

***VIRGINIA STORMWATER  
MANAGEMENT PROGRAM (VSMP)  
AUTHORITY PERMIT  
APPLICATION PACKAGE***

***LAND DISTURBING ACTIVITIES OF ONE (1)  
ACRE OR GREATER***



*Department of Public Services  
15 N. Cameron Street  
Winchester, VA 22601  
(540) 667-1815 Telephone  
(540) 662-3351 Fax  
July 2014*

**VSMP AUTHORITY PERMIT APPLICATION**  
**SUBMISSION CHECKLIST**

This application package is designed to ensure that regulated land disturbing activities occur only after approval of a stormwater management plan and all information listed below. The VSMP Authority Permit Application is not considered complete unless all the required information listed below is present. If any part of the required information is missing, the application will be considered incomplete. Incomplete applications cannot be accepted for review by the City of Winchester, Department of Public Services.

- 1. Completed registration statement demonstrating coverage under the Virginia General Permit for Construction Activities (page 8).
- 2. Two (2) copies of a stormwater management plan complete with all information listed below under “Stormwater Management Plan Content Checklist”.
- 3. Completed Stormwater Management Plan Content Checklist (pages 5-6).
- 4. Two (2) copies of the erosion and sediment control plan complete with narrative and engineering calculations.
- 5. Two (2) copies of the Pollution Prevention Plan (SWPPP) for minimizing discharges from construction.
- 6. Each application shall be accompanied by the appropriate fee, according to the schedule adopted by the City of Winchester.

**Note: There is an applicable fee required for all VSMP Authority Permit applications. The fee is payable at the time the application is submitted by the applicant.**

- 7. Completed bond estimate showing estimated construction costs of required stormwater management facilities. The City will contact the applicant with confirmation that the bond amount is correct. The applicant can then submit a performance bond, irrevocable letter of credit, or other form of surety acceptable to the City. Templates are included in the appendices of this package.
- 8. An executed stormwater management facilities maintenance agreement for any stormwater management plan that includes the use of permanent stormwater management facilities for water quantity and/or quality control. Templates are included in Appendix D of this package.

**Note: If an owner certifies that he cannot exercise his rights under a purchase agreement until the stormwater plan or other development plan receives final approval from the City, the program administrator may grant final approval without an executed and recorded agreement, provided the unexecuted agreement is submitted to the Administrator for review and approval prior to approval of the stormwater management plan, and is executed and recorded prior to issuance of a certificate of occupancy for any building on the site.**

## **ACTIVITIES REQUIRING A STORMWATER MANAGEMENT PLAN & VSMP AUTHORITY PERMIT**

A Stormwater Management Plan must be submitted, reviewed and approved before a VSMP Authority Permit will be issued by the City of Winchester. The permit is required for any land disturbing activity one (1) acre or greater in area (i.e. the total area of the land disturbance is one acre or greater), with the exception of specific activities considered exempt under the Water Protection Ordinance (Chapter 9 of the City Code). The Ordinance defines a land disturbing activity as a man-made change to the land surface that potentially changes its runoff characteristics, or any such land change which may result in soil erosion from water or wind and the movement of sediments into waters or onto lands in the City or adjacent jurisdictions, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

Only those land disturbing activities specifically exempted by Article III, Section 9-59 of the Water Protection Ordinance may be conducted without first obtaining a VSMP Authority Permit. These exempted activities are:

- A. Permitted surface or deep mining operation and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
- B. Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in the regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§10.1- 1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsection B of §10.1-1163 of the Code of Virginia;
- C. Single-family residences separately built and disturbing less than one (1) acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
- D. Land disturbing activities that disturb less than one (1) acre of land area;
- E. Discharges to a sanitary sewer or a combined sewer system;
- F. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;
- G. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and
- H. Land-disturbing activities conducted in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the City shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with all applicable requirements of this Article is required within 30 days of commencing the land-disturbing activity.

