County of Fairfax, Virginia
Planning Commission Meeting
November 12, 2025
Planning Commission Action

COUNTY CODE AMENDMENT – PUBLIC HEARINGS ON ADOPTION OF AMENDMENTS TO CHAPTER 124.1 (EROSION AND STORMWATER MANAGEMENT ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA TO IMPLEMENT CHANGES TO THE VIRGINIA EROSION AND STORMWATER MANAGEMENT REGULATION
(Countywide)

PLANNING COMMISSION RECOMMENDATIONS:
On November 12, 2025, the Planning Commission voted 10-0 (Commissioner Wang was not present for the vote. Commissioner Landgraf was absent from the meeting.) to recommend to the Board of Supervisors that the Board adopt the amendments to Chapter 124.1 (Erosion and Stormwater Management Ordinance) as advertised and set forth in Appendix A in the Staff Report dated October 14, 2025.

ATTACHED DOCUMENTS:
Appendix A in the Staff Report dated October 14, 2025

MJ

AN ORDINANCE AMENDING CHAPTER 124.1 OF THE FAIRFAX COUNTY CODE, RELATING TO EROSION AND STORMWATER MANAGEMENT

Draft of October 14, 2025

In the amendments shown below, text to be deleted is identified with strike-through and text to be added is underlined.

AN ORDINANCE to amend the Fairfax County Code by amending and adopting Sections 124.1-1-2, 124.1-1-4, 124.1-2-1, 124.1-2-2, 124.1-2-4, 124.1-2-5, 124.1-2-6, 124.1-2-7, 124.1-2-8, 124.1-2-9, 124.1-3-1, 124.1-4-2, 124.1-4-3, 124.1-6-2, and 124.1-6-3, relating to erosion and stormwater management.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That Sections 124.1-1-2, 124.1-1-4, 124.1-2-1, 124.1-2-2, 124.1-2-4, 124.1-2-5, 124.1-2-6, 124.1-2-7, 124.1-2-8, 124.1-2-9, 124.1-3-1, 124.1-4-2, 124.1-4-3, 124.1-6-2, and 124.1-6-3 of the Fairfax County Code are amended and readopted, as follows:

CHAPTER 124.1 Erosion and Stormwater Management Ordinance.

ARTICLE 1. – General Provisions.

Section 124.1-1-2. - Authority.

This ordinance is enacted pursuant to the authority and mandates of the Virginia Erosion and Stormwater Management Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Virginia Code, the Virginia and Erosion Stormwater Management Regulation, Chapter 875 of Title 9 of the Virginia Administrative Code, and Title 15.2 of the Virginia Code. Nothing contained in this ordinance will excuse compliance with all other applicable provisions of the Virginia Code and the Virginia Erosion and Stormwater Management Regulation, as amended. Should this ordinance conflict with subsequent amendments to the Virginia Code or the Regulations, the Virginia Code and the Regulations will control except for the requirements and standards set forth in this Chapter adopted in accordance with Virginia Code § 62.1-44.15:33 that are more stringent than necessary to comply with the Regulations.

Section 124.1-1-4. - Purpose and Administration.

This Chapter establishes a local erosion and stormwater management program administered in conjunction with the County's MS4 program as implemented herein. The purpose and intent of this Chapter is to ensure the general health, safety, and welfare of the citizens of Fairfax County and to protect the quality and quantity of state waters from the potential harm of unmanaged stormwater and soil erosion, including protection from a land disturbing activity causing

unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality, water quantity, soil erosion, sediment deposition, and non-agricultural runoff shall be administered and enforced.

The County will be the Virginia Erosion and Stormwater Management Program (VESMP) Authority except that the Virginia Department of Environmental Quality (DEQ) will act as the VESMP authority for state agency or federal entity land-disturbing activities and land-disturbing activities subject to the standards and specifications approved by DEQ in accordance with Va. Code § 62.1-44.15:31. The Director of Land Development Services is responsible for the administration and enforcement of this Chapter except for Article 10, which is administered and enforced by the Director of the Department of Public Works and Environmental Services.

ARTICLE 2. - Requirements for Land Disturbing Activity.

Section 124.1-2-1. - Regulated Land-Disturbing Activity.

