

Does Frederick County regulate discharges from sump pumps, downspouts, foundation drains, driveway culverts, etc.?

Private drainage systems (such as sump pumps, driveway culverts, downspouts, etc.), yard runoff and ground water are the property owner's responsibility. Drainage directed from gutters, downspouts or other private systems to neighboring properties is a civil matter between the property owners. Frederick County requires newly constructed homes to pass a final grading inspection upon completion of construction in order to insure that the new home drains properly and does not negatively impact adjoining properties. Frederick County is not responsible for ongoing maintenance of private drainage systems, however. Property owners who fail to maintain private drainage systems can be subject to legal action from neighboring property owners negatively affected by inadequate maintenance.

What is a drainage easement?

As defined in the Frederick County Code, "an easement established to maintain and protect a drainageway." A drainage easement can also be created in an area traversed by a naturally occurring stream or other drainageway. Such an easement "shall substantially follow the line of such drainageway and shall be of sufficient width to preserve the natural drainage" as indicated in the Frederick County Code. Drainage easements are private property. They are typically intended to provide storm drainage for multiple lots. Nothing shall be placed or planted within the easement which will impede the flow of drainage.

Who is responsible for maintenance of drainage easements?

The property owners' association is responsible for maintenance of all storm management facilities within a subdivision as indicated in the Frederick County Code. Enforcement of any covenants relating to drainage easements and maintenance of common areas within a subdivision are also the responsibility of the association. For properties not belonging to a property owners' association, it is the individual property owners' responsibility to maintain drainage in such a way as to not negatively impact neighboring properties or waterways. Property owners who fail to maintain drainage easements can be subject to legal action from neighboring property owners negatively affected by inadequate maintenance.

What is the County Code regarding discharge of plumbing wastewater ("gray" water)?

§ 161-301.03

Disposition of wastewater from plumbing fixtures.

It shall be unlawful for any person to allow the wastewater from any sink, bathtub or any other plumbing fixtures of any nature to run or drain onto the surface of the ground. All such wastewater shall be discharged into a drain tile and stone ditch and pit, as directed by the Health Department.

Please note that the Lord Fairfax Health District regulates issues related to plumbing/sewage/septic discharges. The Frederick/Winchester Environmental Health Department may be reached at:

107 North Kent Street, Suite 201

Winchester, VA 22601

Phone: (540) 722-3480

Fax: (540) 722-3479

Where can I find information about the Virginia Responsible Land Disturber program?

http://www.deq.virginia.gov/Portals/0/DEQ/ConnectwithDEQ/Training/ESC/RLD_FAQ.pdf

Please note that this program is administered by the Virginia Department of Environmental Quality and *not* through Frederick County.

Frederick County Code references

Stormwater/Erosion and Sediment Control (County Code Chapter 143): <http://ecode360.com/28859214>

Property Owners' Associations: § 144-32 and § 165-201.11

Link to County Code: <http://ecode360.com/FR1364>

Virginia Administrative Code references

Chapter 840 Erosion and Sediment Control Regulations: <http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+9VAC25-840>

Chapter 870 Virginia Stormwater Management Program (VSMP) Regulations: <http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+9VAC25-870>

Chapter 3.1 Article 2.3 Stormwater Management Act: <http://law.lis.virginia.gov/vacodefull/title62.1/chapter3.1/article2.3/>

Chapter 3.1 Article 2.4 Erosion and Sediment Control Law: <http://law.lis.virginia.gov/vacodefull/title62.1/chapter3.1/article2.4/>

Virginia Building Code references

2012 Virginia Residential Code Chapter 4 – Foundations

http://codes.iccsafe.org/app/book/content/VA/2012_VA_Residential_HTML/Chapter%204.html

R401.3 Drainage.

Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection that does not create a hazard to the dwelling unit. Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048 mm).

Exception: Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152 mm) of fall within 10 feet (3048 mm), drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2.0 percent away from the building.

2012 Virginia Residential Code Chapter 33 - Storm Drainage

Information regarding subsoil drains and sump pumps:

http://codes.iccsafe.org/app/book/content/VA/2012_VA_Residential_HTML/Chapter%2033.html

2012 VA Plumbing Code Chapter 11 – Storm Drainage

Information regarding roof drainage and storm drainage materials:

http://codes.iccsafe.org/app/book/content/VA/2012_VA_Plumbing_HTML/Chapter%2011.html