

***COMMERCIAL / INDUSTRIAL
&
SUBDIVISION (RESIDENTIAL / RURAL)***

***LAND DISTURBANCE / VIRGINIA
STORMWATER MANAGEMENT
PROGRAM (VSMP)***

PERMIT APPLICATION PACKAGE



***FREDERICK COUNTY,
VIRGINIA***

*Department of Public Works
Attention: Karen Orndorff
107 North Kent Street, Suite 200
Winchester, Virginia 22601
(540) 665-5643 Phone
(540) 678-0682 Fax
<http://www.fcva.us/departments/public-works>*

*Appendix 1
Frederick County code, Chapter 143
<http://ecode360.com/28859214>*

Effective date: October 2024

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LAND DISTURBANCE
AND VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) PERMIT
SUBMISSION CHECKLIST

This application package is designed to ensure that regulated land disturbing activities occur only after approval of an erosion and sediment control plan and/or a stormwater management plan. The erosion and sediment control application is **not** considered complete unless **all** the required information listed below is present. If any part of the required information is missing, the application will not be accepted by the Frederick County Public Works Department. **If an item listed below is not required for the proposed project, list “N/A” beside the appropriate item.**

- _____ 1. Completed Land Disturbance Permit Application
- _____ 2. An Erosion and Sediment Control Measures Bond will be required once the E&S Guarantee Estimate Form has been reviewed and approved. The Frederick County Monetary Guaranty Procedure Package can be found on-line at <https://www.fcva.us/departments/planning-development/forms-applications>
- _____ 3. Two (2) paper copies and one (1) electronic copy (.PDF) of the complete approved plan including, but not limited to, erosion and sediment control plan, stormwater management plan complete with narrative, engineering calculations and Responsible Land Disturber (RLD) information for the project including name, contact information, certificate number and date of expiration. (minimum plan size 24x36)
- _____ 4. DEQ Stormwater registration statement & Stormwater Pollution Prevention Plan (SWPPP)
- _____ 5. Land Disturbance Permit Fee Calculation Form
- _____ 6. Submit copies of all agency approval letters. (i.e. Frederick Water, VDOT, Fire Marshal, Building Inspections, etc.)
- _____ 7. VDOT temporary construction entrance permit approval, if applicable.
- _____ 8. Copies of all applicable local, state and federal environmental permits (Army Corp of Engineers Wetlands permit, DEQ Water Protection permit, etc.) if required
- _____ 9. Draft BMP Maintenance Agreement. (for review)

*Note: The applicable fee will be determined during review of the application package for all land disturbance permits. The fee shall be payable when the land disturbance permit is issued. **Do not submit any fees with the initial application.***

LAND DISTURBANCE PERMIT APPLICATION

DATE: _____ APPLICANT: _____

PROPERTY OWNER: _____

ADDRESS: _____

TELEPHONE: _____ E-MAIL: _____

ARCHITECT/ENGINEER: _____

ADDRESS: _____

TELEPHONE: _____ E-MAIL: _____

CONTRACTOR: _____

ADDRESS: _____

OFFICE TELEPHONE _____ E-MAIL: _____

24-HOUR EMERGENCY CONTACT NAME: _____

24-HOUR NUMBER: _____ E-MAIL: _____

PROJECT NAME: _____

MAGISTERIAL DISTRICT: _____

PROPERTY IDENTIFICATION NUMBER: _____

TOTAL AREA OF PROPERTY: _____

AREA TO BE DISTURBED: _____

(Actual disturbed area should be indicated, please do not round up)

ZONING OF PROPERTY: _____

TYPE OF PROJECT:

___ COMMERCIAL/INDUSTRIAL/SITE PLAN

___ SUBDIVISION PLAN *RESIDENTIAL/RURAL (CIRCLE ONE)*

VSMP # _____ (For office use only)

Frederick County Virginia - Dept. of Planning and Development

107 N. Kent St., Suite 202, Winchester, VA. 22601 Tel (540) 665-5651 Fax (540) 665-6395

**Monetary Guaranty Estimate Worksheet****Erosion & Sediment Control Measures & SWM / BMP**

Version 2.2 - 10-2025

Project Name:	SP#	Date
Design Firm:	Phone	
Contact	Email	

EA - Each / Count AC - Acre
 PIC - Provide Itemized Cost SY/IN - Square Yard / Inch
 LS - Lump Sum / Fixed Cost CF - Cubic Foot
 LF - Linear Foot CY - Cubic Yard
 SY - Square Yards VF - Vertical Foot

Bond Reduction (First, Second, Third)
Bond Reduction Date

Construction BMP (VSMH)		Unit	Quantity	Unit Price	Cost	Quantity	Extension	%Complete
C-ECM-01	(SW) Straw Wattles	LF		\$1.00				0.00%
C-ECM-02	(IDF) Impermeable Diversion Fence	LF		\$17.00				0.00%
C-ECM-03	(SID) Slope Interruption Device	LF		\$8.00				0.00%
C-ECM-04	(DD) Temporary Diversion Dike	LF		\$5.00				0.00%
C-ECM-05	(DV) Diversion	LF		\$10.00				0.00%
C-ECM-06	(FD) Temporary Fill Diversion	LF		\$2.00				0.00%
C-ECM-07	(RWD) Temporary Right-of Way Diversion	LF		\$1.00				0.00%
C-ECM-08	(WSFB) Waterbars and Sheet Flow Breakers	PIC						0.00%
C-ECM-09	(SCC) Stormwater Conveyance Channel (Seeded)	SY		\$10.00				0.00%
	(SCC) Stormwater Conveyance Channel (Sodded)	SY		\$20.00				0.00%
	(SCC) Stormwater Conveyance Channel (EC-2 / Temp.)	SY		\$30.00				0.00%
	(SCC) Stormwater Conveyance Channel (EC-3 / Perm.)	SY		\$40.00				0.00%
	(SCC) Stormwater Conveyance Channel (Rip-Rap)	SY		\$60.00				0.00%
C-ECM-10	(SD) Subsurface Drain	LF		\$50.00				0.00%
C-ECM-11	(PF) Paved Flume	SY		\$83.00				0.00%
C-ECM-12	(TSD) Temporary Slope Drain	LF		\$6.00				0.00%
C-ECM-13	(RR) Rip-Rap	SY		\$60.00				0.00%
C-ECM-14	(LS) Level Spreader	LF		\$250.00				0.00%
C-ECM-15	(OP) Outlet Protection (EC-1, Rip-Rap)	SY		\$60.00				0.00%
	(OP) Outlet Protection (Concrete)	SY		\$150.00				0.00%
C-ECM-16	(FTM) Flexible Transition Mat	SF		\$15.00				0.00%
C-SCM-01	(DC) Dust Control	LS		\$500.00				0.00%
C-SCM-02	(CRS) Construction Road Stabilization	SY		\$5.00				0.00%
C-SCM-03	(CE) Temporary Stone Construction Entrance	EA		\$2,500.00				0.00%
	(CE) Temporary Stone Construction Entrance w/ Wash Rack	EA		\$3,600.00				0.00%
C-SCM-04	(IP) Inlet Protection	EA		\$175.00				0.00%
C-SCM-05	(CIP) Culvert Inlet Protection	EA		\$250.00				0.00%