~~(A)~~ Unless exempt under Section 124.1-1-7, or unless Section 124.1-2-2 or 124.1-2-3 of this Chapter applies, land-disturbing activity that meets one of the criteria in this section is regulated as follows~~otherwise set forth in subsection (B), the following land-disturbing activities are subject to the criteria set forth in Article 4 and Article 6 of this Chapter~~:

~~(1)land-disturbing activity that disturbs 2,500 square feet or more, and~~

~~(2)land-disturbing activity that is part of a larger common plan of development or sale that disturbs one acre or more.~~

(A) Land-disturbing activity that disturbs 2,500 square feet or more and is less than one acre is subject to the criteria set forth in Section 124.1-2-4 and Article 6 of this Chapter; and

(B) Land-disturbing activity that disturbs one acre or more, or that disturbs less than one acre but is part of a larger common plan of development or sale that disturbs one acre or more, is subject to the criteria set forth in Article 4 and Article 6 of this Chapter.

~~(B) Land-disturbing activities exempt per Section 124.1-1-7 are not required to comply with the requirements of the VESMA and this Chapter unless otherwise required by federal law.~~

~~(C) Land-disturbing activities determined to be in accordance with Sections 124.1-2-2 or 124.1-2-3 are subject to the technical criteria set forth in Article 5 of this Chapter.~~

Section 124.1-2-2. - Legacy Land-Disturbing Activity.

(A) Any land-disturbing activity is considered legacy by the County and subject to the technical criteria of Article 5 of this Chapter provided:

(1) A currently valid proffered rezoning or P district rezoning or other rezoning with a plan of development, special exception, special permit, variance, preliminary or final subdivision plat, subdivision construction plan, preliminary or final site plan, or grading plan, was approved by the County prior to July 1, 2012; and

(2) The proffered rezoning or P district rezoning or other rezoning with a plan of development, special exception, special permit, variance, preliminary or final subdivision plat, subdivision construction plan, preliminary or final site plan, or grading plan provides sufficient information to demonstrate that the resulting land-disturbing activity will comply with the technical requirements of Article 5 and include, as a minimum, the following: (i) a conceptual drawing that identifies the location of the proposed stormwater facilities; (ii) pre- and post-development calculations that detail the required pollutant reduction necessary to comply with the water quality design criteria; and (iii) calculations necessary to determine compliance with the water quantity design criteria; and

(3) The proffered rezoning or P district rezoning or other rezoning with a plan of development, special exception, special permit, variance, preliminary or final subdivision plat, subdivision construction plan, preliminary or final site plan, or grading plan has not been subsequently modified or amended in a manner resulting in an increase over the previously approved plat or plan in the amount of phosphorus leaving each point of discharge or the volume or rate of runoff; and,

(4) A state permit ~~has~~ was not ~~been~~ issued prior to July 1, 2014; ~~and~~

(5) Land disturbance did not commence prior to July 1, 2014~~,~~; and

(6) Land disturbance commenced prior to July 1, 2019.

(B) Local, state, and federal projects are considered legacy by the County and are subject to the technical criteria of Article 5 of this Chapter provided:

(1) There has been an obligation of locality, state, or federal funding, in whole or in part, prior to July 1, 2012, or the Department has approved a stormwater management plan prior to July 1, 2012;

(2) A state permit ~~has~~ was not ~~been~~ issued prior to July 1, 2014; ~~and~~

(3) Land disturbance did not commence prior to July 1, 2014~~.~~; and

(4) Land disturbance commenced prior to July 1, 2019.

(C) Land disturbing activities that meet the conditions under subsections A ~~and~~ or B of this Section remain subject to the technical criteria of Article 5 of this Chapter ~~for one additional permit cycle~~until construction is completed. ~~After such time, portions of the project not under construction are subject to any new technical criteria adopted by the board~~. To remain subject to the technical criteria of Article 5 of this Chapter, subsequent modifications or amendments to a previously approved stormwater management plan cannot increase the amount of phosphorus leaving each point of discharge or increase the volume or rate of runoff. Any modifications or amendments to a previously approved stormwater management plan that result in an increase in the amount of phosphorus leaving any point of discharge or an increase in the volume or rate of runoff, or additional land-disturbing activities not previously authorized, must comply with the technical criteria in Article 4, 6, or Section 124.1-2-4 of this Chapter, as applicable.

(D) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project ~~is~~ remains subject to the technical criteria of Article 5 of this Chapter.

(E) Nothing in this Section precludes an operator from constructing to a more stringent standard at the operator's discretion.

