

Minutes of the Regular Meeting of the Greensville County Board of Supervisors held on Monday, June 3, 2024, beginning at 6:00 p.m. The meeting was conducted in person and via live stream at the Greensville County Government Center, 1781 Greensville County Circle, Emporia, Virginia.

Board Members Present: James R Brown, Chair  
Tony M. Conwell, Vice Chair  
Belinda D. Astrop  
William B. Cain

Staff Members Present: Dr. Charlette T. Woolridge, County Administrator  
Mr. Gary Cifers, Assistant County Administrator  
Mr. Lin Pope, Director of Planning  
Ms. Tameka Green, Director of Finance  
Mrs. Angela Jackson, Recorder of Minutes

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**In Re: Call To Order**

Chair Brown called the meeting to order at 6:00 p.m.

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**In Re: Roll Call Vote**

A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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**In Re: Pledge of Allegiance and Invocation**

Chair Brown invited anyone in the audience who would like to participate in the Pledge of Allegiance and Invocation with the Board members to please stand and join them. Chair Brown led the Pledge of Allegiance and the Invocation.

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**In Re: Approval of Agenda**

Dr. Charlette T. Woolridge, County Administrator, recommended that the Agenda be amended to defer Item X, Old Business, County Line Special Use Permit Application, to the July 1, 2024, Board of Supervisors meeting.

Supervisor Conwell moved, seconded by Supervisor Astrop, to approve the Agenda as amended, to defer Item X, Old Business, County Line Special Use Permit Application, to the July 1, 2024, Board meeting. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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**In Re: Consent Agenda**

Chair Brown recommended approval of the Consent Agenda consisting of the following:

- Minutes:
  - Regular Board Meeting Minutes, May 6, 2024
- Budgetary Matter:
  - Fund #010:
    - Budget Amendment Resolution 24-89, in the amount of \$30,000.00, to include the funds received from the Virginia Department of Fire Programs.
- Warrants:
  - Approval of Accounts Payable for May 20, 2024, in the amount of \$740,668.57.
  - Approval of Accounts Payable for June 3, 2024, in the amount of \$203,536.83.
  - Approval of Payroll for May 31, 2024, in the amount of \$627,499.28.

Supervisor Astrop moved, seconded by Supervisor Conwell, to approve the Consent Agenda as presented. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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**In Re: Public Hearing**

Chair Brown recommended the Board of Supervisors convene in Public Hearing.

Protocol for speaking during Public Hearing:

The Greenville County Board of Supervisors had developed a protocol to ensure that Board meetings and Public Hearings were productive and efficient, and that proper decorum was maintained. The Board of Supervisors wanted to emphasize that this protocol was intended to make the Board meetings and/or public hearings as productive as possible.

The protocol is as follows:

1. Each speaker will be given three minutes to address the Board of Supervisors. The time limit will be strictly enforced.
2. Each speaker will be advised when two minutes have elapsed.
3. Each speaker will be advised when three minutes have elapsed.
4. After all comments have been made by speakers at the public hearing, the applicant will be afforded three minutes to respond to comments made during the public hearing.
5. Each speaker will be permitted to address the Board of Supervisors only once, i.e., the three-minute opportunity to speak cannot be transferred from one speaker to another.

6. Speakers should face the Board of Supervisors and address their comments to the Board of Supervisors, and not to others who are present at the meeting. Speakers should not turn to face and address members of the audience.
7. The Board of Supervisors is conducting the citizens' comments period and/or public hearing to receive comments from interested parties. Neither the Board of Supervisors nor its staff will respond to questions during the citizen comments period or public hearing, and neither the Board of Supervisors nor its staff will engage in a dialogue with speakers. However, after this meeting County staff will follow up with citizens when appropriate.
8. The Board of Supervisors asks that everyone at the meeting to be respectful to the others who are present and asks that those present not applaud speakers. As a reminder, it is inappropriate, at a public meeting, to make personal attacks, to be defamatory, or to disparage individuals or identifiable groups.
9. Prior to beginning your comments, please state your name and address for the record.