## PROCEDURES FOR OBTAINING VSMP AUTHORITY PERMIT

1. Submit all information indicated on Page 2 of this application package, including payment of the applicable permit application fee.
2. Submit the appropriate Land Disturbance Permit application package for the regulated land disturbing activity, if applicable, including payment the required Land Disturbance Permit application fee.
3. The program administrator will notify the applicant within fifteen (15) calendar days of receipt whether the plan and application package is complete.
4. Once all of the required information has been submitted, reviewed and approved by the program administrator, a VSMP Authority Permit will be issued.
5. Prior to initiating any land disturbing activity, it will be necessary to schedule an on-site, pre-construction meeting with the Engineering Division of the Department of Public Services staff to discuss the approved stormwater management plan. This meeting may be held concurrently with the required meeting to discuss the approved erosion and sediment control plan.
6. Land disturbance and development must be conducted only within the area specified in the approved plan. Modifications or amendments to an approved stormwater management plan shall be allowed only after review and written approval of the amendment by the program administrator.
7. Contact the Engineering Division of the Department of Public Services to schedule the required construction-phase inspections as indicated by the program administrator or required by the approved stormwater management plan or VSMP Authority Permit. Periodic inspections will be performed by the Engineering Division of the Department of Public Services to ensure that all stormwater best management practices (BMPs) are maintained in accordance with the approved plan throughout the life of the permit and are functioning as designed.
8. Once the construction project is complete, the applicant must submit three (3) copies of a construction record drawing (or "as-built" plan) to the Engineering Division. The certified as-built plan for the project must show all stormwater pipes, curb and gutter, drainage channels and ditches, stormwater ponds, and other permanent water quality and/or quantity best management practices (BMPs). A letter from the engineer-of-record shall be included with the as-built plans certifying that the subdivision has been constructed in accordance with the approved plan. The Engineering Division will conduct a final inspection of all permanent stormwater management facilities to ensure that they have been installed in accordance with the approved stormwater management plan and are functioning properly.
9. Within 30 days of final completion of the project, the operator must submit the Notice of Termination, found in Appendix E.
10. The performance bond or other surety shall be refunded in accordance with Article I, Section 9-9 of the Water Protection Ordinance within sixty (60) days of the completion of the requirements of the approved stormwater management plan and conditions of the approved VSMP Authority Permit.

## STORMWATER MANAGEMENT PLAN CONTENT CHECKLIST

The Stormwater Management Plan must contain all of the following information:

### NARRATIVE:

\_\_\_\_\_ **Project Description** – Briefly describe the current and proposed final site conditions, including a description of the existing and proposed topography, soils, vegetation and drainage, and the area and/or amount of land disturbance involved.

\_\_\_\_\_ **Adjacent Areas** – A description of neighboring areas such as streams, lakes, residential areas, roads, parks, etc., which might be affected by the land disturbance or stormwater runoff from the site. This information should include sufficient detail on adjoining parcels to assess the impact of stormwater from the site on these parcels.

\_\_\_\_\_ **Stormwater Discharges** – Describe the type and location of stormwater discharges, including all drainage features, stormwater conveyances, and watercourses to which stormwater is being discharged. Will the development of the site result in increased peak rates of stormwater runoff? Will this result in flooding, channel degradation or increased pollution of downstream waterbodies? If so, appropriate stormwater management facilities, including water quantity and/or quality control structures, should be considered on the site.

\_\_\_\_\_ **Stormwater Management Facilities** – A description of proposed permanent, on-site or off-site (if applicable) stormwater management facilities and best management practices (BMPs) including location (i.e. geographic coordinates), facility type, acres treated, and surface waters into which the facility will discharge, as applicable.

\_\_\_\_\_ **Calculations** – Hydrologic and hydraulic computations, including runoff characteristics and pollutant removal calculations, for proposed stormwater management facilities. The calculations and proposed design should verify compliance with the appropriate water quality and quantity technical criteria of Article III, Division 2 of the Water Protection Ordinance.

\_\_\_\_\_ **Maintenance** – A schedule of regular inspections and maintenance of stormwater management facilities, both during and after construction, should be established.

### ILLUSTRATIVE PLAN:

\_\_\_\_\_ **Vicinity Map** – A small map locating the site in relation to the surrounding area should be included.

\_\_\_\_\_ **Existing Contours** – The existing contours of the site should be shown on the plan.

\_\_\_\_\_ **Existing Watercourses and Stormwater Facilities** – All existing streams, ponds, culverts, ditches, stormwater management structures and facilities (catch basins, inlets, outfalls, BMPs, etc.), wetlands, flood plains, and other water bodies should be shown, including those located on-site and/or receiving discharges from the site.

\_\_\_\_\_ **Existing Vegetation** – The existing tree lines, forest cover, grassy areas, unique vegetation, and other vegetated areas should be shown on the plan.

\_\_\_\_\_ **Soils** – The boundaries of the different soil types should be shown.

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**Land Use** – Existing and proposed land uses including buildings and structures, roads, parking areas, stormwater management facilities and locations of known utilities and easements. This should include a tabulation of the percentage of the surface area on the site to be adapted to various uses.

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**Indicate North** – The direction of true north relative to the site should be shown.

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**Drainage Patterns** – The dividing lines and the direction of flow for the different contributing drainage areas, existing and proposed, should be shown.

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**Final Contours** – Finished contours demonstrating changes to the existing contours should be shown on the plan.

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**Limits of Land Disturbance** – Limits of the disturbed area, including the limits of all clearing and grading, should be outlined on the plan.

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**Location of Practices** – The locations of permanent structural and non-structural stormwater management facilities and best management practices (BMPs) used on the site should be shown.

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**Exceptions Requested** – A list of exceptions to the technical criteria requested pursuant to Article III, Division 2 of the Water Protection Ordinance.