Erosion & Sediment Control Measures & SWM / BMP

Project Name:	SP#	Date
Design Firm:	Phone	
Contact	Email	

C-SCM-06	(WCFB) Wood Chip Filter Berm	LF	\$1.00
C-SCM-07	(CD) Rock Check Dams	EA	\$260.00
C-SCM-08	(RFO) Rock Filter Outlet	SY	\$60.00
C-SCM-09	(TC) Turbidity Curtain	LF	\$16.00
C-SCM-10	(DS) Dewatering Structure	LF	\$3.00
C-SCM-11	(ST) Temporary Sediment Trap (1 AC.)	EA	\$2,000.00
	(ST) Temporary Sediment Trap (2 AC.)	EA	\$2,500.00
	(ST) Temporary Sediment Trap (3 AC.)	EA	\$3,000.00
C-SCM-12	(SB) Temporary Sediment Basin (Include Riser)	EA	\$5,000.00
	+ \$1,000 per acre to basin	AC	
C-SCM-13	(CWP) Concrete Washout Pit	EA	\$1,000.00
C-SSM-01	(TP) Tree Preservation and Protection	LF	\$10.00
C-SSM-02	(TO) Topsoiling	AC	\$1,500.00
C-SSM-03	(SR) Surface Roughening	SF	\$0.25
C-SSM-04	(CB) Compost Blankets	SY	\$12.00
C-SSM-05	(B/M) Soil Stabilization Blankets	SY	\$15.00
C-SSM-06	(SOD) Sodding	SY	\$8.00
C-SSM-07	(BE/ZE) Bermuda & Zoysiagrass Establishment	SY	\$7.50
C-SSM-08	(VEG) Trees, Shrubs, Vines, and Ground Cover	SY	\$25.00
C-SSM-09	(TS) Temporary Seeding	AC	\$2,500.00
C-SSM-10	(PS) Permanent Seeding	AC	\$3,000.00
C-SSM-11	(MU) Mulching	AC	\$3,750.00
C-PCM-01	(SAF) Safety Fence	LF	\$4.00
	(SAF) Chain-link Construction Fence (6')	LF	\$30.00
C-PCM-02	(STB) Straw Bale Barrier	LF	\$8.00
C-PCM-03	(BB) Brush Barrier	LF	\$2.00
C-PCM-04	(SF) Silt Fence	LF	\$8.00
	(SSF) Super Silt Fence	LF	\$13.00
C-PCM-05	(CFS) Compost Filter Sock	LF	\$5.00
C-ENV-01	(VSS) Vegetative Streambank Stabilization	SY	\$6.00
C-ENV-02	(SSS) Structural Streambank Stabilization	LF	\$60.00
C-ENV-03	(SC) Temporary Vehicular Stream Crossing	EA	\$2,500.00
C-ENV-04	(USC) Utility Stream Crossing	EA	\$1,800.00

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Erosion & Sediment Control Measures & SWM / BMP

Project Name:	SP#	Date
Design Firm:	Phone	
Contact	Email	

C-ENV-05	(CD) Cofferdam Crossing	PIC	
C-ENV-06	(SWC) Stable Wetland Crossing	SY	\$7.00
C-ENV-07	(GB) Gabions	CY	\$70.00
C-ENV-08	(PAD) Pump Around Diversion	PIC	
C-ENV-09	(OCP) Overnight Channel Protection	PIC	
C-ENV-10	(TSF) Trenchless Silt Fence	LF	\$8.00
C-ENV-11	(WB) Wetland Berm	LF	\$15.00
C-ENV-12	(WWO) Wetland Weir Outlet	EA	\$1,000.00
C-ENV-13	(WCST) Wetland Cell Sediment Trap	EA	\$3,500.00
C-ENV-14	(MTC) Modified Turbidity Curtain for Streams	LF	\$16.00
C-ENV-15	(SMSSW) Seed, Mulch, Soil Stabilization Wetland Streams	SY	\$2.00

Construction BMP (VSMH) Sub-Total		\$0.00
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Post-Construction BMP (VSMH)		Unit	Quantity	Unit Price	Cost
P-BAS-01	Constructed Wetlands	PIC			
P-BAS-02	Wet Pond	PIC			
SWM Risers or Outfall (Total Wet Ponds)		EA		\$10,000.00	
SWM Facility Storage (Total Wet Ponds)		CF		\$0.51	
P-BAS-03	Extended Detention Pond	PIC			
SWM Risers or Outfall (Total Extended Detention Ponds)		EA		\$10,000.00	
SWM Facility Storage (Total Extended Detention Ponds)		CF		\$0.51	
P-BAS-04	Rainwater Harvesting	PIC			
P-CNV-01	Dry Swales	PIC			
P-CNV-02	Grass Channel	PIC			
P-CNV-03	Wet Swales	PIC			
P-CNV-04	Regenerative Stormwater Conveyance	PIC			
P-FIL-01	Rooftop/Impervious Surface Disconnection	PIC			
P-FIL-02	Vegetative Roof	PIC			
P-FIL-03	Permeable Pavement	PIC			
P-FIL-04	Infiltration Practices	PIC			
P-FIL-05	Bioretention	PIC			
BMP Treatment Cells (Total)		EA		\$3,000.00	

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Monetary Guaranty Estimate Worksheet

Erosion & Sediment Control Measures & SWM / BMP

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Project Name:	SP#	Date
Design Firm:	Phone	
Contact	Email	

