

CHAPTER 16 ENVIRONMENTAL COMPLIANCE BOND

16.1 INTRODUCTION

As explained throughout the previous chapters of this Manual, there are numerous requirements applicable to regulated land-disturbing activities that are addressed in the Environmental Compliance Plan that is described in Chapter 5.

Although these requirements are to be done at the expense of the owner or operator, financial assurances must be provided to ensure all necessary measures could be completed by the Administrator should the owner or operator fail to fulfill the requirements of the ECP. Therefore, in accordance with Sec. 10-46 of the Henrico County Code, an Environmental Compliance Bond and associated agreement in forms acceptable to the County Attorney must be provided.

16.2 APPLICABILITY

In accordance with Sec. 10-30 of the Henrico County Code, the requirements of this chapter apply to all regulated land-disturbing activities as described in Chapter 3 of this Manual. For help determining the land-disturbance activity type, please refer to Chapter 3 of this Manual.

This section does not apply to construction on single family residential lots, including additions or modifications to existing structures unless deemed necessary by the Administrator.

16.3 CALCULATION OF BOND AMOUNT

The bond must be sufficient to ensure implementation of the ECP. In an effort to develop bond amounts that are reasonable, the County established bonding amounts based on a comparison of Public Works annual contractor bid documents and VDOT unit costs. These bonding amounts are included in a spreadsheet that will be used by County review staff to develop the appropriate bonding level for the project. The bond amount will be established by County review staff during the final phases of plan review based on quantities that the consulting engineer has provided on the plans.

This spreadsheet is available from the Department of Public Works.

16.4 ACCEPTABLE FORMS

The bond must be provided in one of the following formats:

1. surety;
2. cash escrow;
3. a Letter of Credit (drawable on bank in the Richmond metro area.); or
4. an assignable certificate of deposit

In addition to the bond, an Environmental Compliance Bond Agreement must also be provided. This agreement between the applicant and the County documents the purpose of the bond and allows its use to fulfill the requirements of the ECP.

Copies of an Environmental Compliance Agreement, a Letter of Credit form, and an Assignment for Environmental Compliance Measures that are acceptable to the County can be found in Appendix F of this manual.

16.5 SUBMISSION OF THE BOND AND AGREEMENT

Prior to approval of the ECP, the bond and agreement must be submitted to the Administrator.

16.6 RELEASE OF THE BOND

Upon completion of the applicable requirements of the ECP and final stabilization of the land-disturbance activity, the operator must provide written notification to the Administrator. Upon verifying final stabilization has been achieved and all applicable requirements of the ECP have been accomplished, the Administrator shall, within 60 days of the request, return the required bond or reduce it based on the percentage of stabilization/completion.