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**HOUSE BILL NO. 2132**

Offered January 13, 2025

Prefiled January 7, 2025

*A BILL to amend and reenact § 62.1-44.15:57 of the Code of Virginia, relating to erosion and sediment control for certain localities; bond for sediment basin.*

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Patron—Milde

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Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:****1. That § 62.1-44.15:57 of the Code of Virginia is amended and reenacted as follows:****§ 62.1-44.15:57. Approved plan required for issuance of grading, building, or other permits; security for performance.**

Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities regulated under this article shall not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan, certification that the plan will be followed, and evidence of Virginia Pollutant Discharge Elimination System permit coverage where it is required. Prior to issuance of any permit, the agency may also require an applicant to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the agency, to ensure that measures could be taken by the agency at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action that may be required of him by the approved plan as a result of his land-disturbing activity. *In the case of an early grading plan that includes a sediment basin or other measures intended to trap sediment that is secured by a letter of credit, bond, cash, or a combination of those, the agency shall provide a credit when calculating the amount of a bond when the final site plan includes a stormwater management facility that is built on top of such sediment basin or other sediment trap, such as a sediment pond.* The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation, which shall not exceed 25 percent of the estimated cost of the conservation action. *However, the amount of the security that must be in the form of a letter of credit or cash required for performance for a sediment basin shall not exceed 25 percent of the estimated cost of such conservation action.* If the agency takes such conservation action upon such failure by the permittee, the agency may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within 60 days of the achievement of adequate stabilization of the land-disturbing activity in any project or section thereof, the bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated based upon the percentage of stabilization accomplished in the project or section thereof. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

INTRODUCED

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