BMP Facility Storage (Total)		CF	\$4.00
P-FIL-06	Filtering Practices	PIC	
P-FIL-07	Sheet Flow to Vegetated Filter Strip / Conserved Open Space	PIC	
P-FIL-08	Soil Compost Amendment	PIC	
P-FIL-09	Tree Planting	PIC	
P-SUP-01	Earthen Embankment	PIC	
P-SUP-02	Principal Spillway	PIC	
P-SUP-03	Vegetated Emergency Spillway	PIC	
P-SUP-06	Pretreatment	PIC	
P-SUP-07	Quantity-Only Approach to BMP's (Detention Basin / Uderground Basin)	PIC	
P-SUP-08	Permanent Level Spreader	PIC	
Post-Construction BMP Sub-Total			\$0.00

Hydrodynamic Devices (BMP Clearinghouse Approved)	Unit	Quantity	Unit Price	Cost
Aqua-Swirl® Stormwater Treatment System	PIC			
Aqua-Swirl® Xcelerator Treatment System	PIC			
Barracuda™ MAX Hydrodynamic Separator	PIC			
Cascade Separator™	PIC			
Continuous Deflective Separator (CDS) Stormwater Treatment Device	PIC			
Debris Separating Baffle Box (DSBB) Hydrodynamic Separator	PIC			
Downstream Defender	PIC			
Dual Vortex Separator (DVS) Stormwater Treatment Device	PIC			
First Defense® Optimum Vortex Separator	PIC			
HydroDome (HD) Stormwater Separator	PIC			
HydroStorm Hydrodynamic Separator	PIC			
Nutrient Separating Baffle Box® (NSBB) with Hydro-Variant Technology Stormwater Treatment Device	PIC			
SciClone Hydrodynamic Separator	PIC			
SciCloneX Hydrodynamic Separator	PIC			

		0.00%
		0.00%
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		0.00%
		0.00%
		0.00%
		0.00%
		0.00%
		0.00%
		0.00%
Sub-Total	\$0.00	0.00%
Quantity	Extension	%Complete
		0.00%
		0.00%
		0.00%
		0.00%
		0.00%
		0.00%
		0.00%
		0.00%
		0.00%
		0.00%



Erosion & Sediment Control Measures & SWM / BMP

Project Name:	SP#	Date
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Sitesaver®	PIC
StormSettler Hydrodynamic Separator	PIC
BMP Clearinghouse Approved Hydrodynamic Devices Sub-Total	\$0.00
Filtering Devices (BMP Clearinghouse Approved)	Unit Quantity Unit Price Cost
BayFilter™ Using Enhanced Media Cartridges (EMC)	PIC
BioPod™ Biofilter	PIC
EcoPure BioFilter™ Filtration System	PIC
EcoPure BioFilter™ 2-Cell	PIC
Filtterra®	PIC
Filtterra® Bioscape™	PIC
Filtterra® Bioretention Systems	PIC
Filtterra® HC Bioretention System	PIC
FocalPoint High Performance Modular Biofiltration System (HPMBS)	PIC
Jellyfish® Filter	PIC
Kraken™ Membrane Filter	PIC
Kraken™ Stormwater Filtration Systems	PIC
MWS-Linear Modular Wetland	PIC
Oldcastle Infrastructure PerkFilter™ (with ZPC Filter Media)	PIC
StormTree® Biofiltration Practice	PIC
Stormwater Management StormFilter® with ZPG™ media	PIC
Stormwater Management StormFilter® with Phosphosorb® media	PIC
Modular Wetland System Linear (MWS-Linear)	PIC
Up-Flo® Filter Using Filter Ribbons	PIC
Up-Flo® Filter EMC (Extended Maintenance Cartridge)	PIC
HydroChain™ Chamber Main header Row (MHR)	PIC
HydroChain™ Vortex Filter (HCVF)	PIC
HydroFilter	PIC
Ferguson R-Tank	PIC
StormGarden™ Modular Stormwater Bio-Filtration System	PIC
StormKeeper® Sediment Trap	PIC

[illegible]

Frederick County Virginia - Dept. of Planning and Development

107 N. Kent St., Suite 202, Winchester, VA. 22601 Tel (540) 665-5651 Fax (540) 665-6395



Monetary Guaranty Estimate Worksheet

Erosion & Sediment Control Measures & SWM / BMP

Version 2.2 - 10-2025

Project Name:	SP#	Date
Design Firm:	Phone	
Contact	Email	

StormKleener™ Cartridge System (StormKleener Filter)	PIC	
Stormscape Filter	PIC	
StormTech Isolator Row PLUS	PIC	
Aqua-Filter™ Stormwater Filtration Systems	PIC	
Aqua-Ponic™ Stormwater Biofiltration Systems	PIC	
BMP Clearinghouse Approved Filtering Devices Sub-Total		\$0.00

		0.00%
		0.00%
		0.00%
		0.00%
		0.00%
Sub-Total	\$0.00	0.00%

Frederick County Virginia - Dept. of Planning and Development

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Monetary Guaranty Estimate Worksheet

Erosion & Sediment Control Measures & SWM / BMP

Version 2.2 - 10-2025

Project Name:	SP#	Date
Design Firm:	Phone	
Contact	Email	

Erosion & Sediment Control Miscellaneous	Unit	Quantity	Unit Price	Cost
Clean & Repair Traps, Basins & Channels \$20,000 / 33 Hrs.)	(Min. PIC/LS		\$20,000.00	
Erosion & Sediment Control Miscellaneous Sub-Total				\$0.00
Construction BMP (VSMH)			Sub Total	\$0.00
Post-Construction BMP (VSMH)			Sub Total	\$0.00
Hydrodynamic Devices (BMP Clearinghouse Approved)			Sub Total	\$0.00
Filtering Devices (BMP Clearinghouse Approved)			Sub Total	\$0.00
Erosion & Sediment Control Miscellaneous			Sub Total	\$0.00
Combined Sub-Total				\$0.00
Contingency			25%	\$0.00
Bond Estimate Total				\$0.00

Quantity	Extension	%Complete
		0.00%
Sub-Total	\$0.00	0.00%
	Extension	%Complete
	\$0.00	0.00%
	\$0.00	0.00%
	\$0.00	0.00%
	\$0.00	0.00%
	\$0.00	0.00%
	\$0.00	0.00%

Name (Print)

Signature / Date

Professional's Seal

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
GENERAL VPDES PERMIT FOR DISCHARGES OF
STORMWATER FROM
CONSTRUCTION ACTIVITIES (VAR10)**

PERMIT #: _____
PLAN/ID #: _____

Application type. ☐ **NEW PERMIT ISSUANCE**
(CHOOSE ONE) ☐ **MODIFICATION WITH ACREAGE INCREASE: Permit # _____**
 ☐ **MODIFICATION WITHOUT ACREAGE INCREASE: Permit # _____**
 ☐ **EXISTING PERMIT REISSUANCE: Permit # _____**

Section I. Operator/Permittee/Billing Information.

