

Fairfax County 2024 MS4 Program Plan and Annual Report

Appendix P1

More Stringent Stormwater and Erosion and
Sediment Control Legal Authorities

VSMP Permit Number VA0088587
9-30-2024

Erosion and Sedimentation Control Ordinance - Sections more Stringent¹ than State Law and Virginia Administrative Code

Co. E&S Ordinance PFM Section	Standard and Specification ²	Virginia E&S Law/Regulations	County Requirements that are More Stringent than Virginia E&S Law/Regulations
§ 104-1-8(a)(1)	Std. & Spec. #3.04 Straw Bale Barriers	VESCH Std&Spec 3.04	Rebar not allowed for stakes, practice not allowed for perimeter control.
§ 104-1-8(a)(2)	Std. & Spec. #3.06 Brush Barrier	VESCH Std&Spec 3.06	Practice only allowed with specific authorization of the Director
§ 104-1-8(a)(3)	Std. & Spec. #3.07 Storm Drain Inlet Protection	VESCH Std&Spec 3.07	Configurations which completely block inlet not allowed; Straw bale and cinder block wrapped in fabric not allowed.
§ 104-1-8(a)(4) PFM §11-0106.2B	Std. & Spec. #3.13 Temporary Sediment Trap	VESCH Std&Spec 3.13	When in RPAs: increased storage requirement to 202 CY/ac.; pipe outlet may be required for < 1 ac, and stone outlet required
§ 104-1-8(a)(5) PFM §11-0106.2C	Std. & Spec. #3.14 Temporary Sediment Basin	VESCH Std&Spec 3.14	When in RPAs: increased storage requirement to 202 CY/ac
§ 104-1-8(a)(6)	Std. & Spec. #3.34 Bermuda Grass and Zoysia Grass Establishment	VESCH Std&Spec 3.34	Practice not allowed in the County.
§ 104-1-8(a)(7)	Std. & Spec. #3.38 Tree Preservation and Protection	VESCH Std&Spec 3.38	VESCH section not to be used. In its place, PFM Chapter 12 shall be used.
§ 104-1-8(a)(8) PFM §11-0106.2D	Std. & Spec. #3.02 Temporary stone construction entrance	VESCH Std&Spec 3.02	Required minimum length of 75 feet; filter fabric underliner; and specifies wash rack may be required.
§ 104-1-8(a)(9) PFM §11-0304.7	Std. & Spec. #3.31 Temporary Seeding	VESCH Std&Spec 3.31	Mulch is always required for temporary seeding; winter stabilization required after Nov. 1.

FOOTNOTES			
<p>1) Pursuant to § 62.1-44.15:65.A and B of the Code of Virginia, the County is authorized to have an VESCP program that contains more stringent soil erosion and sediment control regulations and ordinances than those necessary to ensure compliance with the Regulations (9 VAC 25-840 et seq.), provided that any more stringent provisions that become effective on or after July 1, 2012, are based on certain factual findings and reported to the Water Control Board.</p>			
<p>2) Conservation standards listed in § 104-1-8(a) of the County Code, and corresponding provisions in PFM § 11-0106.2, are the Standards and Specifications as contained in the Virginia and Erosion and Sediment Control Handbook (VESCH), third edition (1992), with modifications as listed in § 104-1-8(a)(1) through (10), which are mandatory in the County.</p>			