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**Detail Drawings** – Any structural best management practices (BMPs) should be explained and illustrated with detail drawings.

APPENDIX A  
VSMP REGISTRATION FORM

**Registration Statement**  
**General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)**

(Please Type or Print All Information)

1. **Construction Activity Operator:** *(General permit coverage will be issued to this operator. The Certification in Item #12 must be signed by the appropriate person associated with this operator.)*

Name: \_\_\_\_\_

Contact: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Email address (if available): \_\_\_\_\_

Indicate if DEQ may transmit general permit correspondence electronically: Yes  No

2. **Existing General Permit Registration Number (for renewals only):** \_\_\_\_\_

3. **Name and Location of the Construction Activity:**

Name: \_\_\_\_\_

Address (if available): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

County (if not located within a City): \_\_\_\_\_

Latitude (decimal degrees): \_\_\_\_\_ Longitude (decimal degrees): \_\_\_\_\_

**Name and Location of all Off-site Support Activities to be covered under the general permit:**

4. Name: \_\_\_\_\_

5. Address (if available): \_\_\_\_\_

6. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

7. County (if not located within a City): \_\_\_\_\_

8. Latitude (decimal degrees): \_\_\_\_\_ Longitude (decimal degrees): \_\_\_\_\_

9. **Status of the Construction Activity (check only one):** Federal  State  Public  Private

10. **Nature of the Construction Activity (e.g., commercial, industrial, residential, agricultural, oil and gas, etc.):** \_\_\_\_\_

11. **Name of the Receiving Water(s) and Hydrologic Unit Code (HUC):**

Name: \_\_\_\_\_ Name: \_\_\_\_\_

HUC: \_\_\_\_\_ HUC: \_\_\_\_\_

12. **If the discharge is through a Municipal Separate Storm Sewer System (MS4), the name of the MS4 operator:** \_\_\_\_\_

13. **Estimated Project Start and Completion Date:**

Start Date (mm/dd/yyyy): \_\_\_\_\_ Completion Date (mm/dd/yyyy): \_\_\_\_\_

14. **Total Land Area of Development (to the nearest one-hundredth acre):** \_\_\_\_\_

**Estimated Area to be Disturbed (to the nearest one-hundredth acre):** \_\_\_\_\_

15. **Is the area to be disturbed part of a larger common plan of development or sale?** Yes  No

16. **A stormwater pollution prevention plan (SWPPP) must be prepared in accordance with the requirements of the General VPDES Permit for Discharges of Stormwater from Construction Activities prior to submitting this Registration Statement. By signing this Registration Statement the operator is certifying that the SWPPP has been prepared.**

17. **Certification:** "I certify under penalty of law that I have read and understand this Registration Statement and that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**(Please sign in INK. This Certification must be signed by the appropriate person associated with the operator identified in Item #1.)**

# Instructions for Completing the Registration Statement

## General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)

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### GENERAL

#### A. Coverage under this General Permit.

Any operator applying for coverage under this general permit who is required to submit a Registration Statement (see Section B below) must submit a complete Registration Statement to the Department. The Registration Statement serves as a Notice of Intent for coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10).

#### B. Single-family Residences.

Operators with an existing stormwater discharge or proposing a new stormwater discharge associated with the construction of a single-family residence separately built, disturbing less than one acre and part of a larger common plan of development or sale is not required to submit a Registration Statement, provided that the stormwater management plan for the larger common plan of development provides permanent control measures (i.e., stormwater management facilities) encompassing the single family residence.

Operators of these types of discharges are authorized to discharge under this general permit immediately upon the general permit's effective date of July 1, 2014.

#### C. To Apply for Permit Coverage.

**1. New Construction Activities.** Any operator proposing a new stormwater discharge from construction activities shall submit a complete Registration Statement to the Department prior to the commencement of land disturbance, unless exempted by Section B above. Any operator proposing a new stormwater discharge from construction activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment is immediately authorized to discharge under this general permit and must submit a complete Registration Statement to the Department no later than 30 days after commencing land disturbance; documentation to substantiate the occurrence of the public emergency must accompany the Registration Statement.

**2. Existing Construction Activities.** Any operator that was authorized to discharge under the general permit issued in 2009, and who intends to continue coverage under this general permit, shall submit a complete Registration Statement to the Department on or before June 1, 2014, unless exempted by Section B above.

#### D. Where to Submit Registration Statements.

All Registration Statements should be submitted to:

**City of Winchester  
Department of Public Services  
Engineering Division  
15 N. Cameron Street, 4<sup>th</sup> Floor  
Winchester, VA 22601**

### LINE-BY-LINE INSTRUCTIONS

#### Item 1: Construction Activity Operator Information.

"Operator" means the owner or operator of any facility or activity subject to the Stormwater Management Act and regulations. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other state permit or VSMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions).