A. Construction Activity Operator (Permittee). The person or entity that is applying for permit coverage and will have operational control over construction activities to ensure compliance with the general permit. A person with signatory authority for this operator must sign the certification in Section V (per Part III.K of the VAR10 Permit).	
Operator Name:	
Contact person:	
Address:	
City, State and Zip Code:	
Phone Number:	
Primary and CC Email(s):	
State Corporation Commission Entity Number (if applicable):	
B. Electronic correspondence. To receive an emailed coverage letter or to pay by credit card, you must choose YES and include a valid email. May we transmit correspondence electronically? YES <input type="checkbox"/> NO <input type="checkbox"/>	

Section II. Construction Activity Information.

A. Include a legible site map showing the location of the existing or proposed land-disturbing activities for which the operator is seeking permit coverage, the limits of land disturbance, construction entrances, construction support activities, and all waterbodies receiving stormwater discharges from the construction site.	
B. Project site location information.	
Construction Activity Name:	
Address:	
City and/or County and Zip Code:	
Construction Activity Entrance Location (description or street address):	
Latitude and Longitude (6-digit, decimal degrees format, e.g. 37.1234, -78.1234):	
C. Acreage totals for all land-disturbing activities to be included under this permit coverage. Report to the nearest one-hundredth of an acre.	
Total area of the construction site (including off-site area):	
Estimated area to be disturbed by the construction activity (on-site only):	
Off-site estimated area to be disturbed (if applicable; please also refer to Section III):	
D. Construction Activity Status:	FEDERAL <input type="checkbox"/> STATE <input type="checkbox"/> PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/>
E. Nature of the Construction Activity Description (i.e. commercial, industrial, residential, agricultural, utility, solar, linear, stream restoration, etc.):	

CONSTRUCTION GENERAL PERMIT (VAR10) REGISTRATION STATEMENT 2024

F. Municipal Separate Storm Sewer System (MS4) name(s) (if the construction activity is discharging to an MS4):	
G. Estimated Construction Activity Dates.	
Start Date:	
Completion Date:	
H. Is this construction activity part of a larger common Plan of development or sale?	YES <input type="checkbox"/> NO <input type="checkbox"/>
I. 6 th Order Hydrologic Unit Code (HUC) and Receiving Water Name(s). Include additional areas on a separate page.	
HUC	NAME(S) OF RECEIVING WATER WWATERBODY

Section III. Off-site Support Activity Location Information.

List all off-site support activities and excavated material disposal areas being utilized for this project. Include additional areas on a separate page.	
Off-site Activity Name:	
Address:	
City or County:	
Off-site Activity Entrance Location (description or street address):	
Latitude and Longitude (6-digit, decimal degrees format, e.g., 37.1234, -78.1234):	
Is this off-site activity an excavated material disposal area?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If this off-site activity is an excavated material disposal area, list the contents of the excavated fill material:	
Will a separate VPDES permit cover this off-site activity?	YES <input type="checkbox"/> Permit # _____ NO <input type="checkbox"/>

Section IV. Other Information.

A. A Stormwater Pollution Prevention Plan (SWPPP) must be prepared in accordance with the requirements of the General VPDES Permit for Discharges of Stormwater from construction activities <u>prior to</u> submitting the registration statement. By signing the registration statement, the operator certifies the SWPPP has been prepared.	
B. Has an Erosion and Sediment Control Plan been submitted to the VESC Authority for review?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Erosion and Sediment Control Plan Approval Date: (for the estimated area to be disturbed; MM/DD/YYYY)	
C. Has land-disturbance commenced?	YES <input type="checkbox"/> NO <input type="checkbox"/>
D. Standards and Specifications. If this project is utilizing approved Standards and Specifications (S&S), attach the completed S&S Entity Form.	
E. Will nutrient credits be used to comply with the water quality design criteria requirements (9VAC25-875-580)? YES <input type="checkbox"/> NO <input type="checkbox"/> (If yes, please include a copy of the letter of availability from an appropriate nutrient bank that nonpoint source nutrient credits are available.)	

CONSTRUCTION GENERAL PERMIT (VAR10) REGISTRATION STATEMENT 2024

Section V. Certification. A person representing the operator as identified in Section I.A and meeting the requirements of Part III.K of 9VAC25-880-70 must physically sign this certification. A typed signature is not acceptable. Please note that operator is defined in 9VAC25-875-20 as follows:

“Operator” means the owner or operator of any facility or activity subject to the VESMA and this chapter. 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., the person is authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions). In the context of stormwater discharges from an MS4, “operator” means the operator of the regulated MS4 system.

9VAC25-880-70. Part III.K. Signatory requirements. All registration statements shall be signed as follows:

- a. *“For a corporation: by a responsible corporate officer. For the purpose of this chapter, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;*
- b. *For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or*
- c. *For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this chapter, a principal executive officer of a public agency includes (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.”*

Certification: "I certify under penalty of law that I have read and understand this registration statement and that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Printed Name: _____

Signature (signed in ink): _____

Date Signed: _____

Section VI. Submittal Instructions. Submit this form to the VESMP Authority. If the locality is the VESMP Authority, please send your registration statement submittal directly to the locality; do NOT send this form to DEQ. A list of local VESMP Authorities is available here: [VESMP Authorities](#).

If DEQ is the VESMP Authority, please send to:

**Department of Environmental Quality
Office of Stormwater Management Suite 1400
PO Box 1105
Richmond VA 23218
constructionp@deq.virginia.gov**

If the locality is the VESMP Authority, please send to:

The Local VESMP Authority (insert address below):

Frederick County Public Works 107 North Kent Street Suite 200 Winchester, Virginia 22601

CONSTRUCTION GENERAL PERMIT (VAR10) REGISTRATION STATEMENT 2024

INSTRUCTIONS

PLEASE DO NOT PRINT OR SUBMIT

This registration statement is for coverage under the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (also referred to as the Construction General Permit). This form covers the following permit actions: new permit issuance, existing permit modification with an increase in acreage, existing permit modifications that result in a plan modification but do not result in an increase in disturbed acreage, and reissuance of an active permit coverage.