Supervisor Conwell moved, seconded by Supervisor Astrop, to convene in Public Hearing: Special Use Permit (SUP)-3-2024-ERI Development, LLC as recommended by Chair Brown. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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### **1. Public Hearing: Special Use Permit (SUP)-3-2024-ERI Development, LLC**

Mr. Lin Pope, Director of Planning, presented the Special Use Permit (SUP)-3-2024 as submitted by ERI Development, LLC (owner), and Synagro Central, LLC (applicant). ERI Development, LLC wishes to construct and operate a solid waste management facility at the former Georgia-Pacific site near Skippers, Virginia. The proposed facility will be used to store coal combustion residuals that will be processed by others, and then used in the manufacturing of encapsulated cement products such as concrete and wallboard. The facility will be located in the Zion Election District on property currently zoned A-1. Mr. Pope also presented the Planning Commission report to the Board for consideration.

Avi Hoffer, Vice President of Finance, with ERI Development, LLC, presented the following:

- An overview of the Coal Combustion Project and the residual benefits.
- An investment of \$75 million and 100 permanent and high paying jobs, mainly consisting of machining and equipment operators. It is projected that an additional 150 temporary jobs will be created during the construction process.

There were no citizens to speak during the Public Hearing.

### **Return to Regular Session:**

Chair Brown recommended the Board of Supervisors return to Regular Session.

Supervisor Conwell moved, seconded by Supervisor Astrop, to return to Regular Session. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

**Action Resulting from Public Hearing:**

Supervisor Conwell moved, seconded by Supervisor Astrop, to approve SUP-3-2024-ERI Development, LLC, as presented, with conditions as recommended by the Greenville County Planning Commission. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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**2. Public Hearing: Adoption of Combined Erosion and Sediment Control and Stormwater Ordinance (Amendment to the Greenville County Ordinances)**

Supervisor Astrop moved, seconded by Supervisor Conwell, to convene in Public Hearing: Adoption of Combined Erosion and Sediment Control and Stormwater Ordinance (Amendment to the Greenville County Ordinance) as recommended by Chair Brown. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

Mr. Pope presented Resolution 24-90, Ordinance to Rescind Chapter 9, Erosion and Sediment Control, and Chapter 18.2, Stormwater Management, from Greenville County Code of Ordinances, and Replace them with new Chapter 9, Erosion and Stormwater Management for the Board's consideration.

There were no citizens to speak during the Public Hearing.

**Return to Regular Session:**

Chair Brown recommended the Board of Supervisors return to Regular Session.

Supervisor Conwell moved, seconded by Supervisor Astrop, to return to Regular Session. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

**Action Resulting from Public Hearing:**

**RESOLUTION 24-90  
ORDINANCE TO RESCIND CHAPTER 9, EROSION AND SEDIMENT CONTROL,  
AND CHAPTER 18.2, STORMWATER MANAGEMENT, FROM GREENSVILLE  
COUNTY CODE OF ORDINANCES, AND REPLACE THEM WITH NEW CHAPTER 9,  
EROSION AND STORMWATER MANAGEMENT**

**WHEREAS**, pursuant to §62.1-44.15:27 of the Code of Virginia, this Ordinance is adopted as part of an initiative to integrate the stormwater management requirements of Greenville County, and the erosion and sediment control, flood insurance, and flood plain management

requirements of Greensville County into a consolidated Erosion and Stormwater Management Program; and

**WHEREAS**, the Erosion and Stormwater Management Program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities for land-disturbing activities into a more convenient and efficient manner for both Greensville County and those responsible for compliance with these programs;

**IT IS HEREBY ORDAINED**, by the Greensville County Board of Supervisors that Chapter 9, Erosion and Sediment Control, and Chapter 18.2, Stormwater Management, are hereby rescinded from the Greensville County Code of Ordinances, and replaced with a new Chapter 9, Erosion and Stormwater Management, which reads as follows:

## **CHAPTER 9, EROSION AND STORMWATER MANAGEMENT**

### **Section 1.1. TITLE, PURPOSE, AND AUTHORITY**

- A. *This ordinance shall be known as the "Erosion and Stormwater Management Ordinance of Greensville County, Virginia."*
- B. *The purpose of this ordinance is to ensure the general health, safety, and welfare of the citizens of the County, protect the quality and quantity of state waters from the potential harm of unmanaged stormwater and soil erosion, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.*
- C. *This ordinance is authorized by §62.1-44.15:27 of the Code of Virginia.*

