

FREQUENTLY ASKED QUESTIONS**11.1 HENRICO COUNTY ENVIRONMENTAL PROGRAM MANUAL****FAQ1.01 – Which parts of this Manual are required and which parts are merely guidance?**

The provisions of this Manual are required either by specific reference in the Code of the County of Henrico Virginia or by Department of Public Works policy.

FAQ1.02 – How will revisions and updates to the Manual be distributed?

The Department of Public Works maintains a mailing list of the individuals and firms that have received a manual. Revisions and updates will be sent to these individuals and firms.

11.2 STREAM ASSESSMENT / WATERSHED MANAGEMENT PROGRAM**FAQ2.01 - If payment to the Environmental Fund is required, when must the payment be made?**

If a contribution to the Environmental Fund is required for a *residential subdivision*, the payment must be made prior to recordation of the subdivision. If a contribution to the Environmental Fund is required for a *POD*, the payment must be made prior to approval of the *POD*.

FAQ2.02 - If my project is located in two or more watersheds with different Watershed Management Area classifications, what Watershed Management Practices are applied to the project?

If a proposed development is located in more than one type of Watershed Management Area (Watershed Preservation Area, Watershed Enhancement Area, Watershed Restoration Area, or Urban Watershed Management Area), the Watershed Management Area where the majority of the proposed impervious area is located governs. The Watershed Management Practices required under this “majority” Watershed Management Area classification are then applied to **all** areas of the development.

This “majority” determination is also applied to all future projects within the development. For instance, the majority of the proposed impervious area of Phase I of a development may have drained to a Watershed Enhancement Area and therefore, Phase I was required to comply with the Watershed Management

Practices specified for a Watershed Enhancement Area. However, the majority of the proposed impervious area of Phase II may drain to a Watershed Preservation Area and therefore, Phase II is required to comply with the Watershed Management Practices specified for a Watershed Preservation Area.

FAQ2.03 - Can my pollutant removal requirement or required Environmental Fund contribution be reduced if I provide the 100-foot Resource Protection Area (RPA) in my development?

The RPA buffer is a required component of the Chesapeake Bay Preservation Area Designation and Management Regulations that is in addition to the stormwater quality criteria and **may not** be used to address all or part of the required pollutant removal. Subsequently, the Environmental Fund contribution is not reduced by providing the 100-foot RPA buffer.

FAQ2.04 - Can my pollutant removal requirement or required Environmental Fund contribution be reduced if I provide the 50-foot Stream Protection Area (SPA) in my development?

The SPA is a Watershed Management Practice included in the Stream Assessment/Watershed Management Program that can be used to address all or part of the required pollutant removal if the SPA is forested in accordance with MS 9.10 and energy dissipators are provided at all storm sewer and channel outfalls in accordance with MS 9.01. Therefore, the Environmental Fund contribution can be reduced by providing the SPA provided certain conditions are met. For directions on how to calculate the reductions, see Chapter 2 of this Manual.

FAQ2.05 - Can I claim a reduction in either my removal requirement or my contribution amount if the SPA is naturally forested or is the credit only available for SPAs that are forested/planted as part of the proposed development?

Credit for a properly forested SPA can be claimed whether the SPA is already forested or will be forested in accordance with MS 9.10 and energy dissipators are provided at all storm sewer and channel outfalls in accordance with MS 9.01.

FAQ2.06 - Instead of contributing to the Environmental Fund, can I do a stream restoration or streambank stabilization project on my development or elsewhere in the County?

No. Stream restoration and streambank stabilization projects conducted as a result of the Environmental Fund will be selected from a prioritized project list and

managed by the County. This is done to ensure consistent design and construction of these types of projects.

FAQ2.07 – Based on my project characteristics and the Watershed Management Area in which my project is located, contribution to the Environmental Fund is specified as a requirement. Instead of contributing to the Environmental Fund, can I construct an on-site BMP?

No. Whether a contribution to the Environmental Fund is made **or** whether the calculated pollutant removal requirement is achieved through use of a BMP is not an option for the applicant. The project's pre and post development impervious coverage and the Watershed Management Area in which the project is located dictates whether a contribution is required or whether a BMP must be provided.

