

PROCEDURES FOR PLAN SUBMISSION AND REVIEW ON SITE-INSPECITON AND ORDINANCE ENFORCEMENT

I. Plan submission and preliminary erosion and sediment control plans

- (1) The applicant shall submit five (5) copies of black or blue-line plans with a letter or transmittal. Said letter of transmittal shall contain:
 - (a) The name, address and phone number of the applicant.
 - (b) The name, address and phone number of the landowner of record.
 - (c) The name, address, and phone number of the person responsible for carrying out the plan.
 - (d) Location of the site, including lot number and tax map number.
 - (e) Other information as may be requested by the plan-approving authority.

(2) Final Plan

The final plan shall consist of the narrative and maps as described in Chapter 6 of the Virginia Erosion and Sediment Control Handbook.

- a) The maps shall be prepared at a scale of not less than 1" = 100' and shall incorporate good engineering practices designed according to E & S Control Handbook guidelines.
- b) The map shall contain all information necessary for carrying out the conservation measures and will include a graphic scale, north arrow, date, owners of record, engineers certification (if required), approval signature block, vicinity map at a scale of not less than 1" = 1,000' and contour lines.
- c) The map shall show other information as required by the Administrator.
- d) The plan preparer will be responsible for guiding the contractor toward properly implementing the plan on all land disturbing activities where the E & S Bond is or is expected to exceed \$25,000.00.

II. Preliminary plans

- (1) The applicant may submit a preliminary erosion and sediment control plan for purposes of discussion and advice. The preliminary plan should not be cluttered with detailed control measures and might contain the following information.
 - a) All major soil types.
 - b) Approximate limits of clearing and grading.
 - c) Tentative means of erosion and sediment control.
 - d) Phasing of development to minimize area and duration of exposure.
 - e) Contour lines.

III. Department responsibility for administering program

All correspondence and plans should be directed to:
Town Manager, Town of Tappahannock, Virginia.

IV. Plan review

The Administrator has been designated as the plan-authority for the Town.

The Three River Soil and Water Conservation District may be called on by the Town to conduct a non-binding review of any plan, but will conduct a non-binding review on all plans requiring a bond of \$5,000.00 or more.

In reviewing plans, the Administrator may seek or review recommendations or comments from the Virginia Department of Transportation, the Health Department and such other agencies that are deemed to have some responsibility in this area.

- (1) The preparation and submission of an erosion and sediment control plan to the Administrator shall be the responsibility of the owner, lessee, or duly authorized agent or either the owner or lessee.

- (2) In determining the adequacy of the plan, the Administrator shall be guided by the recommendations contained in the Virginia Erosion and Sediment Control Handbook (VESCR 625.02.000) and The Chesapeake Bay Preservation Area Designation and Management Regulations.
- (3) The plan shall be approved, within forty-five (45) days from the receipt thereof, if such plan meets the requirements of the Town of Tappahannock Erosion and Sediment Control Ordinance, and if the person responsible for carrying out the plan certifies that he will properly perform the control measures included in the plan as required by the ordinance.
- (4) If the plan is disapproved, within forty-five (45) days from receipt thereof, the Administrator shall specify in writing such modification, terms and conditions as will permit approval of the plan and communicate these requirements to the applicant.
- (5) If no action is taken by the Administrator within forty-five (45) days of receipt of the plan, the plan shall be deemed approved. Certification of this fact shall be provided by the Administrator to the permit issuing authority issuing building or other permits for activities involving land-disturbing activities so that such permits may be issued.
- (6) A plan for which land-disturbing activities involve lands under the jurisdiction of the Town of Tappahannock and one or more than other localities may, at the option of the applicant, be submitted to the Virginia Division of Soil and Water Conservation for the review and approval, rather than submission to each jurisdiction concerned. However, if the applicant chooses to submit his plan to the Virginia Division of Soil and Water Conservation rather than the local jurisdiction he shall notify by certified mail, the Administrator of his intention at the same time of submittal.
- (7) An approved plan may be changed.
 - a) Where inspection has revealed the inadequacy of the plan to accomplish the erosion and sediment control objectives of the ordinance, plan changes can be required without approval of the person responsible for carrying out the plan in order to comply with the "Minimum Standards", which are assumed to be an integral part of every plan; or
 - b) Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and the proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority and the person responsible for carrying out the plan.

V. Issuance of grading, building, or other permits

- (1) The Building Official or any other agency authorized under any other law to issue building or other permits for land-disturbing activities shall not issue such permits unless:
 - a) The applicant submits with his application the approved erosion and sediment control plan; or
 - b) There is certification of such approved plan from the Administrator or certification that a plan was submitted and no action was taken within forty-five (45) days; or
 - c) There is certification from the Virginia Division of Soil and Water Conservation, when applicable, that plan has been approved.
- (2) When the Administrator does not have in hand a certification that the person responsible for carrying out the plan has certified that he will properly perform the control measures included in the plan, the Administrator shall obtain the certification or performance prior to issuance of the permit.