The entities that are considered operators will commonly consist of the owner or developer of a project (the party with control of project plans and specifications) or the general contractor (the party with day to day operational control of the activities at the project site which are necessary to ensure compliance with the general permit).

Provide the legal name (do not use a colloquial name), contact, mailing address, telephone number, and email address (if available) of the construction activity operator; general permit coverage will be issued to this operator. Indicate if the Department may transmit general permit correspondence electronically.

#### Item 2: Existing General Permit Registration Number.

For reapplications only, provide the existing general permit registration number for the construction activity. This item does not need to be completed for new construction activities applying for general permit coverage.

#### Item 3: Name and Location of the Construction Activity Information.

Provide the official name, street address (if available), city or county (if not located within a City) of the construction activity. Also, provide the latitude and longitude in decimal degrees of the approximate center of the construction activity (e.g., N 37.5000, W 77.5000).

#### Name and Location of Off-site Support Activity Information.

This general permit also authorizes stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) located on-site or off-site provided that (i) the support activity is directly related to a construction activity that is required to have general permit coverage; (ii) the support activity is not a commercial operation, nor does it serve multiple unrelated construction activities by different operators; (iii) the support activity does not operate beyond the completion of the construction activity it supports; (iv) the support activity is identified in the registration statement at the time of general permit

coverage; (v) appropriate control measures are identified in a SWPPP and implemented to address the discharges from the support activity areas; and (vi) all applicable state, federal, and local approvals are obtained for the support activity.

Provide the official name, street address (if available), City and County (if not located within a City) of all off-site support activities to be covered under this general permit. Also, provide the latitude and longitude in decimal degrees of the approximate center of the off-site support activities (e.g., N 37.5000, W 77.5000). Also, if an off-site support activity is going to be covered under this general permit the total land area of the off-site support activity and the estimated area to be disturbed by the off-site support activity need to be included in Item #9.

**Item 4: Status of the Construction Activity.**

Indicate the appropriate status (Federal, State, Public, or Private) of the construction activity.

**Item 5: Nature of the Construction Activity.**

Provide a brief description of the construction activity, such as commercial, residential, agricultural, oil and gas, etc. This list is not all inclusive.

**Item 6: Receiving Waters(s) and HUC Information.**

Provide the name of the receiving water(s) and corresponding HUC for all stormwater discharges including any stormwater discharges from off-site support activities to be covered under this general permit. Hydrologic Unit Code or HUC is a watershed unit established in the most recent version of Virginia's 6<sup>th</sup> order national watershed boundary dataset.

**Item 7: MS4 Information.**

If stormwater is discharged through a municipal separate storm sewer system (MS4), provide the name of the MS4 operator. The name of the MS4 operator is generally the Town, City, County, Institute or Federal facility where the construction activity is located.

**Item 8: Construction Activity Start and Completion Date Information.**

Provide the estimated start date (month/day/year) of the construction activity. Provide the estimated completion date (month/day/year) of the construction activity.

**Item 9: Construction Activity Area Information.**

Provide the total area (to the nearest one-hundredth acre) of the development (i.e., the total acreage of the larger common plan of development or sale). Include the total acreage of any off-site support activity to be covered under this general permit.

Provide the estimated area (to the nearest one-hundredth acre) to be disturbed by the construction activity. Include the estimated area of land disturbance that will occur at any off-site support activity to be covered under this general permit.

**Item 10: Common Plan of Development or Sale Information.**

Indicate if the area to be disturbed by the construction activity is part of a larger common plan of development or sale. Larger common plan of development or sale is

defined as a contiguous area where separate and distinct construction may be taking place at different times on different schedules. Plan is broadly defined as any announcement or documentation, including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, etc., or physical demarcation such as boundary signs, lot stakes, or surveyor markings indicating that construction activities may occur.

**Item 11: Stormwater Pollution Prevention Plan (SWPPP).**

A Stormwater Pollution Prevention Plan (SWPPP) must be prepared in accordance with the requirements of the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10) prior to submitting this Registration Statement. By signing this Registration Statement the operator is certifying that the SWPPP has been prepared.

**Item 12: Certification.**

A properly authorized individual associated with the operator identified in Item 1 of the Registration Statement is responsible for certifying and signing the Registration Statement. **Please sign the Registration Statement in INK.**

State statutes provide for severe penalties for submitting false information on the Registration Statement. State regulations require that the Registration Statement be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this part, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation, or

(ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this part, a principal executive officer of a public agency includes:

(i) The chief executive officer of the agency, or

(ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

APPENDIX B  
STORMWATER MANAGEMENT PERFORMANCE BOND  
FORM

**STORMWATER MANAGEMENT PERFORMANCE BOND**

Bond number \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS, that we \_\_\_\_\_ as principal, and \_\_\_\_\_ a corporate duly authorized as a Surety company to transact business in the Commonwealth of Virginia, as Surety, are held and firmly bound unto the City of Winchester, Virginia, a political subdivision of the Commonwealth of Virginia, as Oblige, in the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) in lawful money of the United States, for the payment of which sum, well and truly to be made, we, the Principal and Surety, unconditionally bind ourselves and our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, the Principals desires to engage in land disturbing activity on property owned by: \_\_\_\_\_ and described as: \_\_\_\_\_.

