

## CHAPTER 1 INTRODUCTION

### 1.1 INTRODUCTION

Development projects in the County are subject to various locally implemented environmental programs as required by the following state and federal laws and regulations:

- the **Erosion and Sediment Control Law** (§ 62.1-44.15:51 et seq. of the State Code) and the Erosion and Sediment Control Regulations (9VAC25-840),
- the **Chesapeake Bay Preservation Act** (§ 62.1-44.15.67 et seq. of the State Code) and the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830),
- the **Virginia Stormwater Management Act** (§ 62.1-44.15:24 et seq. of the State Code) and the Virginia Stormwater Management Regulations (9VAC25-870 et seq.), and
- the **National Pollutant Discharge Elimination System** (NPDES) and the **Virginia Pollutant Discharge Elimination System** (VPDES) developed under the authority of § 402(p) of the Clean Water Act.

In order to provide assistance in complying with these programs, the ***Henrico County Environmental Compliance Manual*** (the Manual) has been developed by the Department of Public Works. The Manual will provide the programmatic and technical details necessary to comply with the various environmental requirements.

### 1.2 CHAPTER SUMMARIES

#### **Chapter 2: Definitions and Acronyms**

Chapter 2 of the Manual provides a listing of the definitions and the acronyms used throughout the Manual and the Ordinance (Henrico County Code, Article II, Chapter 10 - Environment)

#### **Chapter 3: Regulated Land Disturbing Activities and Applicable Requirements**

Development in Henrico County is subject to numerous environmental programs required by various state laws and regulations. Application of these requirements occur during the plan review process for proposed subdivisions,

plans of development (PODs), construction of single-family dwellings and other activities that will result in land-disturbance. Chapter 3 provides guidance for determining the requirements that must be addressed in developing a plan for environmental compliance.

#### **Chapter 4: Grandfathered and Previously Permitted Projects and Applicable Technical Criteria**

Although the Virginia Stormwater Management Program Regulations include new stormwater design criteria for controlling the quality and quantity of stormwater runoff from development projects, the regulations also include provisions to avoid delaying or negatively impacting previously designed projects that were in the review and approval process and those that had obtained coverage under a General Construction Permit prior to July 1, 2014. These provisions were included in the Henrico County Code and are described in Chapter 4.

#### **Chapter 5: Environmental Compliance Plan Requirements**

Land-disturbing activities in Henrico County are subject to the requirements of numerous environmental programs as a result of mandates imposed by various state laws and regulations. Implemented individually, these programs would require separate plan submittals to address the individual programs (an ESC plan, a SWM plan, etc.). In an effort to provide a unified approach to addressing the various requirements, the County's program requires the development of an Environmental Compliance Plan (ECP). The ECP is the "umbrella" that covers all the requirements applicable and is discussed in Chapter 5.

#### **Chapter 6: Chesapeake Bay Preservation Areas and Stream Protection Areas**

Virginia's Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC10-20 et seq.) require local governments to implement ordinances designed to protect and restore the quality of perennial streams and their associated tidal and/or non-tidal wetlands, as the conditions in these environments have been determined to directly affect the condition of the Chesapeake Bay. The County's requirements related to these environmental features are found in Sec. 24-106.3 of the Henrico County Code. Chesapeake Bay Preservation Areas include Resource Protection Areas and Resource Management Areas. In addition, the County also provides protection of intermittent streams with greater than 100 acres of drainage in the form of the Stream Protection Area. The requirements associated with these environmental features are discussed in Chapter 6.

## **Chapter 7: Environmental Site Assessment Requirements**

Chapter 7 of the Manual includes the requirements for an Environmental Site Assessment (ESA). The ESA is an inventory of the sensitive environmental features that are located on or adjacent to a project site. These features indicate the presence of Resource Protection Areas (RPAs), Resource Management Areas (RMAs), Stream Protection Areas (SPAs), and wetlands that may impact the development project. A completed ESA is a required component of an Environmental Compliance Plan (ECP) and the required ESA form is found on the Henrico County “Erosion and Sediment Control – Standard Notes” plan sheet.

## **Chapter 8: Erosion and Sediment Control (ESC) Plan Requirements**

To minimize the detrimental effects of erosion and sedimentation, Henrico County requires that those individuals responsible for land disturbing activities take the proper steps to control erosion and sedimentation. This locally implemented program is required by the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia) and must comply with requirements and minimum standards of the Erosion and Sediment Control Regulations (9VAC25-840). These requirements are discussed in Chapter 8.