Application type. Select **NEW PERMIT ISSUANCE** to obtain a new permit coverage. Modifications are for modifying an existing, active permit coverage. Select **MODIFICATION WITH ACREAGE INCREASE** when the previously approved acreage(s) increases (permit modifications are not performed for decreases in acreage unless they result in plan changes – see Modification WITHOUT Acreage Increase). Select **MODIFICATION WITHOUT ACREAGE INCREASE** when there is a change to the site design resulting in a change to the approved plans with no increase in acreage(s). Select **EXISTING PERMIT REISSUANCE** to extend an expiring permit coverage for the next permit cycle and include the existing permit number.

Section I. Operator/Permittee/Billing Information.

A. Construction Activity Operator (Permittee). The person or entity that is applying for permit coverage and will have operational control over construction activities to ensure compliance with the general permit. For companies, use the complete, active, legal entity name as registered with a state corporation commission. Entities that are considered operators commonly consist of the property owner, developer of a project (the party with control of project plans and specifications), or general contractor (the party with day-to-day operational control of the activities at the project site that are necessary to ensure compliance with the general permit). If an individual person is listed as the operator, that person (or a legal representative of) must sign the certification in Section V. An operator may be one of the following:

9VAC25-875-20. *Definitions.*

“Operator” means the owner or operator of any facility or activity subject to the VESMA and this chapter. 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., the person is authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions). In the context of stormwater discharges from an MS4, “operator” means the operator of the regulated MS4 system.

“Owner” means the same as that term 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 of the freehold of the premises of 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.

“Person” means any individual, partnership, firm, association, joint venture, public or state 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.

B. May we transmit correspondence electronically? If you choose **YES** to this question and provide an email address in Section I. A., all correspondence, forms, invoices and notifications will be transmitted by email to the operator. This will also give the operator the ability to pay by credit card and to receive permit coverage approval letters immediately upon permit approval.

Section II. Construction Activity Information.

A. A legible site map showing the location of the existing or proposed land-disturbing activities for which the operator is seeking permit coverage, the limits of land disturbance, construction entrances, construction support activities, and all water bodies receiving stormwater discharges from the construction site must be included with the submittal of this form. Aerial imagery maps or topographic maps showing the required items are acceptable. Plan sheet sized site maps are not required. Please consult your VESMP authority if you have additional questions regarding site map requirements.

B. Construction Activity Name and location. Provide a descriptive name of the construction activity to be covered under the general permit (it is helpful to use the same naming convention as listed on the Stormwater Management plans), 911 street address (if available), city/county of the construction activity, and the 6-digit latitude and longitude in decimal degrees format for the centroid, main construction entrance or start and end points for linear projects (i.e., 37.1234, -77.1234).

C. Acreage totals for all construction site activities, on- and off-site, to be included under this permit. Acreages are to be reported to the nearest one-hundredth acre (two decimal places, i.e., 1.15 acres). Provide the total acreage of the construction site as approved on the Stormwater Management Plans and the estimated on-site acreage to be disturbed by the construction activity as approved under the Erosion and Sediment Control Plans. The off-site estimated area to be disturbed is the sum of the disturbed acreages for all off-site support activities to be covered under this general permit. The total area of the construction site includes the construction support activities located on-site and off-site. Permit fees are calculated based on your disturbed acreage total for all on- and off-site areas being disturbed under this permit coverage (the sum of all on-site and off-site disturbed acreages).

D. Construction activity owner status. The status of the construction activity property owner. Any property not owned by a government entity or agency (i.e. federal, state or local governments) is **PRIVATE**.

E. Nature of the construction activity description. Choose the designation that best describes the post-construction use of this project (you may choose more than one). (i.e. commercial, industrial, residential, agricultural, utility, solar, linear, stream restoration, etc.). Describe the post-construction use of the project (i.e. commercial – one new office building and associated parking and utilities; transportation – linear roads, sidewalks and utilities; agricultural – three poultry houses, etc.).

F. Municipal Separate Storm Sewer System (MS4) name(s) if discharging to an MS4. If stormwater is discharged through an MS4 (either partially or completely), provide the name of the MS4(s) that will be receiving water from this construction activity. The MS4 name is typically the town, city, county, institute, or federal facility where the construction activity is located.

G. Estimated construction activity dates. Provide the estimated construction activity start date and completion date in Month/Day/Year or MM/DD/YYYY format (i.e. 07/30/2019).

H. Is this construction activity is part of a larger common plan of development or sale? Per 9VAC25-875-20, “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 (i.e. a subdivision, commercial development, business park, etc.).

I. Sixth (6th) Order Hydrologic Unit Code (HUC) and associated Receiving Water Name(s). Provide all 6th order HUCs and receiving waterbody names, for the primary site and any off-site areas included under this permit coverage, that could potentially receive stormwater runoff discharging from this activity. The HUC can be either a 12-digit number (i.e., 0208010101) or 2-letter, 2-number code (i.e., JL52). Include additional HUCs or receiving waters on a separate page. You may utilize DEQ’s web-based GIS application to obtain this information.

- DEQ Environmental Data Mapper (EDM) application link: [Environmental Data Mapper](#)
- Instructions, help and resources for using DEQ’s EDM application link: [EDM Help & Resources](#)

Section III. Off-site Support Activity Location Information.

This general permit also authorizes stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas, etc.) located on-site or off-site provided that (i) the support activity specifically supports the construction activity that is required to have general permit coverage; (ii) the support activity is not a commercial operation, nor does it serve multiple unrelated construction activities by different operators; (iii) the support activity does not operate beyond the completion of the construction activity it supports; (iv) the support activity is identified in the registration statement at the time of general permit coverage; (v) appropriate control measures are identified in a SWPPP and implemented to address the discharges from the support activity areas; and (vi) all applicable state, federal, and local approvals are obtained for the support activity.