FAQ2.08 - Based on my project characteristics and the Watershed Management Area in which my project is located, an on-site or regional BMP is listed as a requirement. Instead of constructing a BMP, can I contribute to the Environmental Fund?

No. Whether a contribution to the Environmental Fund is made **or** whether the calculated pollutant removal requirement is achieved through use of a BMP is not an option for the applicant. The project's pre and post development impervious coverage, other site characteristics and the Watershed Management Area in which the project is located dictates whether a contribution is required or whether a BMP must be provided.

FAQ2.09 – According to the Implementation Flowcharts, I'm required to contribute to the Environmental Fund. If a BMP exists on my project site, can that BMP be modified to address the pollutant removal requirement instead of contributing to the Environmental Fund?

Yes. If a BMP exists on the project site, credit must be allowed for that facility in accordance with the pro-rata language in the Code of Virginia. Therefore, all or part of the pollutant removal requirement can be achieved by using the existing BMP and doing so will reduce or eliminate the need for contributing to the Environmental Fund. In fact, this also applies to existing or required 50/10 stormwater detention basins if the basin is modified to address all applicable design criteria associated with the intended water quality design criteria.

FAQ2.10 – What is meant by “immediately adjacent to” when it comes to opting into an Urban Management Area?

One of the qualifiers for projects opting into an Urban Management Area (UMA) is that the project be located on a parcel that is immediately adjacent to a mapped UMA. “Immediately adjacent to” a mapped UMA means contiguous to a mapped UMA regardless of roadways or railways. When the project parcel is separated from a mapped UMA by a roadway or railway, “immediately adjacent to” will be determined as if the roadway or railway does not exist. Please note that the mapped UMAs are defined at the time of program adoption and do not change as a result of projects opting into the UMAs.

FAQ2.11 – Is the Stream Protection Area intended to be included in an easement or is it designated differently?

The Stream Protection Area (SPA) is not intended to be included in an easement. Similar to the Resource Protection Area (RPA), the location of the SPA will be shown on the construction plans. Also like the RPA, SPAs in residential subdivisions must be shown on the final plat as well as the construction plans.

In addition, lots containing SPA must be so noted on both the construction plans and final plats with the following note:

*Lots marked with an *** contain an SPA that are to remain undisturbed and are to be protected from all construction or land disturbing activities.*

11.3 STORMWATER POLLUTANT REMOVAL**FAQ3.01 – Based on the pollutant loading and removal calculations, my pollutant removal requirement is greater than 65% of the load generated by my developed site. However, the most efficient BMP listed in the BMP Efficiency table is 65% efficient. What options do I have?**

If a project’s target pollutant removal requirement exceeds 65%, the requirement will be met if:

- 1) a BMP that achieves 65% removal efficiency (i.e. sand filter) or a combination of BMPs that achieve an overall removal efficiency of 65% is used, and
- 2) if 80% of the site’s impervious cover is served by one of the above BMP options.

If these conditions cannot be met, then all other alternatives need to be explored, including treatment of offsite areas (at 16% impervious) to insure that the pollutant removal requirement has been achieved.

FAQ3.02 – How do I calculate the overall pollutant removal achieved by two BMPs in series?

The overall pollutant removal achieved by BMPs in series is dependent on the load entering each BMP. The pollutant load entering the first BMP is simply the load generated by the drainage area to the BMP as calculated using the Simple Method calculation found on the appropriate worksheet. The pollutant load entering the second BMP is simply the pollutant load not removed by the first BMP.

11.4 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**FAQ4.01 – I recently received a comment from County staff that the floor drain from my proposed dumpster enclosure cannot discharge to the storm sewer system that I'm installing on my site. Why not?**

Discharges from an enclosure's floor drain are deemed illicit discharges according to the Code of the County of Henrico Virginia and are prohibited from entering the storm sewer system. Only stormwater may be discharged to the storm sewer system.

FAQ4.02 – Why must dumpster pads on my project be as far as possible from the storm sewer inlets?