### **Section 1.2. DEFINITIONS**

*The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise.*

*"Adequate channel" means a channel that will convey the designated frequency storm event without overtopping the channel bank nor causing erosive damage to the channel bed or banks.*

*"Agreement in lieu of a plan" means a contract between the County and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of the VESMA and this ordinance for the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; such contract may be executed by the County in lieu of a soil erosion control and stormwater management plan.*

*"Applicant" means person submitting a soil erosion control and stormwater management plan to a VESMP authority for approval in order to obtain authorization to commence a land-disturbing activity.*

*"Best management practice" or "BMP" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.*

1. *"Nonproprietary best management practice" means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are in the public domain and are not protected by trademark or patent or copyright.*

2. *"Proprietary best management practice" means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are privately owned and controlled and may be protected by trademark or patent or copyright.*

*"Board" means the State Water Control Board.*

*"Causeway" means a temporary structural span constructed across a flowing watercourse or wetland to allow construction traffic to access the area without causing erosion damage.*

*"Channel" means a natural stream or manmade waterway.*

*"Chesapeake Bay Preservation Act" means Article 2.5 (§ 62.1-44.15:67 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.*

*"Chesapeake Bay Preservation Area" means any land designated by a local government pursuant to Part III (9VAC25-830-70 et seq.) of the Chesapeake Bay Preservation Area Designation and Management Regulations and § 62.1-44.15:74 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area as defined in the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830).*

*"Clean Water Act" or "CWA" means the federal Clean Water Act (33 USC § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.*

*"Cofferdam" means a watertight temporary structure in a river, lake, etc., for keeping the water from an enclosed area that has been pumped dry so that bridge foundations, dams, etc., may be constructed.*

*"Common plan of development or sale" means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.*

*"Comprehensive stormwater management plan" means a plan, which may be integrated with other land use plans or regulations that specifies how the water quality components, quantity components, or both of stormwater are to be managed on the basis of an entire watershed or a portion thereof. The plan may also provide for the remediation of erosion, flooding, and water quality and quantity problems caused by prior development.*

*"Construction activity" means any clearing, grading, or excavation associated with large construction activity or associated with small construction activity.*

*"Control measure" means any BMP, stormwater facility, or other method used to minimize the discharge of pollutants to state waters.*

*"County" means Greensville County, Virginia.*

*"CWA and regulations" mean the Clean Water Act and applicable regulations published in the Code of Federal Regulations promulgated thereunder. For the purposes of this ordinance, it includes state program requirements.*

*"Dam" means a barrier to confine or raise water for storage or diversion, to create a hydraulic head, to prevent gully erosion, or to retain soil, rock, or other debris.*

*"Denuded" means a term applied to land that has been physically disturbed and no longer supports vegetative cover.*

*"Department" means the Virginia Department of Environmental Quality.*

*"Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes. The regulation of discharges from development, for purposes of stormwater management, does not include the exclusions found in 9VAC25-875-860.*

*"Dike" means an earthen embankment constructed to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands, levee.*

*"Discharge" when used without qualification, means the discharge of a pollutant. "Discharge of a pollutant" means:*

- 1. Any addition of any pollutant or combination of pollutants to state waters from any point source; or*
- 2. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into surface waters from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not*

*include an addition of pollutants by any indirect discharger.*

*"District" or "soil and water conservation district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.*

*"Diversion" means a channel with a supporting ridge on the lower side constructed across or at the bottom of a slope for the purpose of intercepting surface runoff.*

*"Dormant" means denuded land that is not actively being brought to a desired grade or condition.*

*"Drainage area" means a land area, water area, or both from which runoff flows to a common point.*

*"Energy dissipator" means a non-erodible structure which reduces the velocity of concentrated flow to reduce its erosive effects.*

*"Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.*

*"Erosion and sediment control plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.*

*"Erosion impact area" means an area of land that is not associated with a current land-disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.*

*"ESC" means erosion and sediment control.*

*"ESM plan" means a soil erosion control and stormwater management plan, commonly referred to as the erosion control and stormwater management plan.*