Section 124.1-2-4. ~~–~~ Land-Disturbing Activity in Chesapeake Bay Preservation ~~Act Land-Disturbing Activity~~Areas.

(A) In accordance with Section 124.1-2-1(A), and in order to protect the quality of state waters and to control the discharge of stormwater pollutants from land-disturbing activities, runoff associated with land-disturbing activities in Chesapeake Bay Preservation Areas that are equal to or greater than 2,500 square feet but less than one acre are subject to the ~~Chesapeake Bay Preservation Act or, in the case of state and federal agency projects, DEQ~~requirements of subsection (B) of this section.

(B) Unless part of a common plan of development or sale that disturbs one or more acre, ~~excluded by Section 124.1-1-7, land-disturbing activities with state permits issued after June 30, 2014~~, land-disturbing activities in Chesapeake Bay Preservation Areas that are equal to or greater than 2,500 square feet but less than one acre do not require completion of a registration statement or require coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities but are subject to the following technical criteria and program and administrative requirements:

(1) An erosion and sediment control plan consistent with the requirements of Section 124.1-6-2 must be designed, submitted and pre-approved by the County, and implemented during all land-disturbing activities~~.~~;

(2) A stormwater management plan must be designed, developed and submitted to and pre-approved by the County consistent with the requirements of Sections 124.1-3-2 and 124.1-2-5 and must be implemented during all the land-disturbing activity~~.~~;

(3) Long-term maintenance of stormwater management facilities in accordance with Section 124.1-2-6;

(4) Water quality design criteria in accordance with Article 4;

(5) Water quality compliance in accordance with Section 124.1-4-3;

(6) Channel protection and flood protection in accordance with Article 4;

(7) Offsite compliance options in accordance with Section 124.1-4-5; and

(8) Design storm and hydrologic methods in accordance with Sections 124.1-4-6, 124.1-4-8, and 124.1-4-10.

(9) Exceptions may be requested to the County in accordance with Article 7 of this Chapter.

Section 124.1-2-5. - Review and Approval of Plans; Issuance of County Land-Disturbance Permit for Land-Disturbing Activity.

(A) Except for activities set forth in Section 124.1-1-7 of this Chapter, prior to commencing any regulated land-disturbing activity, a person seeking to conduct such regulated land-disturbing activity must file an application to LDS that includes a state permit registration statement, if

required, and a soil erosion control and stormwater management plan, ~~if required~~ and receive a land-disturbance permit from the County.

(B) The County will review and approve or disapprove an ESM plan in accordance with the requirements set forth in Sections 124.1-3-2 and 124.1-6-2.

(C) The County must determine the completeness of any application within 15 days after receipt and must act on any application within 60 days after it has been determined by the County to be complete.

(D) Applicants may resubmit a previously disapproved application and the County will determine whether any resubmission is complete within 15 days after receipt and must act on the resubmitted application within 45 days after receipt.

(E) An applicant seeking land-disturbance approval must submit to the County the name of the individual who will be assisting the owner in carrying out the activity and holds a Responsible Land Disturber certificate pursuant to Va. Code § 62.144.15:30. Failure to provide the name of an individual holding a Responsible Land Disturber certificate prior to engaging in land-disturbing activities may result in revocation of the land-disturbance approval and is a violation of this Chapter.

(F) Excluding state agencies and federal entities, an applicant seeking land-disturbance approval must submit to the County a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the County, to ensure that measures could be taken by the County at the applicant's expense should the applicant fail, after proper notice, within the time specified to comply with conditions imposed by imposed by the County as a result of the applicant's land-disturbing activity. If the County takes such action upon such failure by the applicant, the County may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within 60 days of the completion of the County's conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, will be refunded to the applicant or terminated. These requirements are in addition to all other provisions of law relating to the issuance of state permits and are not intended to otherwise affect the requirements for such state permits including performance guarantees for items unrelated to the County land-disturbance permit.

(G) Prior to issuing a land-disturbance approval, the County is required to obtain evidence of state permit coverage when such coverage is required.

(H) The County must issue either land-disturbance approval in the form of a County land-disturbance permit or denial and provide written rationale for any denial.

(I) The County may require changes to an approved soil erosion control and stormwater management plan in the following cases:

(1) An inspection has revealed that the plan is inadequate to satisfy applicable regulations or ordinances; or

(2) The owner finds that because of changed circumstances or for other reasons the plan cannot be effectively carried out, and proposed amendments to the plan consistent with the requirements of this Chapter are agreed to by the County and the owner.