## **Chapter 9: Stormwater Management Plan Requirements**

The Virginia Stormwater Management Program (VSMP) Act and Regulations require that Henrico County adopt a local program to administer the requirements. Chapter 9 includes the requirements that must be addressed in stormwater management plans that are required for certain regulated land-disturbing activities.

## **Chapter 10: Pollution Prevention Plan**

Virginia Stormwater Management Program (VSMP) land-disturbing activities covered under the General Construction Permit (GCP) are required to develop a Stormwater Pollution Prevention Plan (SWPPP). One of the components of the SWPPP is the development of a Pollution Prevention Plan (PPP) that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges related to the construction site. The requirements of a PPP are discussed in Chapter 10.

### **Chapter 11: Total Maximum Daily Loads**

A Total Maximum Daily Load (TMDL) is a "pollution diet" that identifies the maximum amount of a pollutant the waterway can receive and still meet water quality standards. Various TMDLs have been developed for waterways throughout Virginia, including the Chesapeake Bay. As a condition of the GCP, measures addressing applicable TMDLs must be applied to development projects. Chapter 11 of the Manual describes these measures.

### **Chapter 12: General Construction Permit**

Stormwater discharges from construction activities (such as clearing, grading, excavating, and stockpiling) that result in an acre or more of land disturbance or smaller sites that are part of a larger common plan of development or sale are regulated by the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities. This permit is known as the General Construction Permit (GCP) and is issued by DEQ. However, Henrico County administers and enforces the requirements of the GCP. The GCP is described in Chapter 12 of the Manual.

### **Chapter 13: Stormwater Pollution Prevention Plan Requirements**

A Stormwater Pollution Prevention Plan (SWPPP) is a required component of the GCP. The SWPPP includes the steps and techniques that will be used to reduce pollutants leaving a construction site and must identify all potential pollution sources as well as measures that will be implemented to reduce pollutants from these sources. SWPPPs must be developed and implemented in accordance with the requirements described in Chapter 13.

### **Chapter 14: Technical Criteria for Grandfathered and Previously Permitted Projects**

Projects that are considered grandfathered as described in Chapter 4 of this Manual and those that had GCP coverage prior to July 1, 2014 are not required to apply the stormwater management (SWM) technical criteria of Chapter 9. Instead, these projects may continue to apply the technical criteria and the SWM facility design criteria that are contained in Chapter 14.

### **Chapter 15: Municipal Separate Storm Sewer System Program Requirements**

Discharges to the County's municipal separate storm sewer system (MS4) are regulated in accordance with a VPDES permit. Measures applicable to

development projects are described in Chapter 15.

### **Chapter 16: Environmental Compliance Bond**

Although compliance with the requirements of this Manual are to be done at the expense of the owner or operator, financial assurances must be provided to ensure all necessary measures could be completed by the Administrator should the owner or operator fail to fulfill the requirements of the ECP. This is accomplished through the use of an Environmental Compliance Bond (ECB). Chapter 16 includes a discussion of the ECB and related requirements.

### **Chapter 17: Pre-Construction Meetings**

A pre-construction meeting is required before any regulated land-disturbing activity begins. The pre-construction meeting serves as the vehicle to bring operator representatives and County representatives together to discuss the project and review the Environmental Compliance Plan (ECP) and its implementation, as well as addressing administrative requirements listed in this chapter. This process is described in Chapter 17.

### **Chapter 18: Operator Responsibilities**

Chapter 18 explains the responsibilities of operators of projects regulated by the requirements of this Manual.

### **Chapter 19: Review, Approval, and Modification of the Environmental Compliance Plan**

Chapter 19 of the Manual describes the requirements and processes for review, approval and modification of ECPs developed in accordance with this Manual.

### **Chapter 20: Environmental Compliance Enforcement**

Chapter 20 of the Manual describes the various enforcement measures that may be used by the Administrator to enforce compliance with the applicable requirements. These measures vary from verbal warnings to stop work orders to injunctions.

### **Chapter 21: Waters of the United States, State Waters, and Wetlands**

Chapter 21 discusses requirements related to Waters of the United States, State Waters, and wetlands that are applicable to land-disturbing activities conducted in Henrico County.