

## CHAPTER 5

### ENVIRONMENTAL COMPLIANCE PLAN REQUIREMENTS

#### 5.1 INTRODUCTION

As previously discussed, 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.). This would result in duplicative plan preparation efforts and introduction of administrative hurdles such as inconsistent plan review timelines, enforcement provisions, 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 to the various types of land-disturbing activities described in Chapter 3.

#### 5.2 APPLICABILITY

In accordance with Sec. 10-30 of the Henrico County Code, an approved ECP is required prior to commencement of any regulated land-disturbing activity as described in Chapter 3 of this Manual

#### 5.3 REQUIRED INFORMATION

In accordance with Sec. 10-32 of the Henrico County Code, an ECP must contain the following:

1. General Information that includes:
  - a. A statement that the plan was prepared by a professional (engineer, architect, landscape architect, or land surveyor) registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq) of Chapter 4 of Title 54.1 of the Code of Virginia;
  - b. Information demonstrating the plan conforms to any subdivision plat/plan or plan of development required in accordance with Chapter 19 or 24 of the Henrico County Code;
  - c. A tree protection plan that satisfies the requirements of Sec. 24-106.2 of the Henrico County Code;

- d. The location of Resource Protection Areas (RPAs), Stream Protection Areas (SPAs), and buffers required by conditions of zoning , development or use;
- e. A certification by the permittee that 1) all wetlands, RPAs, SPAs, and buffers located on the site will be conspicuously delineated, 2) the permittee will notify the Administrator upon completion of the delineation, and 3) all wetlands, RPAs, SPAs, and buffers located on the site will not be disturbed unless authorized by the Administrator;
- f. A comprehensive drainage plan that clearly indicates items such as 1) existing and proposed drainage structures located onsite and those located offsite that will receive drainage from the project, and 2) topography and/or direction of flow;
- g. Information necessary to demonstrate that land disturbance is the minimum necessary to provide for the proposed use or development;
- h. A statement by the permittee acknowledging that the U.S. Army Corps of Engineers and the Department may have additional jurisdiction over wetlands not regulated by the County; and
- i. Evidence that all applicable U.S. Army Corps of Engineers and state permits needed for activities in state waters and wetlands or appropriate waivers of jurisdiction have been obtained;
- j. Lots which have special building permit requirements shall be identified on the construction plans as follows: NBP1, NBP2, NBP3.
  - i. NBP1 – All lots requiring grading and drainage improvements. Submittal of a certification of construction compliance is required by the engineer of record prior to issuance of permit.
  - ii. NBP2 – All lots that include storm sewer outfalls. Submittal of a certified, surveyed plat identifying the location of the storm sewer easement and installed drainage improvements is required by the engineer of record prior to issuance of permit.
  - iii. NBP3 – All lots identified as having permit restrictions related to sediment basin/trap locations. Lots adjacent to or containing a sediment basin or sediment trap that will not be converted to a permanent SWM facility must be identified on the plan sheet and with notes stating that building permits will not be issued for these lots until the basins, traps and/or diversions are removed. Building permits for lots adjacent to a sediment basin or trap may be issued once a letter has been received from the contract purchaser acknowledging the presence of the sediment basin or trap.

2. Information necessary to demonstrate compliance with the requirements of the Chesapeake Bay Preservation Area (CBPA) program as described in Chapter 6;
3. Information concerning the presence and location of certain environmental land features that are present on the site will be provided in the form of an Environmental Site Assessment (ESA) as described in Chapter 7; and
4. Information necessary to demonstrate compliance with the Municipal Separate Storm Sewer System (MS4) requirements as described in Chapter 15.

In addition to items 1 through 4, the following components are also required depending on the type of land-disturbing activity (VESCP vs. VSMP vs. CBPA) proposed (see Table 5.1). For assistance in determining whether the proposed development is a VSMP land-disturbing activity, refer to Chapter 3 of this Manual.

5. Information necessary to demonstrate compliance with the Erosion and Sediment Control (ESC) plan requirements for VESCP land-disturbing activities as described in Chapter 8;
6. Information necessary to demonstrate compliance with the stormwater management (SWM) plan requirements for VSMP land-disturbing activities and CBPA land-disturbing activities as described in Chapter 9;
7. Information necessary to demonstrate compliance with the pollution prevention plan (PPP) requirements for VSMP land-disturbing activities as described in Chapter 10;
8. Information necessary to demonstrate compliance with the measures required as a result of applicable Total Maximum Daily Loads (TMDLs) for VSMP land-disturbing activities as described in Chapter 11;
9. Information necessary to demonstrate compliance with the stormwater pollution prevention plan (SWPPP) requirements for VSMP land-disturbing activities as described in Chapter 13.

Generally, an ECP for the construction of a separately built, single-family residential structure is not required to provide:

1. A statement that the plan was prepared by a professional (engineer, architect, landscape architect, or land surveyor) registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq) of Chapter 4 of Title 54.1 of the Code of Virginia unless the Administrator determines a permanent stormwater management facility is required;

2. A tree protection plan that satisfies Sec. 24-106.2 of the Henrico County Code unless a tree protection plan is otherwise required by the Department of Planning; or
3. A completed Environmental Site Assessment as defined in Chapter 7 of this manual. However, certain environmental features may need to be shown as determined by the Administrator.

These exclusions also apply to additions or modifications to an existing single-family residential structure.

Please note, the ESC and SWM plan requirements for single-family construction may be addressed by an Agreement in Lieu of an ESC Plan or an Agreement in Lieu of a SWM Plan.

Table 5.1 summarizes the ECP components and permit requirements that are applicable to the various types of land-disturbing activities.

## **5.4 ECP APPROVAL**

An ECP must be submitted in accordance with Chapter 19 of this manual and approved by the Administrator. Once the ECP has been approved by the Administrator, a pre-construction meeting in accordance with Chapter 17 must be conducted prior to commencement of the land disturbing activity.

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**TABLE 5.1 – ECP COMPONENTS AND PERMIT REQUIREMENTS APPLICABLE TO VESCP, VSMP, AND CBPA LAND-DISTURBING ACTIVITIES**

ECP Component	Only a VESCP land-disturbing activity	Only a VSMP land-disturbing activity	Only a CBPA land-disturbing activity	Both a VESCP and a VSMP land-disturbing activity	Both a VESCP and a CBPA land-disturbing activity	Environmental Compliance Manual Reference
General Information*	✓	✓	✓	✓	✓	Chapter 5
CBPA Requirements	✓	✓	✓	✓	✓	Chapter 6
ESA Requirements**	✓	✓	✓	✓	✓	Chapter 7
ESC Plan	✓			✓	✓	Chapter 8
SWM Plan		✓	✓	✓	✓	Chapter 9
Pollution Prevention Plan		✓		✓		Chapter 10
TMDL Information		✓		✓		Chapter 11
GCP		✓		✓		Chapter 12
SWPPP		✓		✓		Chapter 13
MS4 Program Requirements	✓	✓	✓	✓	✓	Chapter 15

\* Some of the general information items are not applicable to the construction of separately built, single-family residential structures (see section 10-32(f) of the Henrico County Code)

\*\* The ESA requirements are not applicable to the construction of a single-family residential structure (see section 10-32(f) of the Henrico County Code)