AND WHEREAS, the Principal had submitted to the Stormwater Management Program Administrator of the City of Winchester for approval a Stormwater Management Plan prepared by \_\_\_\_\_, dated \_\_\_\_\_ and submitted to the City of Winchester for land disturbing activity on the above described property (the "Plan").

NOW, THEREFORE, the condition of this obligation is such that if the City of Winchester approves the Plan, and any revisions to the Plan, and if the Principal within the time specified and in accordance with the Plan and any revisions and in accordance with the City of Winchester Code, shall faithfully perform each and every conservation activity required by the City Code and specified in the Plan, and any revision thereof, then the above obligations shall terminate in accordance with the terms of this bond. Otherwise, they shall be and remain in full force and effect.

Whenever the Principal shall fail, and be declared by the Oblige to have failed to perform the required conservation activities, the Surety, within five (5) business days of a written demand by the Oblige, shall promptly pay to the Oblige the amount of this bond, which shall be used by the Oblige to perform or to arrange for performance of the Principal's obligation. No other action by the Oblige shall be necessary to receive such payment from the Surety. Any expended or unobligated portion of such bond shall be refunded to the Surety by the Oblige at the expiration of sixty (60) days from the successful stabilization and completion of the land disturbing activity. In no event shall the aggregate liability of Surety exceed the amount of the bond.

This bond shall terminate at the expiration of sixty (60) days from the date of written notice to the Surety from the City of Winchester of completion of the land disturbing activity; however, such termination shall not discharge the Surety from any liability previously accrued pursuant to this bond.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the term of the Plan shall in any way affect its obligation on this bond and the Surety hereby waives notice of any such change, extension of time, alteration or addition to the terms of the plan.

**ACKNOWLEDGEMENT FOR PRINCIPAL**

State of \_\_\_\_\_  
County/City of \_\_\_\_\_, to wit:

I, \_\_\_\_\_, a Notary Public in and for the County/City and State aforesaid, do certify that \_\_\_\_\_ whose name is signed to the foregoing bond, personally appeared before me in my County/City and State aforesaid and acknowledged the same to be his act and deed.

My commission expires \_\_\_\_\_.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**ACKNOWLEDGEMENT FOR SURETY**

State of \_\_\_\_\_  
County/City of \_\_\_\_\_, to wit:

I, \_\_\_\_\_, a Notary Public in and for the County/City and State aforesaid, do certify that \_\_\_\_\_ whose name is signed to the foregoing bond, personally appeared before me in my County/City and State aforesaid and acknowledged the same to be his act and deed.

My commission expires \_\_\_\_\_.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

IN WITNESS HEREOF, the Principal and Surety have hereunto affixed their names and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PRINCIPAL

\_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

SURETY

\_\_\_\_\_

By: \_\_\_\_\_

APPENDIX C  
IRREVOCABLE LETTER OF CREDIT  
BANK AGREEMENT  
FORM

**IRREVOCABLE LETTER OF CREDIT  
BANK AGREEMENT**

**BENEFICIARY:**  
TREASURER, CITY OF WINCHESTER  
15 N. CAMERON STREET  
WINCHESTER, VA 22601

**PERMITTEE:**  
**ADDRESS:**

**ISSUING BANK:**  
**ADDRESS:**

**DATE OF ISSUE:**  
**AMOUNT: \$**  
**EXPIRY DATE:**

**ISSUING BANK ABA NO.:**

PROJECT/SUBDIVISION: \_\_\_\_\_

PHASE(S): \_\_\_\_\_

We hereby issue our Irrevocable Letter of Credit No. \_\_\_\_\_ in favor of the Treasurer, City of Winchester, Virginia, for the account of \_\_\_\_\_ its agents, successors or assigns for a sum not exceeding \_\_\_\_\_ U.S. Dollars (\$ ) available by your sight draft on the above stated Issuing Bank and accompanied by documents stated below:

A certified statement signed by the Stormwater Management Program Administrator stating that (Permittee) \_\_\_\_\_ has not satisfactorily completed the construction of and/or satisfactorily maintained, all stormwater management facilities required by City Code and specified in the Stormwater Management Plan for \_\_\_\_\_, the approved site plan/subdivision.