VI. Performance bond, cash escrow, letter of credit, etc.

- (1) Bonding requirements are a necessary element of an effective control program.
 - a) Bond: A surety bond or cash deposit made out to the Governing Body in an amount equal to the full cost of conservation measures which are required by the ordinance, said surety bond or cash deposit being legally sufficient to assure the Governing Body that said conservation measures will be carried out in accordance with the Ordinance.
 - b) Escrow Agreement: A fund delivered to a reputable banking institution by the applicant to be held by the bank until such time that all conservation measures have been performed as required by the ordinance.
- (2) The amount of coverage shall equal the total cost of the conservation measures. The amount will be determined by the Administrator or other acceptable person and shall be reviewed by the district as advisor to the Town of Tappahannock.

- (3) Bonding in some acceptable manner shall be required on each project to ensure that the conservation measures could be taken by the Town, at the applicant's expense should he fail within the time specified to initiate appropriate conservation action which may be required of him as a result of his land-disturbing activities. Such requirement will be a condition for issuance of building or other permits.
 - a) No permit of building or other permits involving land-disturbing activities shall be issued by any department or agency of the Town of Tappahannock, until the requirements of the Erosion and Sediment Control Ordinance and Program have been met with the respect to the performance bonding.
 - b) Certified checks shall be made payable to the Treasurer of the Town of Tappahannock.
 - c) Within 60 days of the adequate stabilization of the land-disturbing activities, such bond, cash escrow or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated, as the case may be.
 - d) These requirements are in addition to all other provisions of law related to the issuance of such permits and are not intended to otherwise effect the requirements for such permits.

VII. Erosion and Sediment Control Agreement

A legal instrument shall be executed by each applicant for an approved erosion and sediment control plan to provide right-of-entry by the appropriate persons for the purpose of inspection, monitoring, and installation, or maintenance of erosion and sediment control measures in the event the applicant fails to install or maintain such measures after notice in writing.

VIII. Appeals

Any appeals made pursuant to Section 11 of the ordinance must be filed within 30 days of the date of any decision.

IX. On-site Inspection and Ordinance Enforcement

The Administrator will be responsible for the enforcement of the Ordinance and will direct the on-site inspection of each project. The Administrator shall also:

- (1) Be responsible for developing and implementing a systematic program for on-site inspection to ensure that the erosion and sediment control measures on approved erosion control plans are mutually provided.
- (2) Be responsible for developing and maintaining a file system by land-disturbing projects. The file will contain a record for each inspection, date of inspection, date land-disturbing activities commenced and comments concerning compliance or non-compliance. The Administrator may require monitoring and reports from the person responsible for carrying out the plan. Furthermore, the district may inspect, monitor, and make reports for the Administrator upon request.
- (3) In the cases of non-compliance, the report shall contain statements of the conservation measures needed for compliance and a recommended time in which such measures should be communicated immediately to the proper authority.
- (4) Upon determination that a violation exists, the Administrator shall prepare:
 - a) A notice to Company which shall contain a detailed description of the conservation measures necessary for compliance. When no action is taken within forty-eight (48) hours of delivery of the Notice to Comply, the Administrator or his designated agent shall prepare a letter of intent to utilize the performance bond or cash escrow to apply the conservation measures to correct the deficiency. This letter of intent will be cleared by the Town of Tappahannock, Town Attorney, and sent by registered mail to the person responsible for carrying out the plan. If no action is taken within the time specified in the letter, dependent on the urgency of the action, the Building Official will be requested in writing, with a copy to the person responsible for carrying out the plan, to undertake the corrective measures.
 - b) A stop work order
 - (1) The Administrator may issue a stop work order on all or part of a land-disturbing activity if a permit holder fails to comply with a Notice to Comply.
 - (2) The Administrator may issue a stop work order on all or part of a land-disturbing activity without first issuing a notice to comply if the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth.

- (3) The Administrator shall issue a stop work order on all land disturbing activity which is regulated by the Town of Tappahannock Erosion and Sediment Control Ordinance which has commenced with an approved plan or permit.
- (5) The Administrator shall notify all permit issuing authorities to withhold all future permits to the permit holder until the violation is corrected, and, upon failure to comply within the time specified in the Notice to Comply, the permit for the project in violation may be revoked.
- (6) The Administrator shall be responsible for handling complaints concerning absent or ineffective erosion control measures and will respond to a complaint within 15 days.
- (7) When, upon investigation, it is determined that ineffective erosion control measures are being followed, but such measures comply with the erosion control plan, the Administrator shall be notified and shall act pursuant to Sections 6, 7, and 8 of this Ordinance.

X. Fees

Fees are established by the Town Council and are designated to help defray the cost of administering this program.