Off-site activity name and location information. Provide a descriptive off-site project name, 911 street address (if available), construction entrance location (address or description), city/county and the 6-digit latitude and longitude in decimal degrees (i.e., 37.1234, -77.1234) of all off-site support activities. Indicate whether the off-site support activity will be covered under this general permit or a separate VPDES permit.

If excavated material (i.e., fill) will be transported off-site for disposal, the name and physical location address, when available, of all off-site excavated material disposal areas including city or county; 6-digit latitude and longitude in decimal degrees (i.e., 37.1234, -77.1234) and the contents of the excavated material.

List additional off-site areas to be included under this permit coverage on a separate page. Off-site areas not included on this registration will need to obtain coverage under a separate VPDES permit.

Section IV. Other Information.

A. A stormwater pollution prevention plan (SWPPP) must be prepared prior to submitting the registration statement per 9VAC25-880. See 9VAC25-880-70 Part II Of the General Permit for the SWPPP requirements.

B. If the Erosion and Sediment Control Plan for the estimated area to be disturbed listed in Section II. C has been submitted to the Virginia Erosion and Sediment Control Program (VESCP) Authority for review and approval, choose **YES**. If you are submitting this application to reissue an existing permit coverage, please provide the date that the VESCP Authority approved the Erosion and Sediment Control Plan for the estimated area to be disturbed. If land disturbance has commenced, choose **YES**. “Land disturbance” or “land-disturbing activity” means a man-made 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.

D. If this project is using approved Standards and Specifications (S&S), attach the completed S&S Entity Form. If the S&S Entity is different from the operator identified in Section I.A., list the S&S Entity Name. The S&S entity is the entity or agency that holds the approved standards & specification. Please indicate if this project is also requesting a plan waiver.

- S&S Entity Form link: [Standards and Specifications Entity Information Form](#)

E. If nutrient credits will be used to comply with the water quality design criteria requirements (9VAC25-875-590), choose **YES**. In addition, include a copy of the letter of availability from an appropriate nutrient bank that nonpoint source nutrient credits are available. If nutrient credits will not be used, choose **NO**.

Section V. Certification.

A properly authorized individual associated with the operator identified in Section I.A. of the registration statement is responsible for certifying and signing the registration statement. A person must physically sign the certification, a typed signature is unacceptable. State statutes provide for severe penalties for submitting false information on the registration statement. State regulations require that the registration statement be signed as follows per 9VAC25-880-70 Part III.K.1:

"a. For a corporation: by a responsible corporate officer. For the purpose of this part, a responsible corporate officer means:

- (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or*
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure;*

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this part, a principal executive officer of a public agency includes:

- (i) the chief executive officer of the agency, or*
- (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.*

Section VI. Submittal Instructions.

Submit this completed signed form to the VESMP/VSMP authority that has jurisdiction for your construction activity. The appropriate authority may be either the local government your locality depending on the location and type of project or DEQ. If your project is under the jurisdiction of a local VESMP authority, please contact the locality for additional submittal instructions. A blank area is provided for the local VESMP authority's mailing address.

Who is the authority for my project? DEQ or the locality?

- **DEQ:** DEQ is the VSMP Authority and administers permit coverage for land-disturbing activities that are:
 - within a locality that is not a VESMP authority;
 - owned by the State or Federal government; or
 - utilizing approved Standards and Specifications.

Email the completed and signed form to: constructiongp@deq.virginia.gov

- **The Locality:** The local government (locality) is the VESMP authority and administers permit coverage for all other projects not covered by DEQ as listed above. For these projects, please submit permit forms directly to the local VESMP authority. A list of local VESMP authorities is available on DEQ's website here: [Local VESMP Authority List](#).

FREDERICK COUNTY, VIRGINIA
Department of Public Works
LAND DISTURBANCE PERMIT FEE CALCULATION FORM
Effective October 1, 2020

Plan Name:

Disturbed Area (acres):

Section I: Land Disturbance Permit Application Fee

A. New Projects		
1. Application Fee (\$500)		\$
2. Supplemental Fee	\$100 x	\$
B. Projects started without permit		
1. Application Fee (\$1,500)		\$
2. Supplemental Fee	\$200 x	\$
Subtotal Section I.		\$

Section II: VSMP Application Fee (where applicable)

Land disturbance equal to or greater than 1 acre and less than 5 acres	\$	2,700
Land disturbance equal to or greater than 5 acres and less than 10 acres	\$	3,400
Land disturbance equal to or greater than 10 acres and less than 50 acres	\$	4,500
Land disturbance equal to or greater than 50 acres and less than 100 acres	\$	6,100
Land disturbance equal to or greater than 100 acres	\$	9,600
Subtotal Section II.		\$

Subtotal Section I.	\$
Subtotal Section II.	\$
Total Section I & II.	\$

Prepared/Submitted By:

Verified By:

Engineer/Surveyor/Applicant

Date

Department of Public Works

Date

Frederick County, Virginia

Fee schedule for VSMP/ VESCP permits (Effective October 1, 2020)

Table 1: Fees for coverage under the VSMP Construction General Permit/ VESCP

Type of Permit	Total Fee Paid by Applicant	Portion to be Paid to DEQ
VESCP permit fee (all land disturbing activities, excluding individual single family dwellings)	\$500 + \$100/acre	N/A
VESCP permit fee (land disturbing activities begun without permit, excluding individual single family dwellings)	\$1,500 + \$200/acre	N/A
VESCP permit fee for single family detached/attached residential structures within or outside a common plan of development or sale with land disturbance acreage less than five (5) acres)	\$290	N/A
VESCP permit fee (single family dwellings begun without permit)	\$580	N/A
VESCP single family dwelling re-inspection fee	\$75	N/A
VSMP 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
VSMP 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
VSMP 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
VSMP 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
VSMP 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

A. Fees for the modification or transfer of coverage under the VSMP Construction General Permit issued by the Administrator shall be imposed in accordance with Table 2. If the permit modifications result in changes to stormwater management plans that require additional review by the Administrator, such reviews shall be subject to the fees set out in Table 2 based on the total disturbed acreage of the site. Modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial state permit fee paid and the state permit fee that would have applied for the total disturbed acreage in Table 1.