A statement signed by the Stormwater Management Program Administrator that: "The drawing is for the explicit purpose of providing for the completion or maintenance of a required facility or function pursuant to the requirements of Chapter 9 – Water Protection Ordinance of the City Code and pursuant to the agreement of the Subdivider, Developer, or his agent to comply with said ordinance as a condition of the approval of the site plan/subdivision stormwater management plan to the satisfaction of the Stormwater Management Program Administrator."

We hereby engage with drawers, endorsers, and bona fide holders that all drafts drawn in compliance with the terms of this credit shall be duly honored upon presentation and delivery of the above documents.

This Irrevocable Letter of Credit shall remain in full force and effect for a minimum of one (1) year from the date hereof and shall be automatically extended for additional terms of six (6) months from the present or future expiration dates unless, sixty (60) days prior to such date or dates, the above named bank or financial institution issuing the instrument notifies the City in writing by certified mail that they elect not to renew the instrument for such additional period.

During the last thirty (30) days while this Letter of Credit is in force and effect and after notice of termination has been given, the City may draw up to the full amount of the sum when accompanied by a document stating that (Permittee)\_\_\_\_\_has failed to provide an acceptable substitute Irrevocable Letter of Credit or deposit in escrow, and a document stating that "The drawing will be held by the City for the sole purpose of providing for the completion and/or maintenance of all stormwater management requirements to the satisfaction of the Stormwater Management Program Administrator."

This credit shall be terminated upon the Stormwater Management Program Administrator giving written release to (Permittee or Developer) \_\_\_\_\_stating that they have satisfactorily performed and fulfilled the obligations and requirements of the subject site plan/subdivision.

Attest:\_\_\_\_\_

\_\_\_\_\_  
Authorized Signature  
\_\_\_\_\_  
Typed or Printed Name  
\_\_\_\_\_  
Title

**ACKNOWLEDGEMENT FOR SURETY**

State of \_\_\_\_\_  
County/City of \_\_\_\_\_, to wit:

I, \_\_\_\_\_, a Notary Public in and for the County/City and State aforesaid, do certify that \_\_\_\_\_ whose name is signed to the foregoing letter of credit, personally appeared before me in my County/City and State aforesaid and acknowledged the same to be his act and deed.

My commission expires\_\_\_\_\_.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

APPENDIX D  
STORMWATER MANAGEMENT/BMP FACILITIES  
MAINTENANCE AGREEMENT  
FORM

STORMWATER MANAGEMENT/BMP FACILITIES MAINTENANCE AGREEMENT

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_ (insert full name of Owner) hereinafter called the “Landowner”, and the City Council of the City of Winchester, Virginia, hereinafter call the “City.”

WITNESSETH, that

WHEREAS, the Landowner is the owner of certain real property described at \_\_\_\_\_ (insert City of Winchester tax map/parcel identification number) as recorded by deed in the land records of the City of Winchester, Virginia as Deed Book\_\_\_\_\_, Page\_\_\_\_, hereinafter called the “Property”;

WHEREAS, the Landowner is proceeding to build on and develop the property; and

WHEREAS, the Site Plan/Subdivision Plan known as \_\_\_\_\_ (insert name of plan), hereinafter called the “Plan”, which is expressly made a part hereof, as approved or to be approved by the City, provides for detention of stormwater within the confines of the property; and

WHEREAS, the City and the Landowner, its successors and assigns, including any homeowners association, agree that the health, safety, and welfare of the residents of the City of Winchester, Virginia, require that on-site stormwater management/BMP facilities be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site stormwater management/BMP facilities as shown on the Plan be constructed and adequately maintained by the Landowner, its successors and assigns, including any homeowners association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows;

1. The on-site stormwater management/BMP facilities shall be constructed by the Landowner, its successors and assigns, in accordance with the plans and specifications identified in the Plan.
2. The Landowner, its successors and assigns, including any homeowners association, shall adequately maintain the stormwater management/BMP facilities. This includes all pipes and channels built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions. The Annual Inspection report form is to be used to establish what good working condition is acceptable to the City.
3. The Landowner, its successors and assigns, shall inspect the stormwater management/BMP facility and submit an inspection report annually. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection report shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report.
4. The Landowner, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management/BMP facilities whenever the City deems necessary. The purpose of inspection is to follow-up on reported deficiencies and/or to respond to citizen complaints. The City shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.

5. In the event the Landowner, its successors and assigns, fails to maintain the stormwater management/BMP facilities in good working condition acceptable to the City, the City may enter upon the Property and take whatever steps necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs to the Landowner, its successors and assigns. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management/BMP facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City.

6. The Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management/BMP facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed.

7. In the event the City pursuant to the Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.

8. This Agreement imposes no liability of any kind whatsoever on the City and the Landowner agrees to hold the City harmless from any liability in the event the stormwater management/BMP facilities fail to operate properly.

9. This Agreement shall be recorded among the land records of the City of Winchester, Virginia, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association.