*"Farm building or structure" means the same as that term is defined in §36-97 of the Code of Virginia and also includes any building or structure used for agritourism activity, as defined in 3.2-6400 of the Code of Virginia, and any related impervious services including roads, driveways, and parking areas.*

*"Flood fringe" means the portion of the floodplain outside the floodway that is usually covered with water from the 100-year flood or storm event. This includes the flood or floodway fringe designated by the Federal Emergency Management Agency.*



*"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.*

*"Floodplain" means the area adjacent to a channel, river, stream, or other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event. This includes the floodplain designated by the Federal Emergency Management Agency.*

*"Flood-prone area" means the component of a natural or restored stormwater conveyance system that is outside the main channel. Flood-prone areas may include the floodplain, the floodway, the flood fringe, wetlands, riparian buffers, or other areas adjacent to the main channel.*

*"Floodway" means the channel of a river or other watercourse and the adjacent land areas, usually associated with flowing water, that must be reserved in order to discharge the 100-year flood or storm event without cumulatively increasing the water surface elevation more than one foot. This includes the floodway designated by the Federal Emergency Management Agency.*

*"Flume" means a constructed device lined with erosion-resistant materials intended to convey water on steep grades.*

*"General permit" means a permit authorizing a category of discharges under the CWA and the VESMA within a geographical area.*

*"Hydrologic Unit Code" or "HUC" means a watershed unit established in the most recent version of Virginia's 6th Order National Watershed Boundary Dataset unless specifically identified as another order.*

*"Impervious cover" means a surface composed of material that significantly impedes or prevents natural infiltration of water into soil.*

*"Incorporated place" means a city, town, township, or village that is incorporated under the Code of Virginia.*

*"Inspection" means an on-site review of the project's compliance with any applicable design criteria, or an on-site review to obtain information or conduct surveys or investigations necessary in the implementation or enforcement of the VESMA and applicable regulations.*

*"Karst area" means any land area predominantly underlain at the surface or shallow subsurface by limestone, dolomite, or other soluble bedrock regardless of any obvious surface karst features.*

*"Karst features" means sinkholes, sinking and losing streams, caves, large flow springs, and other such landscape features found in karst areas.*

*"Land disturbance" or "land-disturbing activity" means a manmade change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land.*

*"Land-disturbance approval" means an approval allowing a land-disturbing activity to commence issued by the VESMP authority after the requirements of § 62.1-44.15:34 of the Code of Virginia have been met.*

*"Large construction activity" means construction activity including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.*

*"Linear development project" means a land-disturbing activity that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; (iii) highway construction projects; (iv) construction of stormwater channels and stream restoration activities; and (v) water and sewer lines. Private subdivision roads or streets shall not be considered linear development projects.*

*"Live watercourse" means a definite channel with bed and banks within which concentrated water flows continuously.*

*"Locality" means the County of Greensville.*

*"Localized flooding" means smaller scale flooding that may occur outside of a stormwater conveyance system. This may include high water, ponding, or standing water from stormwater runoff, which is likely to cause property damage or unsafe conditions.*

*"Main channel" means the portion of the stormwater conveyance system that contains the base flow and small frequent storm events.*

*"Manmade" means constructed by man.*

*"Minimize" means to reduce or eliminate the discharge of pollutants to the extent achievable using stormwater controls that are technologically available and economically practicable.*

*"Minor modification" means modifications and amendments not requiring extensive review and evaluation including changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor permit modification or amendment does not substantially alter permit conditions, substantially increase, or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.*

*"Natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for*

*the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.*

*"Natural stream" means a tidal or nontidal watercourse that is part of the natural topography. It usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams; however, channels designed utilizing natural channel design concepts may be considered natural streams.*

*"Nonerodible" means a material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.*

*"Nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater.*

*"Operator" means the owner or operator of any facility or activity subject to the VESMA and this ordinance. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit or VESMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions).*

*"Owner" means the same as that term is defined in § 62.1-44.3 of the Code of Virginia. For a regulated land-disturbing activity that does not require a permit, "owner" also means the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.*