Table 2: Fees for the modification or transfer of registration statements for the VSMP Authority Permit for Discharges of Stormwater from Construction Activities

Type of Permit	Fee Amount
VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre, (also includes single-family detached residential structures within or outside a common plan of development or sale with land disturbance acreage less than 5 acres)	\$20
VSMP 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)	\$200
VSMP 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
VSMP 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
VSMP 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
VSMP 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

B. Permit maintenance fees. (9VAC25-875-1420):

1. The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the VSMP Authority Permit, these fees shall apply until the permit coverage is terminated.
2. VSMP Authority Permit coverage maintenance fees shall be paid annually to the VSMP Authority, by the anniversary date of VSMP Authority General Permit coverage, in accordance with Table 3. No VSMP Authority permit will be reissued or automatically continued without payment of the required fee. VSMP Authority permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

Table 3: VSMP Authority Permit Maintenance Fees

Type of Permit	Fee Amount
VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre, also includes single family detached residential structures within or outside a common plan of development or sale with land disturbance acreage less than 5 acres.)	\$50
VSMP 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)	\$400
VSMP 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
VSMP 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
VSMP 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
VSMP 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

- C. The fees set forth in subsections A-C, above, shall apply to:
1. All persons seeking coverage under the VSMP Authority Permit or VESCP permit if VSMP not required.
 2. All permittees who request modifications to or transfers of their existing registration statement for coverage under a VSMP Authority Permit.
 3. Persons whose coverage under the VSMP Authority Permit has been revoked shall reapply for an Individual Permit for Discharges of Stormwater from Construction Activities.
 4. Permit and permit coverage maintenance fees outlined under Section may apply to each VSMP Authority Permit holder.
- D. No VSMP Authority Permit application fees will be assessed to Permittees whose permits are modified or amended at the initiative of the VSMP Authority, excluding errors in the registration statement identified by the Director or errors related to the acreage of the site.
- E. All incomplete VSMP permit fee payments will be deemed as nonpayment's, and the applicant shall be notified of any incomplete permit fee payments. Interest may be charged for late permit fee payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The Administrator shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

STORMWATER MANAGEMENT/BMP FACILITIES MAINTENANCE AGREEMENT

(VERSION 12/2022)

THIS AGREEMENT, made and entered into this ____ day of _____, 20____, by and between _____ (insert full name of Owner(s)) hereinafter called the “Landowner”, and the BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA, hereinafter call the “County.”

WITNESSETH, that

WHEREAS, the Landowner is the owner of certain real property described as

(insert County of Frederick tax map/parcel identification number(s)) as recorded by deed in the land records of the County of Frederick, Virginia as Deed Book _____, Page _____, or as Instrument Number _____, hereinafter called the “Property”;

WHEREAS, the Landowner is proceeding to build on and/or develop the Property; and
WHEREAS, the Site Plan/Subdivision Plan/Stormwater Plan known as _____ (insert name of plan), hereinafter called the “Plan”, which is expressly made a part hereof, as approved or to be approved by the County, provides for detention and/or retention of stormwater within the confines of the Property; and

WHEREAS, the County and the Landowner, its successors and assigns, including any homeowner’s association, agree that the health, safety, and welfare of the residents of the County of Frederick, Virginia, require that on-site stormwater management/BMP facilities be constructed and maintained on the Property; and

WHEREAS, the County requires that on-site stormwater management/BMP facilities as shown on the Plan be constructed and adequately maintained by the Landowner, its successors and assigns, including any homeowner’s association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

The on-site stormwater management/BMP facilities shall be constructed by the Landowner, its successors and assigns, in accordance with the approved plans and specifications. The locations of any BMPs/stormwater management facilities are denoted in Exhibit A. If the Plan utilizes conserved open space to manage stormwater, such open space is depicted in Exhibit B. The Landowner shall not build or permit to be built any structures within nor shall the Landowner make or permit any material land disturbance to the open space area depicted in Exhibit B, including for the purpose of constructing stormwater management/BMP facilities.

The Landowner, its successors and assigns, including any homeowner's association, shall adequately maintain the stormwater management/BMP facilities. This includes all pipes and channels built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions. The Landowner, its successors and assigns, including any homeowners' association, shall maintain the stormwater management/BMP facilities in accordance with the schedule set forth in the Maintenance Plan, which is attached hereto as Exhibit C, and incorporated herein by reference.

The Landowner, its successors and assigns, shall inspect the stormwater management/BMP facility and submit an inspection report at least every five (5) years. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection report shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report. The inspection shall be performed by an individual who meets the qualifications as outlined in §143-210, Frederick County Code.

The Landowner, its successors and assigns, hereby grant permission to the County, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management/BMP facilities whenever the County deems necessary. The purpose of inspection is to follow-up on reported deficiencies and/or to respond to citizen complaints. The County shall provide the Landowner, its successors and assigns, copies of the inspection findings and a

directive to commence with the repairs if necessary. The County shall attempt to notify the Owner of the inspection and the Owner shall be afforded the opportunity to accompany the County during the inspection.

In the event the Landowner, its successors and assigns, fails to maintain the stormwater management/BMP facilities in good working condition acceptable to the County, the County may enter upon the Property and take whatever steps necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs to the Landowner, its successors and assigns. This provision shall not be construed to allow the County to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management/BMP facilities. It is expressly understood and agreed that the County is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the County.

The Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management/BMP facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed.

In the event the County pursuant to the Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the County upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the County hereunder.

This Agreement imposes no liability of any kind whatsoever on the County and the Landowner agrees to hold the County harmless from any liability in the event the stormwater management/BMP facilities fail to operate properly.

This Agreement shall be recorded among the land records of the County of Frederick, Virginia, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowner's association.

This agreement shall be governed by the laws of the Commonwealth of Virginia.

Any disputes arising from or as a result of this Agreement shall be resolved in the Circuit Court for the County of Frederick, Virginia or the Federal District Court in Harrisonburg.

If any provision of this Agreement is found to be illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this agreement.

Individual/Company/Corporation/Partnership Name (Seal)

By: _____

(Type Name)

(Type Title)

STATE OF _____

COUNTY/CITY OF _____

The foregoing was acknowledged before me this _____ day of _____, 20____,
by _____(name of person signing document), as, if
applicable, _____ (title on behalf of corporation or entity) of
_____ (name of corporation or entity), on behalf of the
entity.