10. This agreement shall be governed by the laws of the Commonwealth of Virginia.

11. Any disputes arising from or as a result of this Agreement shall be resolved in the Circuit Court for the City of Winchester, Virginia or the Fourth Circuit Federal District Court in Harrisonburg

12. If any provision of this Agreement is found to be illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this agreement.

\_\_\_\_\_  
Company/Corporation/Partnership Name (Seal)

By: \_\_\_\_\_

\_\_\_\_\_  
(Type Name)

\_\_\_\_\_  
(Type Title)

STATE OF \_\_\_\_\_ CITY OF \_\_\_\_\_

The foregoing Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by  
\_\_\_\_\_. My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC

CITY OF WINCHESTER, VIRGINIA

By: \_\_\_\_\_

\_\_\_\_\_  
(Type Name)

\_\_\_\_\_  
(Type Title)

STATE OF \_\_\_\_\_ CITY OF \_\_\_\_\_

The foregoing Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by  
\_\_\_\_\_. My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC

Approved as to form: \_\_\_\_\_

City Attorney

APPENDIX E

VSMP TERMINATION FORM

**Notice of Termination**  
**General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)**

(Please Type or Print All Information)

**1. Construction Activity Operator:**

Name: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email address (if available): \_\_\_\_\_

**2. Name and Location of the Construction Activity:** (As listed on the Registration Statement.)

Name: \_\_\_\_\_  
Address (if available): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
County (if not located within a City): \_\_\_\_\_  
Latitude (decimal degrees): \_\_\_\_\_ Longitude (decimal degrees): \_\_\_\_\_

**3. General Permit Registration Number:** \_\_\_\_\_

**4. Reason for Terminating Coverage Under the General Permit:** (The operator shall submit a Notice of Termination after one or more of the following conditions have been met.)

- A. Necessary permanent control measures included in the SWPPP for the site are in place and functioning effectively and final stabilization has been achieved on all portions of the site for which the operator is responsible. When applicable, long-term responsibility and maintenance requirements for permanent control measures shall be recorded in the local land records prior to the submission of a notice of termination;
- B. Another operator has assumed control over all areas of the site that have not been finally stabilized and obtained coverage for the ongoing discharge;
- C. Coverage under an alternative VPDES or state permit has been obtained; or
- D. For residential construction only, temporary soil stabilization has been completed and the residence has been transferred to the homeowner.

*The notice of termination should be submitted no later than 30 days after one of the above conditions being met. Authorization to discharge terminates at midnight on the date that the notice of termination is submitted for the conditions set forth in subsections B through D above, unless otherwise notified by the VSMP authority or the Department. Termination of authorizations to discharge for the conditions set forth in subsection A above shall be effective upon notification from the Department that the provisions of subsection A have been met or 60 days after submittal of the notice of terminations, whichever occurs first.*

**5. Permanent Control Measures Installed:** (When applicable, a list of the on-site and off-site permanent control measures (both structural and nonstructural) that were installed to comply with the stormwater management technical criteria. Attach a separate list if additional space is needed.)

**Permanent Control Measure #1**

Type of Permanent Control Measure: \_\_\_\_\_  
Date Functional: \_\_\_\_\_  
Address (if available): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
County (if not located within a City): \_\_\_\_\_  
Latitude (decimal degrees): \_\_\_\_\_ Longitude (decimal degrees): \_\_\_\_\_  
Receiving Water: \_\_\_\_\_  
Total Acres Treated: \_\_\_\_\_ Impervious Acres Treated: \_\_\_\_\_

**Permanent Control Measure #2**

Type of Permanent Control Measure: \_\_\_\_\_  
Date Functional: \_\_\_\_\_  
Address (if available): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
County (if not located within a City): \_\_\_\_\_  
Latitude (decimal degrees): \_\_\_\_\_ Longitude (decimal degrees): \_\_\_\_\_  
Receiving Water: \_\_\_\_\_  
Total Acres Treated: \_\_\_\_\_ Impervious Acres Treated: \_\_\_\_\_

**Permanent Control Measure #3**

Type of Permanent Control Measure: \_\_\_\_\_  
Date Functional: \_\_\_\_\_  
Address (if available): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
County (if not located within a City): \_\_\_\_\_  
Latitude (decimal degrees): \_\_\_\_\_ Longitude (decimal degrees): \_\_\_\_\_  
Receiving Water: \_\_\_\_\_  
Total Acres Treated: \_\_\_\_\_ Impervious Acres Treated: \_\_\_\_\_

6. **Participation in a Regional Stormwater Management Plan:** (When applicable, information related to the participation in a regional stormwater management plan. Attach a separate list if additional space is needed.)