In accordance with the County's Virginia Pollutant Discharge Elimination System permit, efforts must be made to prevent illicit discharges. Therefore, the distance between dumpster pads and storm sewer inlets must be maximized to reduce the chances of leakage from a dumpster reaching the storm sewer system. When the dumpster is located across the parking lot or several parking spaces from the nearest inlet, leakage from the dumpster must flow through the parking area. This greatly improves the chances of the problem being addressed. The closer the dumpster is to the nearest inlet, the quicker the problem becomes "out of sight, out of mind."

FAQ4.03 – Can I connect my pool drain to the storm sewer system?

Swimming pool discharges can be directed to the storm sewer system only if the discharge is non-chlorinated or has been dechlorinated.

11.5 EROSION AND SEDIMENT CONTROL PROGRAM**FAQ5.01 – At what point can the temporary sediment basins and sediment traps be removed from my development?**

The general rule for removing temporary sediment traps and basins is that at least 80% of the contributing drainage area has been built upon and stabilized in accordance with the approved plan. However, the decision to allow the removal of these devices rests with the Environmental Inspectors. Therefore, the Environmental Inspector must be consulted prior to removing sediment traps and basins.

FAQ5.02 – When can my erosion and sediment control bond be released and how is the bond release process initiated?

Once the project has been completed and the project site is stabilized in accordance with the approved plan to the satisfaction of the Environmental Inspector, the erosion and sediment control bond can be released. In order to initiate the bond release process, the owner or developer must notify the County that the project is complete and request the release of the bond. Upon receipt of this notification, a final inspection will be conducted. If no outstanding issues are identified during the inspection, the bond will be released and the owner or developer notified. If outstanding issues are identified, the owner or developer will be notified of the deficiencies and the bond will be held until the deficiencies are addressed.

FAQ5.03 – Prior to approval of an erosion and sediment control plan, can I harvest the timber and clear the remaining vegetation from my site as long as the root mat remains undisturbed?

No. According to the Code of the County of Henrico Virginia, harvesting timber and removal of vegetation are land disturbing activities and cannot be conducted without an approved erosion and sediment control plan. Exceptions to this would be situations in which the activity is a bona fide agricultural or forestry operation. In these cases, the Henricopolis Soil and Water Conservation District and/or the Department of Forestry will be consulted.

FAQ5.04 – Why are building permits for residential lots adjacent to or containing sediment traps and basins not approved until the traps or basins are removed?

In response to safety related concerns, this policy was developed to provide a separation between the occupied dwellings in a developing subdivision from the temporary sediment traps and basins needed during construction. Note that this

policy only applies to traps and basins that will not be converted to permanent best management practices unless the subject lots contain diversion dikes or other temporary devices necessary to divert runoff to the trap or basin.

11.6 CHESAPEAKE BAY PRESERVATION AREA PROGRAM

FAQ6.01 – Since the Stream Assessment / Watershed Management Program requires a buffer 50 feet in width on stream segments above Resource Protection Areas (RPAs), does the “100 and 100” policy still apply for RPA determinations?

No. With the adoption of the Stream Assessment / Watershed Management Program, the “100 and 100” policy for RPA determinations is no longer applied. The extent of RPA features is now determined as the point within the stream where the majority of the contributing base flow ceases to originate from groundwater sources.

FAQ6.02 – Although the stream through my project is not depicted as a perennial stream on U.S.G.S. mapping, County staff has determined that the stream is a perennial stream. Who makes these determinations and what criteria are used?

In addition to U.S.G.S.-mapped perennial streams, the Chesapeake Bay Preservation Area Designation and Management Regulations requires other streams be considered perennial when site specific evidence indicates perennial flow is present. The County uses criteria found acceptable by the Chesapeake Bay Local Assistance Department to make this site specific determination (see Chapter 6 of this Manual). Other criteria may be used if found acceptable by County staff.

11.7 WATERS OF THE UNITED STATES

FAQ7.01 – I recently received comments from County staff that wetlands exist on my proposed project site that were not shown on the plan. However, my consultant disagrees. How do we resolve this disagreement?

If there is a disagreement between County staff and the consultant regarding the location of wetlands, a meeting between the County staff and consultant is recommended to discuss the delineation. If this discussion does not result in a resolution, a jurisdictional determination by the United States Army Corps of Engineer will be required prior to plan approval to verify the location of wetlands.