Notary Public

My Commission Expires: _____

Notary Registration Number: _____

STORMWATER MANAGEMENT/BMP FACILITIES MAINTENANCE AGREEMENT

Dated _____

Page 4

COUNTY OF FREDERICK, VIRGINIA

By: _____

(Type Name)

(Type Title)

STATE OF _____

COUNTY/CITY OF _____

The foregoing was acknowledged before me this _____ day of _____, 20____,
by _____ (name of person signing document), as, if
applicable, _____ (title on behalf of corporation or entity) of
_____ (name of corporation or entity), on behalf of the
entity.

Notary Public

My Commission Expires: _____

Notary Registration Number: _____

Approved as to form: _____

County Attorney

AFTER OBTAINING A LAND DISTURBANCE PERMIT:

1. Prior to initiating any land disturbing activity, it will be necessary to schedule an on-site pre-construction meeting with Public Works staff to discuss the approved erosion and sediment control/stormwater management plan. *No pre-construction meetings will be scheduled prior to issuance of the land disturbance permit for the subject project.*
2. Phase one of erosion and sediment control measures will consist of performing only the land disturbing activity necessary to implement the erosion and sediment control measures in accordance with the approved plan.
3. Contact the Public Works department to schedule the **required** erosion and sediment control measures inspections as indicated by the program administrator (540-665-5643)
4. Once the erosion and sediment control measures have been installed in accordance with the approved plan and have been inspected, Public Works will grant authorization to commence the remainder of the land disturbing activity.
5. Periodic inspections will be performed by the Public Works department to ensure that the erosion and sediment control measures/stormwater management plan are maintained in accordance with the approved plan throughout the life of the project.
6. For projects with VSMP permit coverage, submit a General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10) Notice of Termination to Public Works upon completion of the project as well as any required items identified on the termination checklist (as-builts, maintenance agreement, etc.)
<https://www.fcva.us/departments/public-works/land-disturbance>
7. In order for the performance bond/letter of credit to be refunded, a written request must be submitted to the Planning and Development department along with any applicable bond management fees. A site inspection will be conducted, and the bond/letter of credit shall be released once the site fully complies with the final stabilization requirements outlined in Chapter 143 of the Frederick County Code.

FOR RESIDENTIAL SUBDIVISION PLANS ONLY:

1. Prior to issuance of building permits, the following infrastructure shall be completed and stabilized within the subdivision, subsection or phase as shown on the approved plan:
 - a. Stormwater conveyance systems, including but not limited to culverts, road surface, curb and gutter, stormwater structures, drainage swales and ditches and channel linings.
 - b. Submittal of certified as-built plans for the subdivision, subsection or phase, which includes but is not limited to stormwater structures, road surface, curb and gutter, drainage swales and ditches. A letter from the engineer-of-record shall be included with the as-built plan which states that the subdivision has been constructed in accordance with the approved plan.



CHECKLIST OF ITEMS REQUIRED TO COMPLETE BOND RELEASE FOR PRIVATE STREETS

THE FOLLOWING WILL BE REQUIRED TO BE FURNISHED TO FREDERICK COUNTY AT LEAST THIRTY (30) DAYS PRIOR TO REQUESTING THE RELEASE OF BONDS WHICH INCLUDE PRIVATE STREETS.

1. One set and one electronic copy (in PDF Format preferred – individual file size no larger than 2 MB – may need to store as individual sheets) of As-Built Construction Plans per the attached checklist.
2. One copy of the final plats with date and place of recordation, deed book number and page number or instrument number.
3. Surety to guarantee workmanship and performance of material for one year from date of acceptance. Surety amount provided by Frederick County after acceptance of construction. It is necessary that the surety instrument be provided for one year, beginning the month of the release of the original bond. (if submitting a check for the surety, Frederick County must be provided the tax identification number of the company writing the check)
4. Per the attached Inventory of Streets, a sketch fully annotated and clearly readable of subdivision layout, providing a realistic representation of the street network with north arrow, arrangement of streets and centerline stationing matching approved construction drawings. (no less than 8.5"x11" and not greater than 11"x17")

Frederick County Land Disturbance/Stormwater Permit Termination Checklist

- ☐ Permit Termination Requirements Met:
 - 1. Necessary permanent controls measures included in the SWPPP for the site are in place and functioning effectively and final stabilization has been achieved for all portions of the site for which the operator is responsible;
 - 2. Another operator has assumed control over all areas of the site that have not been fully stabilized and obtained coverage for ongoing discharge;
 - 3. Coverage under an alternate VPDES or state permit has been obtained; or
 - 4. For residential construction only, temporary soil stabilization has been completed and the residence has been transferred to the homeowner.

- ☐ Submit DEQ Notice of Termination form to Public Works.
<http://www.fcva.us/departments/public-works/stormwater-program-information>

- ☐ Submit construction record drawings(s), or as-builts, for permanent stormwater management facilities (if applicable) including all conveyance system components. As-built information shall include:
 - 1. A copy of the applicant's inspection log book. The log should document all aspects of the construction of the facility to insure compliance with the approved plan and should include:
 - i. Compaction tests for all embankments.
 - ii. Inspection logs related to the of the removal of unsuitable material under and adjacent to the embankment foundation, construction of the cut off trench and other seepage control measures, compaction around the barrel, riser footing structure.
 - iii. As-built shop drawings for all pre-cast concrete control structures and/or other manufactured water quality devices.
 - iv. Verification of location, dimensions, spacing and material of any anti-seep collars, concrete cradles or other seepage control devices.
 - v. Logs related to any sinkhole remediation efforts.
 - vi. Certification records for all bioretention media
 - 2. A red-line revision of the approved plans and computations including:
 - i. A red check mark made beside design values where they agree with constructed values
 - ii. For changed values, "line out" design value and enter actual value in red
 - iii. Elevations to the nearest 0.1-foot
 - iv. A stage-storage summary table comparing design values to actual values for each facility with a storage volume.
 - v. Details for conveyance systems including pipe sizes, slopes, inverts, etc.
 - vi. Location of any sinkholes identified during construction.
 - vii. Signature and seal of a registered Virginia professional.
 - 3. Engineer's certification statement (see County website)

- ☐ Record the BMP Maintenance Agreement and any BMP Conservation Easements (if needed)

- ☐ VSMP Permit Maintenance Fees Due (if applicable)

- ☐ Schedule a Final Inspection with Public Works

- ☐ Submit a request in writing to the Planning and Development Department requesting the release of the bond. Also, if the bond amount was more than \$10,000 a check for \$300 is required along with request.

Frederick County Public Works - Land Disturbance Permit Process