*"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.*

*"Percent impervious" means the impervious area within the site divided by the area of the site multiplied by 100.*

*"Permit" means a VPDES permit issued by the department pursuant to § 62.1-44.15 of the Code of Virginia for stormwater discharges from a land-disturbing activity.*

*"Permittee" means the person to whom the permit is issued.*

*"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.*

*"Point of discharge" means a location at which concentrated stormwater runoff is released. "Point source" means any discernible, confined, and discrete conveyance including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.*

*"Pollutant discharge" means the average amount of a particular pollutant measured in pounds per year or other standard reportable unit as appropriate, delivered by stormwater runoff.*

*"Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare, or to the health of animals, fish or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the State Water Control Board, are "pollution" for the terms and purposes of this ordinance.*

*"Post-development" refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.*

*"Predevelopment" refers to the conditions that exist at the time that plans for the land-disturbing activity are submitted to the VESMP authority. Where phased development or plan approval occurs (preliminary grading, demolition of existing structures, roads, and utilities, etc.), the existing conditions at the time prior to the commencement of land-disturbing activity shall establish predevelopment conditions.*

*"Prior developed lands" means land that has been previously utilized for residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures, and that will have the impervious areas associated with those uses altered during a land-disturbing activity.*

*"Qualified personnel" means a person knowledgeable in the principles and practices of erosion and sediment and stormwater management controls who possesses the skills to assess conditions at the construction site for the operator that could impact stormwater quality and quantity and to assess the effectiveness of any sediment and erosion control measures or stormwater management facilities selected to control the quality and quantity of stormwater discharges from the construction activity.*

*"Responsible land disturber" or "RLD" means an individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance*

*with the approved erosion and sediment control plan or ESM plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the erosion and sediment control plan, ESM plan, or permit as defined in this ordinance as a prerequisite for engaging in land disturbance.*

*"Runoff" or "stormwater runoff" means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.*

*"Runoff characteristics" includes maximum velocity, peak flow rate, volume, and flow duration.*

*"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.*

*"Sediment basin" means a temporary impoundment built to retain sediment and debris with a controlled stormwater release structure.*

*"Sediment trap" means a temporary impoundment built to retain sediment and debris which is formed by constructing an earthen embankment with a stone outlet.*

*"Sheet flow" (also called overland flow) means shallow, unconcentrated and irregular flow down a slope. The length of strip for overland flow usually does not exceed 200 feet under natural conditions.*

*"Shoreline erosion control project" means an erosion control project approved by local wetlands boards, the Virginia Marine Resources Commission, the department, or the United States Army Corps of Engineers and located on tidal waters and within nonvegetated or vegetated wetlands as defined in Title 28.2 of the Code of Virginia.*

*"Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.*

*"Site hydrology" means the movement of water on, across, through and off the site as determined by parameters including soil types, soil permeability, vegetative cover, seasonal water tables, slopes, land cover, and impervious cover.*

*"Slope drain" means tubing or conduit made of nonerosive material extending from the top to the bottom of a cut or fill slope with an energy dissipator at the outlet end.*

*"Small construction activity" means:*

- 1. Construction activities include clearing, grading, and excavating that results in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan*

*will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. The department may waive the otherwise applicable requirements in a general permit for a stormwater discharge from construction activities that disturb less than five acres where stormwater controls are not needed based on an approved "total maximum daily load" (TMDL) that addresses the pollutants of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutants of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this subdivision, the pollutants of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator shall certify to the department that the construction activity will take place, and stormwater discharges will occur, within the drainage area addressed by the TMDL or provide an equivalent analysis. As of the start date in Table 1 of 9VAC25-31-1020, all certifications submitted in support of the waiver shall be submitted electronically by the owner or operator to the department in compliance with this subdivision and 40 CFR Part 3 (including, in all cases, 40 CFR Part 3 Subpart D), 9VAC25-875-940, and Part XI (9VAC25-31-950 et seq.) of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation. Part XI of 9VAC25-31 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part XI of 9VAC25-31, permittees may be required to report electronically if specified by a particular permit.*

2. *Any other construction activity designated by either the department or the EPA regional administrator, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters.*

