



Erosion and Sediment Control in James City County

Erosion and Sediment Control Ordinance Requirements

Before you clear, grade, excavate, transport, and fill land in James City County, you may need to prepare an erosion and sediment control plan and obtain a Land-Disturbing Permit. In general, if you plan to disturb an area in excess of 2,500 square feet (an area 50 feet by 50 feet) and it is for other than agricultural or forestry related purposes, a permit is required.

To determine if you will need to obtain a permit for your land-disturbing activity, contact:

Department of Development Management
Engineering and Resource Protection Division
101-E Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187
Phone: (757) 253-6670
Fax: (757) 259-4032

Also, visit the Engineering and Resource Protection Division website at www.jccegov.com, where additional information and application forms are available.

In the case of construction of single-family residences, a Land-Disturbing Permit is not required. However, a Building Permit must be applied for and Zoning and Engineering and Resource Protection approval must be obtained before a lot can be cleared. This also includes completing an Agreement in Lieu of a Plan. For information about the Building Permit process, call Building Safety and Permits at (757) 253-6626.

If a Land-Disturbing Permit is required for your project, the following items must be prepared, submitted or obtained:

1. The project must obtain **Preliminary Approval**, if applicable.
2. An approved **Erosion and Sediment Control (E&SC) Plan** is required. This plan details, in narrative and plan format, the measures, methods and techniques to be implemented to control erosion and sedimentation prior to, during, and after land-disturbing activities. This plan must be prepared in accordance with the provisions of the Virginia Erosion and Sediment Control Handbook (VESCH) and Chapter 8 of the Code of James City County. The plan also must include the James City County, Engineering and Resource Protection Division, Erosion and Sediment Control and Stormwater Management Design Plan Checklist and Standard Erosion and Sediment Control Notes.

3. A completed **Land Disturbing Permit Application** is required. Following approval of the plan, this application must be completed by the landowner, not the contractor, or other third party. Dates for expiration of the plan and completion of the project will be supplied by the Engineering and Resource Protection Division.
 - **Please note that before accepting this application, County staff will verify that all real estate taxes owed for the subject properties have been paid in full in accordance with Section 24-24. If you are unsure if your payments are up-to-date, please contact the County Treasurer at 757-253-6705**
4. **Responsible Land-Disturber Notification** is required. The applicant must provide the name of an individual holding a valid Responsible Land Disturber (RLD) certificate of competence who will be responsible for the land-disturbing activity prior to engaging in the land-disturbing activity. This will be necessary prior to issuance of a land-disturbing permit for the project, not during the erosion and sediment control plan approval process. It is required that the designated RLD attend the preconstruction conference for the project. Visit the Virginia Department of Conservation and Recreation, Soil & Water Conservation website at <http://www.dcr.virginia.gov> for additional information about the Responsible Land Disturber program.
5. A **Siltation Agreement** completed by the landowner and/or contractor (whichever is applicable) with the required performance surety is required. If a bond or letter of credit is utilized for the surety, complete the appropriate attached form. If cash surety is to be provided, it must be either a certified or cashier's check made payable to Treasurer, James City County. The surety amount is computed by the County after plan approval and is based on the specific approved erosion control measures required for the project. The Agreement and surety document must be approved as to form by the County Attorney's Office prior to scheduling the onsite preconstruction meeting.
6. Payment of the **Erosion and Sediment Control Plan Review and Inspection Fee** is required. The permit fee is based on the amount of disturbed area for a site plan and/or the number of lots within a subdivision. For a non-residential site plan, the fee is \$600 per acre of disturbance for the first 15 acres plus \$400 per acre for each additional acre over 15. For a residential site plan, the fee is \$840 per acre of disturbance for the first 15 acres plus \$560 per acre for each additional acre over 15. The fee is prorated for disturbed acreages less than an acre. If it is a residential subdivision, the fee is \$70 per lot. Fees are due at time of submission of the Erosion and Sediment Control plan. There is no maximum fee.
7. An executed **Declaration of Covenants - Inspection/Maintenance of Drainage System** is required for any runoff control facility and conveyance system including any Best Management Practice (BMP) or drainage facilities that control or convey stormwater runoff. This document is must be approved as to form by the County Attorney's Office and recorded in the County Land Records.
8. Completion of a **Stormwater Facilities Data Sheet** and payment of **Stormwater Facilities Inspection Fees**, if applicable to the project. Contact the James City County, Stormwater Division at (757) 259-1460 or visit the Stormwater Division website at www.jccegov.com for additional information.

Before Construction Can Begin

After the above conditions are met and before the Land-Disturbing Permit can be issued, an onsite preconstruction meeting must be held. The purpose and content of the meeting are fully described in the County Engineering and Resource Protection and Stormwater Divisions **Policies for Erosion Control Preconstruction Meetings**. Prior to the meeting, the contractor must submit any proposed changes or deviations from the approved plan **Sequence of Construction** to the Division for approval.

Prior to issuance of a local Land-Disturbing Permit, the applicant, owner, contractor or responsible land-disturber is required to provide the Engineering and Resource Protection Division proof of evidence of permit coverage under the Virginia Stormwater Management Program (VSMP), General Permit for Discharge of Stormwater from Construction Activities. This can be done prior to or during the preconstruction meeting. This can be a copy of a registration statement or actual secured permit in accordance with current requirements of the Virginia Stormwater Management Program and the Virginia Department of Conservation and Recreation, Division of Soil & Water Conservation. This is required prior to issuance of a Land-Disturbing Permit and start of land-disturbing activities.

For more information about the Virginia DCR-VSMP program, visit the Virginia Stormwater Management Program permit website at http://www.dcr.virginia.gov/soil_and_water/vsmp.shtml

After this meeting and following proper notifications to the Engineering and Resource Protection Division, the Land-Disturbing Permit will be released and construction activities can begin.

At completion of the project and prior to release of surety, the following items must be provided:

1. Record Drawings and Construction Certifications are required for all stormwater facilities including stormwater management/BMP facilities and storm drainage conveyance systems. Record drawings and construction certifications must meet established program requirements of both the County Engineering and Resource Protection and Stormwater Divisions. For additional information, refer to Engineering and Resource Protection Division requirements in the *Stormwater Management/BMP Facilities, Record Drawing and Construction Certification, Standard Forms and Instructions* and County Stormwater Division requirements in the *Stormwater Facilities Inspection Fee Program*.
2. Surety will be released at the completion of the land-disturbing activity, upon approval of record drawings and construction certifications and in accordance with applicable ordinance requirements. This includes adequate vegetative stabilization of all disturbed sitework areas, the removal of all temporary erosion and sediment control measures, and the stabilization of areas disturbed by the BMP conversion, demobilization and temporary erosion and sediment control measure removal operations.