(J) In order to prevent further erosion, the County may require approval of an erosion and sediment control and a stormwater management plan for any land it identifies as an erosion impact area.

(K) The County may enter into an agreement with an adjacent VESMP authority regarding the administration of multijurisdictional projects, specifying who will be responsible for all or part of the administrative procedures. If the County and the adjacent VESMP authority fail to reach such an agreement, each will be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction.

(L) The County may cooperate with and enter into agreements with any federal or state agency in connection with the requirements for land-disturbing activities in accordance with Va. Code §62.1-44.15:50.

(M) No exception to, or waiver of, post-development nonpoint nutrient runoff compliance requirements will be granted unless offsite options have been considered and found not available in accordance with Va. Code § 62.1-44.15:35(D).

Section 124.1-2-6. - Long-term maintenance of stormwater management facilities.

(A) The operator of any permanent stormwater management facility in the County must submit a construction record drawing in accordance with the Public Facilities Manual including a statement signed by a professional registered in the Commonwealth of Virginia pursuant to Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia, stating that to the best of the professional's knowledge, the construction record drawing shows all adjustments and revisions to the stormwater management plan made during construction and serves as a permanent record of the actual location of all constructed elements. The property owner is required to provide for long-term responsibility and maintenance of stormwater management facilities and other techniques specified to manage the quality or quantity of runoff. Such requirements must be delineated in an instrument recorded in the Fairfax County land records prior to approval to begin land-disturbing activities and must at a minimum:

(1) Be submitted to the County for review and approval prior to the approval of the stormwater management plan;

(2) Be stated to run with the land;

(3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;

(4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the County; and

(5) Be enforceable by all appropriate governmental parties.

(6) Ensure that measures could be taken by the County to maintain the stormwater management facilities or perform inspections at the owner's expense should the owner

fail to maintain the stormwater management facilities in good working order in accordance with the maintenance specifications in the agreement or perform the periodic inspections required by the agreement;

(7) Provide that in the event the County, 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 owner will reimburse the County for all costs incurred by the County; and

(8) Provide for liens to be placed on the property should the owner fail to reimburse the County for costs incurred by the County.

(B) Failure by a property owner to provide for the long-term responsibility and maintenance of a stormwater management facility and other techniques specified to manage the quality or quantity of runoff in accordance with the terms of the recorded instrument described in subsection (A) above is a violation of this Chapter, enforceable under Article 8.

Section 124.1-2-7. - Inspections; Records and Reports

(A) The County will periodically inspect land-disturbing activities during construction~~, in accordance with the County's Inspection Program as set forth in the Public Facilities Manual,~~ for:

(1) Compliance with the approved erosion and sediment control plan;

(2) Compliance with the approved stormwater management plan;

(3) Development, updating, and implementation of a pollution prevention plan; and

(4) Development and implementation of any additional control measures necessary to address a TMDL.

(B) The County will conduct periodic inspections ~~in accordance with the County's Inspection Program as set forth in the Public Facilities Manual~~ to ensure that permanent stormwater management facilities are being adequately maintained as designed after completion of land-disturbing activities. Such inspections will be made by the County or the County's designee, not to include the owner, except as provided in subsections D of this section, at least once every five years.

(C) The County may ~~utilize~~ use the inspection reports of the owner of a stormwater management facility as part of an inspection program established in subsection B of this Section if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia; a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor; or a person who holds an appropriate certificate of competence from the DEQ.

(D) Subject to the limitations and conditions set forth in 9 VAC 25-875-900**,** every owner, applicant or state permittee must furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of permit applicant's or permittee's discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law

and this Chapter. Any personal information will not be disclosed except to an appropriate official of the Department or the County or as may be ~~authorized pursuant~~mandated by the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).

(E) The County will perform inspections to ensure compliance with Article 10.

Section 124.1-2-8. - Right of Entry.

(A) The County or any duly authorized agent thereof, may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Chapter. ~~This authority applies only to those properties from which a discharge enters the County's municipal separate storm sewer system.~~

(B) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, the County may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by conditions imposed by the County on a land-disturbing activity when an owner, after proper notice, has failed to take acceptable action within the time specified.

(C) A warrant may be obtained in accordance with applicable local, state, and federal law when necessary to carry out the provisions of this Chapter.

Section 124.1-2-9. - Annual Standards and Specifications for State Agencies, Federal Entities, and Other Specified Entities.