*"Soil erosion" means the movement of soil by wind or water into state waters or onto lands in the Commonwealth.*

*"Soil erosion control and stormwater management plan," commonly referred to as the erosion control and stormwater management plan, or "ESM plan" means a document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to the VESMA. The ESM plan may consist of aspects of the erosion and sediment control plan and the stormwater management plan as each is described in this ordinance.*

*"Stabilized" means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.*

*"State" means the Commonwealth of Virginia.*

*"State application" or "application" means the standard form or forms, including any additions, revisions, or modifications to the forms, approved by the administrator and the department for applying for a permit.*

*"State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.*

*"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.*

*"Storm sewer inlet" means a structure through which stormwater is introduced into an underground conveyance system.*

*"Stormwater," for the purposes of the VESMA, means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.*

*"Stormwater conveyance system" means a combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity. This includes:*

- 1. "Manmade stormwater conveyance system" means a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;*
- 2. "Natural stormwater conveyance system" means the main channel of a natural stream and the flood-prone area adjacent to the main channel; or*
- 3. "Restored stormwater conveyance system" means a stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.*

*"Stormwater detention" means the process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.*

*"Stormwater management facility" means a control measure that controls stormwater runoff and changes the characteristics of that runoff including the quantity and quality, the period of release or the velocity of flow.*

*"Stormwater management plan" means a document containing material describing methods for complying with the requirements of the VESMP.*

*"Stormwater Pollution Prevention Plan" or "SWPPP" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP required under the VESMP for construction activities shall identify and require the implementation of control measures and shall include or incorporate by reference an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.*

*"Subdivision" means the same as defined in § 15.2-2201 of the Code of Virginia.*

*"Surface waters" means:*

1. *All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;*
2. *All interstate waters, including interstate wetlands;*
3. *All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:*
  - a. *That are or could be used by interstate or foreign travelers for recreational or other purposes;*
  - b. *From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or*
  - c. *That are used or could be used for industrial purposes by industries in interstate commerce;*
4. *All impoundments of waters otherwise defined as surface waters under this definition;*
5. *Tributaries of waters identified in subdivisions 1 through 4 of this definition;*
6. *The territorial sea; and*
7. *Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subdivisions 1 through 6 of this definition.*

*Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA and the law, are not surface waters. Surface waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.*

*"SWM" means stormwater management.*

*"Temporary vehicular stream crossing" means a temporary non-erodible structural span installed across a flowing watercourse for use by construction traffic. Structures may include bridges, round pipes or pipe arches constructed on or through non-erodible material.*

*"Ten-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedance probability with a 10% chance of being equaled or exceeded in any given year.*



*"Total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources, load allocations (LAs) for nonpoint sources, natural background loading, and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.*

*"Town" means an incorporated town.*

*"Two-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedance probability with a 50% chance of being equaled or exceeded in any given year.*

*"Virginia Erosion and Stormwater Management Act" or "VESMA" means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1, State Water Control Law, of Title 62.1 of the Code of Virginia.*

*"Virginia Erosion and Stormwater Management Program" or "VESMP" means a program established by the VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of the VESMA.*

*"Virginia Erosion and Stormwater Management Program authority" or "VESMP authority" means the County of Greensville approved by the department to operate the VESMP.*

*"Virginia Pollutant Discharge Elimination System (VPDES) permit" or "VPDES permit" means a document issued by the department pursuant to the State Water Control Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.*

*"Virginia Stormwater BMP Clearinghouse" means a collection that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the VESMA and associated regulations.*

*"Virginia Stormwater Management Handbook" means a collection of pertinent information that provides general guidance for compliance with the VESMA and associated regulations and is developed by the department with advice from a stakeholder advisory committee.*

*"Wasteload allocation" or "wasteload" means the portion of a receiving surface water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution. Wasteload allocations are a type of water quality-based effluent limitation.*

*"Water quality technical criteria" means standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control nonpoint source pollution.*

*"Water quantity technical criteria" means standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control localized flooding and stream channel erosion.*

