan Review</u>	<u>\$755.00 + \$75.00 per disturbed acre</u>

Erosion & Sediment Control Review:

-

<u>2,500 - 4,999 square feet of disturbance</u>	<u>\$25.00</u>
<u>5,000 - 9,999 square feet of disturbance</u>	<u>\$50.00</u>
<u>> 10,000 square feet of disturbance</u>	<u>\$350.00 + \$75.00 per disturbed acre</u>
<u>Stormwater Management Agreement Administration Fee</u>	<u>\$90.00</u>
<u>Second & Subsequent Renewals of Annual Permits (Erosion and Sediment Control, Site Plan, and/or Large Subdivision Development Permits)</u>	<u>\$750.00 (Due July 1st every year)</u>
<u>Vacations (Plats, Easements, & Rights-of-Way)</u>	<u>\$150.00 + \$600.00 advertising fee</u>
<u>Technology Fee</u>	<u>5% fee on all permit issuing fees (to be imposed on every transaction processed by the County of Roanoke's Department of Development Services & Department of Planning & Zoning related to applications for development, rezoning, construction, etc.)</u>

A.B. Fees to cover costs associated with implementation of a VESMP related to land disturbing activities and issuance of general permit coverage and VESMP authority permits shall be imposed in accordance with Table 12. [NOTE: Such fee attributes include the costs associated with plan review, VESMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with land-disturbing activities as well as state program oversight costs.] When a site or sites has/have been purchased for

development within a previously permitted common plan of development or sale, the applicant shall be subject to fees ("total fee to be paid by applicant" column) in accordance with the disturbed acreage of their site or sites according to Table 42.

Table 42: Fees for permit issuance

Fee type	Total fee to be paid by applicant (includes both the County of Roanoke and Department portions, where applicable)	Department portion of "total fee to be paid by applicant" fee paid*)
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$290	\$0
General/Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	\$290	\$81
General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	\$2,700	\$756
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400	\$952
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$4,500	\$1,260
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100	\$1,708

General/Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600	\$2,688
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* If the project is completely administered by the Department, such as may be the case for a state or federal project or projects covered by individual permits, then the entire applicant fee shall be paid to the Department.

B.C. Fees for the modification or transfer of registration statements from the general permit issued by the department shall be imposed in accordance with Table 23. If the general permit modifications result in changes to stormwater management plans that require additional review by ~~Locality~~the County of Roanoke, such reviews shall be subject to the fees set out in Table 23. 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 Table 12.

Table 23: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities

Type of Permit	Fee Amount
General/Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
General/Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

C.D. The following annual Annual permit maintenance fees shall be imposed in accordance with Table 34, 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. [NOTE: Fees specified in this Subsection go to the County of Roanoke.]

Table 34: Permit Maintenance Fees

Type of Permit	Fee Amount
Chesapeake Bay Preservation Act - Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$50
General/Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
General/Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General/Stormwater Management - Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$1,400

General permit coverage maintenance fees shall be paid annually to the County of Roanoke 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.E. The fees set forth in Subsections **A-B** through **C-D** of this section, 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.

E.F. Permit and permit coverage maintenance fees outlined under Section 8.1-265 ~~Section 5.8~~ may apply to each general permit holder.

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

1. Permittees who request minor modifications to general permits as defined in Section ~~1.28.1-2~~ of this ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the County of Roanoke 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 County of ~~Roanoke or~~ Roanoke or errors related to the acreage of the site.

E.H. 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 § 58.1-15 of the Code of Virginia and is calculated monthly at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The County of ~~Roanoke shall~~ Roanoke shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

Section 8.1-27 PERFORMANCE BOND.

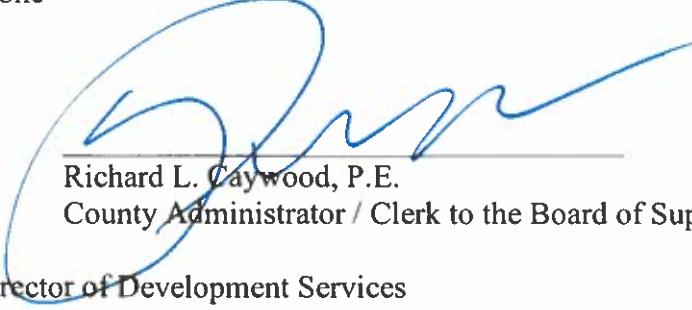
- A. Prior to issuance of any permit, the applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the County of Roanoke Attorney, to ensure that measures could be taken by the County of Roanoke at the applicant's expense should he/she fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him/her by the permit conditions as a result of his/her land disturbing activity. If the County of Roanoke takes such action upon such failure by the applicant, the County of ~~Roanoke may~~ Roanoke 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.

2. This ordinance shall be effective immediately upon adoption.

On motion of Supervisor North to approve the ordinance; seconded by Supervisor Radford and carried by the following roll call and recorded vote:

AYES: Supervisors Hooker, North, Mahoney, Shepherd, Radford
NAYS: None

A COPY TESTE:



Richard L. Caywood, P.E.
County Administrator / Clerk to the Board of Supervisors

CC: Tarek Moneir, Director of Development Services
Peter S. Lubeck, County Attorney