**Regional Stormwater Management Facility**

Type of Regional Stormwater Management Facility: \_\_\_\_\_  
Address (if available): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
County (if not located within a City): \_\_\_\_\_  
Latitude (decimal degrees): \_\_\_\_\_ Longitude (decimal degrees): \_\_\_\_\_  
Total Site Acres Treated: \_\_\_\_\_ Impervious Site Acres Treated: \_\_\_\_\_

7. **Perpetual Nutrient Credits:** (When applicable, information related to perpetual nutrient credits that were acquired in accordance with § 62.1-44.15:35 of the Code of Virginia. Attach a separate list if additional space is needed.)

**Nonpoint Nutrient Credit Generating Entity**

Name: \_\_\_\_\_  
Perpetual Nutrient Credits Acquired (lbs/acre/year): \_\_\_\_\_

8. **Certification:** "I certify under penalty of law that I have read and understand this Notice of Termination and that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**(Please sign in INK. This Certification must be signed by the appropriate person associated with the operator identified in Item #1.)**

# Instructions for Completing the Notice of Termination General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10)

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## GENERAL

A Notice of Termination must be submitted when an operator no longer wishes to be covered under the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10).

All Notice of Terminations should be submitted to:

**City of Winchester  
Department of Public Services  
Engineering Division  
15 N. Cameron Street, 4<sup>th</sup> Floor  
Winchester, VA 22601**

## LINE-BY-LINE INSTRUCTIONS

### Item 1: Construction Activity Operator Information.

Provide the legal name (do not use a colloquial name), contact, mailing address, telephone number, and email address (if available) of the construction activity operator that was issued general permit coverage.

### Item 2: Name and Location of the Construction Activity Information.

Provide the official name, street address (if available), city or county (if not located within a City) of the construction activity. Also, provide the latitude and longitude in decimal degrees of the approximate center of the construction activity (e.g., N 37.5000, W 77.5000). NOTE: This information can be obtained from the previously submitted Registration Statement.

### Item 3: General Permit Registration Number.

Provide the existing general permit registration number for the construction activity identified in Item 2.

### Item 4: Reason for Termination.

Indicate the appropriate reason for submitting this Notice of Termination. The Notice of Termination may only be submitted after one or more of the following conditions have been met:

- a. Necessary permanent control measures included in the SWPPP for the site are in place and functioning effectively and final stabilization has been achieved on all portions of the site for which the operator is responsible. When applicable, long-term responsibility and maintenance requirements for permanent control measures shall be recorded in the local land records prior to the submission of a notice of termination;
- b. Another operator has assumed control over all areas of the site that have not been finally stabilized and obtained coverage for the ongoing discharge;
- c. Coverage under an alternative VPDES or state permit has been obtained; or
- d. For residential construction only, temporary soil stabilization has been completed and the residence has been transferred to the homeowner.

The Notice of Termination should be submitted no later than 30 days after one of the above conditions being met.

### Item 5: Permanent Control Measures (when applicable).

For each on-site and off-site permanent control measure (both structural and non-structural) that was installed to comply with the stormwater management technical criteria provide the following information:

- a. The type of permanent control measure;
- b. The date that the permanent control measure became functional as a post-development stormwater management control;
- c. The street address (if available), City or County (if not located within a City) of the permanent control measure;
- d. The latitude and longitude in decimal degrees of the approximate center of the permanent control measure;
- e. The receiving water of the permanent control measure; and
- f. The number of total and impervious acres treated by the permanent control measure (to the nearest one-tenth of an acre).

Attach a separate list if additional space is needed.

### Item 6: Participation in a Regional Stormwater Management Plan (when applicable).

For each Regional Stormwater Management Facility provide the following information:

- a. The type of regional facility to which the site contributes;
- b. The street address (if available), City or County (if not located within a City) of the regional facility;
- c. The latitude and longitude in decimal degrees of the approximate center of the regional facility; and
- d. The number of total and impervious site acres treated by the regional facility (to the nearest one-tenth of an acre).

Attach a separate list if additional space is needed.

### Item 7: Perpetual Nutrient Credits (when applicable).

Provide the following information related to perpetual nutrient credits that were acquired in accordance with § 62.1-44.15:35 of the Code of Virginia:

- a. The name of the nonpoint nutrient credit generating entity from which perpetual nutrient credits were acquired; and
- b. The number of perpetual nutrient credits acquired (lbs. per acre per year).

Attach a separate list if additional space is needed.

### Item 8: Certification.

A properly authorized individual associated with the operator identified in Item 1 of the Registration Statement is responsible for certifying and signing the Registration Statement. **Please sign the Registration Statement in INK.**

State statutes provide for severe penalties for submitting false information on the Registration Statement. State regulations require that the Registration Statement be signed as follows:

- a. For a corporation: by a responsible corporate officer. For the purpose of this part, a responsible corporate officer means:
  - (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation, or
  - (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make

management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this part, a principal executive officer of a public agency includes:

(i) The chief executive officer of the agency, or

(ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.