*"Watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.*

*"Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.*

## **Section 2.1. VIRGINIA EROSION AND STORMWATER MANAGEMENT PROGRAM ESTABLISHED**

*Pursuant to §62.1-44.15:27 of the Code of Virginia, the County hereby establishes a Virginia Erosion and Stormwater Management Program for land-disturbing activities and adopts the Virginia Erosion and Stormwater Management Regulation that specify standards and specifications for VESMPs promulgated by the State Water Control Board for the purposes set out in Section 1.1 of this Ordinance. The Greensville County Board of Supervisors hereby designates the Director of Planning as the Administrator of the Virginia Erosion and Stormwater Management Program established by this Ordinance.*

## **Section 2.2. REGULATED LAND DISTURBING ACTIVITIES**

- A. *Land-disturbing activities that meet one of the criteria below are regulated as follows:*
1. *Land-disturbing activity that disturbs 10,000 square feet or more, is less than one acre, not in an area of a locality designated as a Chesapeake Bay Preservation Area, and not part of a common plan of development or sale, is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) of Part V of the Virginia Erosion and Stormwater Management Regulation (Regulation).*
  2. *Land-disturbing activity that disturbs less than one acre, but is part of a larger common plan of development or sale that disturbs one acre or more, is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq.) of Part V of the Regulation is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.*
- B. *Land-disturbing activity that disturbs one acre or more is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq.) of Part V is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.*
- C. *Land-disturbing activities exempt per 9VAC25-875-90 are not required to comply with the*

*requirements of the VESMA unless otherwise required by federal law.*

**Section 3.1. REVIEW AND APPROVAL OF PLANS (§ 62.1-44.15:34 of the Code of Virginia); PROHIBITIONS**

- A. *The County shall review and approve soil erosion control and stormwater management (ESM) plans, except for activities not required to comply with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA), pursuant to §62.1-44.15:34 of the Code of Virginia. Activities not required to comply with VESMA are defined in 9VAC25-875-90.*
  
- B. *A person shall not conduct any land-disturbing activity in the County until:*
  - 1. *An application that includes a permit registration statement, if required, a soil erosion control and stormwater management plan or an executed agreement in lieu of a plan, if required, has been submitted to the County;*
  
  - 2. *The name of the individual who will be assisting the owner in carrying out the activity and holds a Responsible Land Disturber certificate pursuant to § 62.1-44.15:30 of the Code of Virginia is submitted to the County, except that such certificate shall not be required where an agreement in lieu of a plan for construction of a single-family detached residential structure is provided; however, if a violation occurs during the land-disturbing activity for the single-family detached residential structure, then the owner shall correct the violation and provide the name of the individual holding a Responsible Land Disturber certificate as provided by § 62.1-14:30 of the Code of Virginia. Failure to provide the name of an individual holding a Responsible Land Disturber certificate prior to engaging in land-disturbing activities may result in revocation of the land-disturbance approval and shall subject the owner to the penalties provided by the VESMA; and*
  
  - 3. *The County has issued its land-disturbance approval. In addition, as a prerequisite to engaging in an approved land-disturbing activity, the name of the individual who will be assisting the owner in carrying out the activity and holds a Responsible Land Disturber certificate pursuant to § 62.1-44.15:30 of the Code of Virginia shall be submitted to the County. The County may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan for construction of a single-family detached residential structure; however, if a violation occurs during the land-disturbing activity for the single-family detached residential structure, then the owner shall correct the violation and provide the name of the individual holding a Responsible Land Disturber certificate as provided by § 62.1-14:30 of the Code of Virginia. Failure to provide the name of an individual holding a Responsible Land Disturber certificate prior to engaging in land-disturbing activities may result in revocation of the land-disturbance approval and shall subject the owner to the penalties provided the Act.*
  
- C. *The County may require changes to an approved ESM plan in the following cases:*
  - 1. *Where inspection has revealed that the plan is inadequate to satisfy applicable*