(A) As an alternative to submitting ~~erosion and sediment control~~soil erosion control and stormwater management plans for its land-disturbing activities, the Virginia Department of Transportation must, and any other state agency or federal entity may, submit standards and specifications for its conduct of land-disturbing activities to the Virginia Department of Environmental Quality for approval. Approved standards and specifications must be consistent with the VESMA and Article 2 of Part V of the Virginia Erosion and Stormwater Management Regulation~~s~~.

(B) As an alternative to submitting ~~erosion and sediment control~~soil erosion control and stormwater management plans, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies and authorities created pursuant to Va. Code § 15.2-5102 may submit standards and specifications to Virginia Department of Environmental Quality for approval that describe how land-disturbing activities must be conducted. Such standards and specifications may be submitted for the following types of projects:

(1) Construction, installation, or maintenance of electric transmission and distribution lines, oil or gas transmission and distribution pipelines, communication utility lines, and water and sewer lines; and

(2) Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.

(C) As an alternative to submitting ~~erosion and sediment control~~ soil erosion control and stormwater management plans, any person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank that has been approved and is operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of a wetlands mitigation or stream restoration bank, pursuant to a mitigation banking instrument signed by the department, the Virginia Marine Resources Commission, or the U.S. Army Corps of Engineers, may submit standards and specifications to the Department of Environmental Quality for approval that describe how land-disturbing activities must be conducted.

(D) Approval of standards and specifications by the Virginia Department of Environmental Quality does not relieve the owner or operator of the duty to comply with any other applicable county ordinances or regulations.

ARTICLE 3. – Stormwater Management: Plan Requirements

Section 124.1-3-1. - Stormwater Pollution Prevention Plan Requirements.

(A) Stormwater pollution prevention plans must include an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection E of this section.

(B) Erosion and sediment control plans must be designed and implemented throughout construction activities consistent with the requirements of Sections 124.1-6-2 and 124.1-6-3 and must be approved by the County prior to any land disturbance.

(C) Stormwater management plans must be designed and implemented consistent with the requirements of Section 124.1-3-2 throughout all construction activities and must be approved by the County prior to any land disturbance.

(D) Pollution prevention plans identifying potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site and describe control measures that will be used to minimize pollutants in stormwater discharges from the construction site must be developed before land disturbance commences.

(E) In addition to the requirements of subsections A through D of this section, if a specific wasteload allocation for a pollutant has been established in an approved TMDL and is assigned to stormwater discharges from a construction activity, additional control measures must be identified and implemented by the operator so that discharges are consistent with the assumptions and requirements of the wasteload allocation.

(F) The stormwater pollution prevention plan (SWPPP) must address the following requirements as specified in 40 CFR 450.21, to the extent otherwise required by state law or regulations and any applicable requirements of a permit:

(1) Control of stormwater volume and velocity within the site to minimize soil erosion;

(2) Control of stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;

(3) Minimization of the amount of soil exposed during construction activity;

(4) Minimization of the disturbance of steep slopes;

(5) Minimization of sediment discharges from the site. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity, and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

(6) Provisions for and maintenance of natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal, and maximize stormwater infiltration, unless infeasible;

(7) Minimization of soil compaction and, unless infeasible, preserve topsoil;

(8) Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other ~~earth~~ earth-disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the County. In arid, semi-arid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the County; and

(9) Utilization of outlet structures that withdraw water from the surface, unless infeasible, when discharging from basins and impoundments.

(G) The SWPPP must be timely amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the SWPPP. The SWPPP must be maintained at a central location ~~onsite~~on site. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site.

Section 124.1-4-2. - **Water Quality Design Criteria Requirements.**

(A) In order to protect the quality of state waters and to control the discharge of stormwater pollutants from regulated activities, the following minimum design criteria and standards for stormwater management must be applied to the site:

(1) New development.

(a) For plans submitted on or after July 1, 2025, t~~T~~he total phosphorus load of new development projects must not exceed ~~0.41~~ 0.26 pounds per acre per year, as calculated pursuant to Section 124.1-4-3.

(b) For plans submitted and deemed complete pursuant to Section 124.1-2-5 before July 1, 2025, the total phosphorus load of new development projects must not exceed 0.41 pounds per acre per year, as calculated using the Virginia Runoff Reduction Method Version 3.0, May 2, 2016, or another equivalent methodology that is approved by the DEQ.

