



**Powhatan County,  
Virginia**  
Agreement in Lieu of an  
Erosion & Sediment Control Plan

| For Office Use Only     |  |
|-------------------------|--|
| Submittal Date:         |  |
| Permit Number:          |  |
| Approval Status / Date: |  |

| Project Description   |  |
|---|--|
| Tax Map Number  |  |
| Physical Address  |  |
| Point of Contact<br>(Ex: Applicant, Contractor, Owner)  | Name:<br>Email Address:<br>Phone Number:<br>Mailing Address:   |
| Existing Site Conditions<br>(Ex: Vacant unimproved land off of Old Buckingham Road. Gradual slope from proposed home site leading to an Intermittent stream and lake on the back of the property. ) |  |
| Proposed Work<br>(Ex: 2000 Sq Ft single family dwelling with well and septic field; 500 Sq Ft detached garage with 100 ft driveway. )   |  |
| Project Timeline<br>(Estimate)  | Start Date:<br>Completion Date:  |
| Area of Disturbance<br>(In Square Feet)   |  |
| Sketch of Site Layout<br>(Draw on survey or property plat)  | <ul style="list-style-type: none"> <li>• Limits of Disturbance</li> <li>• Streams and Wetlands</li> <li>• Site Entrance, Driveway, Drainfields and Well</li> <li>• Erosion and Sediment Control Measures Used</li> </ul> |

An Agreement in Lieu of an Erosion and Sediment Control (ESC) Plan may be accepted if the property owner agrees in writing to meet the standards established by the Virginia Erosion and Stormwater Management Law. To determine whether a project is eligible for an Agreement in Lieu of a Plan, answer the eligibility questions below.

| Eligibility Questionnaire  | Yes | No |
|--|-----|----|
| <p><b>Question 1:</b><br/> <b>Is the Area of Disturbance Equal to or Greater than an Acre?</b><br/>           If an acre or more of land is planned to be disturbed, the project is ineligible to submit an Agreement in Lieu of an ESC Plan. Instead, an Erosion and Sediment Control Plan must be submitted to Powhatan County and a Construction General Permit (CGP) must be obtained from DEQ. Documented approval from DEQ must be submitted prior to approval of an ESC Plan by Powhatan County. Failure to obtain this permit could result in strict enforcement actions taken by DEQ to gain compliance.<br/>           For more information, visit <a href="http://www.deq.virginia.gov">www.deq.virginia.gov</a> or contact DEQ at (804) 698-4000.</p>  |     |    |
| <p><b>Question 2:</b><br/> <b>Are Any Creeks, Streams, Rivers, Lakes or Wetlands Located on or Adjacent to the Property?</b><br/>           If yes, submittal of a Joint Permit Application (JPA) to the U.S. Army Corps of Engineers (USACE) may be required. The JPA is used to apply for corresponding permits from the Virginia Marine Resources Commission (VMRC), DEQ, and/or Local Wetland Boards. If protected bodies of water and/or wetlands will be disturbed, the applicant is required to submit verification of permit approval from the USACE, VMRC and DEQ, or verification stating that no permit is required. All bodies of water and/or wetlands must be flagged prior to construction and confirmed by a certified professional wetland delineator and/or the USACE.<br/>           For more information, visit the USACE's Website.</p> |     |    |
| <p><b>Question 3:</b><br/> <b>Are Any Secondary Culverts Being Installed on the Property?</b><br/>           If yes, culvert inlet and outlet protection shall be provided around all inlets and outlets. A letter from a certified professional engineer, surveyor or landscape architect will be required prior to approval. This letter must state the specifications of the secondary culverts and certify that they are properly sized for the drainage area and at least a 10-year flood event within 24 hours.</p>  |     |    |
| <p><b>Question 4:</b><br/> <b>Will Cut/Fill Material be Brought to or Removed from the Property?</b><br/>           If yes, identify where fill material is coming from and/or where cut soil will be disposed of offsite. The applicant may be required to provide the estimated quantity of fill material required for the project and/or the amount leaving the site.</p>   |     |    |
| <p><b>Question 5:</b><br/> <b>Are Any Steep Slopes Located on the Property?</b><br/>           If yes, identify where fill material is coming from and the quantity used on site.</p>  |     |    |

If you answered YES to any of the questions listed above, you may not be eligible for an Agreement in Lieu of an ESC Plan and may need to prepare a full Erosion and Sediment Control Plan. Contact Powhatan County's Environmental Coordinator at (804) 598-5623 to verify whether the project is eligible to be implemented under an Agreement in Lieu of an ESC Plan instead of a full Erosion and Sediment Control Plan.

If you answered NO to all of the questions listed above, the project is eligible to use an Agreement in Lieu of an ESC Plan. Complete the remaining items on this application.

**Authorization and Acknowledgements**

In lieu of submission of an Erosion and Sediment Control Plan for the construction of this single family dwelling, I agree to comply with all applicable requirements of the Powhatan County Erosion and Sediment Control Ordinances and minimum standards for erosion and sediment control established by the Commonwealth of Virginia.

Prior to the start of construction:

- Natural vegetative buffers along streams and wetlands shall be flagged.
- A stone construction entrance shall be installed on the property.
- Address numbers posted at roadside.
- Plans available on property within a designated inspections box.
- Entrenched silt fence or other acceptable perimeter controls shall be established downslope of the disturbed area to prevent sediment from leaving the property or limits of disturbance (LOD).

In addition, all denuded areas on the property that will be left dormant longer than 14 days must be temporarily stabilized within 7 days. Any and all earthen structures must be immediately stabilized. Once final grade is achieved permanent stabilization must be provided within 7 days. Permanent vegetation or protective ground cover applied must be suitable for the time of year.

**I hereby authorize representatives from Powhatan County Community Development to enter my property for the purpose of conducting erosion and sediment control inspections. I understand that the erosion and sediment control inspection is the first inspection required and that this inspection must be scheduled prior to the scheduling of any building inspections for the project.**

**In addition, I waive my right to future building inspections in the event that inspection of the property reveals that it is not in compliance with minimum standards established by the Commonwealth of Virginia for erosion and sediment control. I understand that any erosion and sediment control deficiencies identified by Powhatan County must be fully addressed before building inspections of the property may resume. Further, I understand, covenant, and agree that if the property has not been stabilized, Powhatan County may require that a bond be posted until final construction stabilization can be achieved and that a final occupancy permit shall not be issued. Additional state and federal permits may also be required. If an Erosion and Sediment Control Plan is required, it must be posted on the site at all times with the building permit. If it is not posted at the time of the first inspection, the inspection will fail. Failure to provide appropriate site conditions will result in a Stop Work Order being placed on the project.**

| Property Owner |  |
|----------------|--|
| Name           |  |
| Street Address |  |
| City and State |  |
| Zip Code       |  |
| Phone #        |  |
| Signature      |  |

| Responsible Land Disturber / Qualified Personnel |  |
|--|--|
| Certificate #                                    |  |
| Expiration                                       |  |
| Name   |  |
| Email Address                                    |  |
| Phone #  |  |
| Signature  |  |

**Questions?**

Contact Environmental Management at (804) 598-5623.