(c) Plans submitted that were not deemed complete before July 1, 2025, must meet the requirements set forth in subsection (a). Any revisions, modifications, or amendments to a previously approved plan that increase the phosphorus load from the development site must meet the requirements in subsection (a) for those changes that cause the increased phosphorus load.

(2) Development on prior developed lands.

(a) For land-disturbing activities disturbing greater than or equal to one acre that result in no net increase in impervious cover from the predevelopment condition, the total phosphorus load must be reduced at least 20% below the predevelopment total phosphorus load.

(b) For regulated land-disturbing activities disturbing less than one acre that result in no net increase in impervious cover from the predevelopment condition, the total phosphorus load must be reduced at least 10% below the predevelopment total phosphorus load.

(c) For land-disturbing activities that result in a net increase in impervious cover over the predevelopment condition, the design criteria for new development must be applied to the increased impervious area. Depending on the area of disturbance, the criteria of ~~subdivisions~~ subsections (A)(2)(a) or (A)(2)(b) above, must be applied to the remainder of the site.

(d) In lieu of ~~subdivision~~ subsection (A)(2)(c), the total phosphorus load of a linear development project occurring on prior developed lands shall be reduced 20% below the predevelopment total phosphorus load.

(e) The total phosphorus load shall not be required to be reduced to below the applicable standard for new development unless a more stringent standard has been established by the County.

(f) For plans submitted and deemed complete pursuant to Section 124.1-2-5 before July 1, 2025, for land-disturbing activities on prior developed lands, compliance with subsections (A)(2)(a) through (e) of this Section must be determined using the Virginia Runoff Reduction Method Version 3.0, May 2, 2016, Section 124.1-4-3, or another equivalent methodology that is approved by the DEQ.

(B) The Board has established a Water Supply Protection Overlay District (WSPOD) in the Occoquan Watershed to prevent water quality degradation of the Occoquan Reservoir due to

pollutant loadings within the watershed. WSPOD boundaries have been established on the Official Zoning Map. Any subdivision that is subject to the provisions of Chapter 101 of the County Code or any use requiring the approval of a site plan in accordance with the provisions of subsection 8100.7 must provide water quality control measures designed to reduce the projected phosphorus runoff pollution by one-half for the proposed use. Such water quality control measures or Best Management Practices (BMPs) will be reviewed, modified, waived, or approved by the LDS Director in accordance with the Public Facilities Manual. The requirement for BMPs may be modified or waived only where existing site characteristics make the provision impractical or unreasonable on-site, an alternative provision is not or cannot be accommodated off-site, and where it can be established that the modification or waiver will not affect the achievement of the water quality goals for the public water supply watershed as set forth in the Comprehensive Plan.

(C) Compliance with subsections (A) and (B) above must be determined in accordance with Section 124.1-4-3.

(D) Requirements of all applicable TMDL action plans developed by the County in accordance with the County's MS4 permit must be met.

Section 124.1-4-3. - Water Quality Compliance.

(A) Compliance with the water quality design criteria set out in subsections A and B of Section 124.1-4-2 will be determined by utilizing the Virginia Runoff Reduction Method ~~(Instructions and Documentation, March 28, 2011~~effective April 27, 2024,~~)~~ or another equivalent methodology that is approved by the DEQ.

(B) The BMPs listed in ~~9 VAC 25-875-590.B~~the Virginia Stormwater Management Handbook are approved for use, subject to the restrictions and conditions in the PFM, as necessary to effectively reduce the phosphorus load and runoff volume in accordance with the Virginia Runoff Reduction Method, effective April 27, 2024, or another equivalent methodology that is approved by the DEQ. Other approved BMPs found through the Virginia Stormwater BMP Clearinghouse may also be utilized, subject to review and approval by the Director. Design specifications and the pollutant removal efficiencies for all approved BMPs are found through the Virginia Stormwater Management Handbook and the Virginia Stormwater BMP Clearinghouse. Modifications to the design specifications, to address local requirements, are included in the PFM.

(C) Nonproprietary BMPs differing from those ~~listed in 9 VAC 25-875-590.B~~referenced in subsection (B) of this Section may be reviewed and approved for use by the director of the DEQ in accordance with procedures established by the DEQ.

(D) Proprietary BMPs listed through the Virginia Stormwater BMP Clearinghouse are approved for use in accordance with the Virginia Runoff Reduction Method, effective April 27, 2024, or

another equivalent methodology that is approved by the DEQ. Any proprietary BMP approved for use after July 1, 2020, must meet the requirements of Va. Code § 62.1-44.15:28(A)(9).

(E) The Director may establish limitations on the use of specific BMPs in accordance with Va. Code § 62.1-44.15:33.

(F) Where a site drains to more than one HUC, the pollutant load reduction requirements must be applied independently within each HUC unless reductions are achieved in accordance with a comprehensive watershed stormwater management plan in accordance with Section 124.1-4-9. Pollutant load reduction requirements to meet TMDL action plans developed by the County in accordance with the County's MS4 permit must be applied independently to the areas of the site subject to the TMDL.

(G) Offsite alternatives where allowed in accordance with Section 124.1-4-5 may be utilized to meet the design criteria of subsection A of Section 124.1-4-2.

(H) Any publicly owned treatment works that is permitted under the watershed general VPDES permit pursuant to Va. Code § 62.1-44.19:14 and is constructing or expanding the treatment works, wastewater collection system, or other facility used for public wastewater utility operations may, in accordance with Va. Code § 62.1-44.19:21.2 C, permanently retire a portion of the publicly owned treatment works' wasteload allocation to meet the design criteria of subsection A of Section 124.1-4-2. Notice must be given by such applicant to the County and to the DEQ.

ARTICLE 6. – EROSION AND SEDIMENT CONTROL: PLAN REQUIREMENTS AND MINIMUM STANDARDS FOR TECHNICAL CRITERIA

Section 124.1-6-2. - Erosion and Sediment Control Plans.

(A) An erosion and sediment control plan must be ~~filed~~ submitted to the County for any development and the buildings constructed within, regardless of the phasing of construction. The erosion and sediment control plan must include all major conservation decisions to ensure that the entire unit of land will be treated to achieve the conservation objectives and minimum standards in Section 124.1-6-3. In addition to the mandatory elements, the erosion and sediment control plan may include:

(1) Appropriate maps;

(2) An appropriate soil and water plan inventory and management information with needed interpretations; and

(3) A record of decisions contributing to conservation treatment.

(B) The person responsible for carrying out the plan must provide the name of an individual holding a certificate who will be in charge of and responsible for carrying out the land-disturbing activity to the County.

(C) If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction must be covered by an erosion and sediment control plan.

(D) Land-disturbing activity of less than 2,500 square feet on individual lots in a residential development is not exempt from the provisions of the VESMA~~, ESCL,~~ or this C~~c~~hapter if the total land-disturbing activity in the development is equal to or greater than 2,500 square feet.

(E) All erosion and sediment control structures and systems must be maintained, inspected, and repaired as needed to ensure continued performance of their intended function. A statement describing the maintenance responsibilities of the individual responsible for carrying out the land-disturbing activity must be included in the approved erosion and sediment control plan.

Section 124.1-6-3. - Erosion and sediment control criteria, techniques, and methods: minimum standards.

(A) An erosion and sediment control plan must be consistent with the criteria, techniques, and methods contained in 9VAC25-875-560 of the VESM Regulation, the Standards & Specifications as contained in the current Virginia Stormwater Management Handbook and the Public Facilities Manual. ~~except that the minimum standard for design and construction of sediment traps and sediment basins (9VAC25-875-560(6)) is modified as follows:~~

~~(1a) Temporary Sediment Trap — For land areas designated as Resource Protection Areas (RPAs), the minimum storage volume is 202 cubic yards per acre of disturbed area. Pipe outlet sediment traps are required for drainage areas of one to three acres. For land areas designated as RPAs, pipe outlet sediment traps may also be required for areas of less than one acre where topographical and drainage conditions are favorable for field implementation (see Plate 2-11 of the current Public Facilities Manual for details). Stone outlets for temporary sediment traps under one acre of drainage area outside of RPAs must be constructed according to current Virginia Stormwater Management Handbook specifications.~~

~~(2b) Temporary Sediment Basin — For land areas designated as RPAs, the minimum storage volume is 202 cubic yards per acre of disturbed area.~~

When the standards vary between the publications, the most stringent standard will apply.

(B) All land-disturbing activities must be conducted in a manner that is consistent with the applicable requirements of subsection (A) of this section.

2. That the provisions of this ordinance shall take effect on [date].

GIVEN under my hand this _____ day of _____, 2025.

_____
Jill G. Cooper
Clerk for the Board of Supervisors