*regulations or ordinances; or*

2. *Where the owner finds that because of changed circumstances or for other reasons the plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of the Act, are agreed to by the VESMP authority and the owner.*
- D. *In order to prevent further erosion, the County may require approval of an erosion and sediment control plan and a stormwater management plan for any land it identifies as an erosion impact area. (§ 62.1-44.15:34)*
  - E. *Prior to issuance of any land-disturbance approval, the County may also require an applicant, excluding state agencies and federal entities, to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement it finds acceptable, to ensure that it can take measures at the applicant's expense should he fail, after proper notice, within the time specified to comply with the conditions it imposes as a result of his land-disturbing activity. If the County takes such action upon such failure by the applicant, it may collect from the applicant the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within 60 days of the completion of the County's conditions, such 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.*
  - F. *The County may enter into an agreement with an adjacent VESMP authority regarding the administration of multijurisdictional projects, specifying who shall be responsible for all or part of the administrative procedures. Should adjacent VESMP authorities fail to reach such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction.*
  - G. *No exception to, or waiver of, post-development nonpoint nutrient runoff compliance requirements shall be granted unless offsite options have been considered and found not available in accordance with subsection D of § 62.1-44.15:35 of the Code of Virginia.*
  - H. *The County is authorized to cooperate and enter into agreements with any federal or state agency in connection with the requirements for land-disturbing activities in accordance with § 62.1-44.15:50 of the Code of Virginia.*

**Section 3.2. REVIEW OF A SOIL EROSION CONTROL AND STORMWATER MANAGEMENT PLAN (ESM Plan)**

- A. *The County shall approve or disapprove an ESM plan according to the following:*
  1. *The County shall determine the completeness of any application within 15 days after receipt and shall act on any application within 60 days after it has been determined by them to be complete.*
  2. *The County shall issue either land-disturbance approval or denial and provide*

*written rationale for any denial.*

3. *Prior to issuing a land-disturbance approval, the County shall be required to obtain evidence of permit coverage when such coverage is required.*
4. *The County also shall determine whether any resubmittal of a previously disapproved application is complete within 15 days after receipt and shall act on the resubmitted application within 45 days after receipt.*

### ***Section 3.3. STORMWATER PERMIT REQUIREMENT; EXEMPTIONS***

- A. *Except as provided herein, no person may engage in any land-disturbing activity until a permit has been issued by the County in accordance with the provisions of this ordinance and the Regulation.*
- B. *Notwithstanding any other provisions of this ordinance, the following activities are not required to comply with the requirements of this ordinance unless otherwise required by federal law:*
  1. *Minor land-disturbing activities, including home gardens and individual home landscaping, repairs, and maintenance work;*
  2. *Installation, maintenance, or repair of any individual service connection;*
  3. *Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;*
  4. *Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;*
  5. *Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.2 of the Code of Virginia;*
  6. *Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the Board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq. of the Code of Virginia) or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163 of the Code of Virginia;*

7. *Installation of fence and signposts or telephone and electric poles and other kinds of posts or poles;*
8. *Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to the VESMA and the regulations adopted pursuant thereto;*
9. *Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;*
10. *Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the County shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity; and*
11. *Discharges to a sanitary sewer or a combined sewer system; that are not from a land-disturbing activity.*

C. *Notwithstanding this ordinance and in accordance with the Virginia Erosion and Stormwater Management Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia, the following activities are required to comply with the soil erosion control requirements but are not required to comply with the water quantity and water quality technical criteria, unless otherwise required by federal law:*

1. *Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;*
2. *Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and*
3. *Discharges from a land-disturbing activity to a sanitary sewer or a combined sewer system.*

**Section 4.1. STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.  
(9VAC25-875-500)**

A. *A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection*

*D of this section.*

- B. *A soil erosion control and stormwater management (ESM) plan consistent with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA) and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by the County of Greenville in accordance with the VESMA, this ordinance, and attendant regulations.*
- C. *A pollution prevention plan that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site and describe control measures that will be used to minimize pollutants in stormwater discharges from the construction site must be developed before land disturbance commences.*
- D. *In addition to the requirements of subsections A through C of this section, if a specific wasteload allocation for a pollutant has been established in an approved TMDL and is assigned to stormwater discharges from a construction activity, additional control measures must be identified and implemented by the operator so that discharges are consistent with the assumptions and requirements of the wasteload allocation.*
- E. *The stormwater pollution prevention plan must address the following requirements as specified in 40 CFR 450.21, to the extent otherwise required by state law or regulations and any applicable requirements of a state permit:*
  - 1. *Control stormwater volume and velocity within the site to minimize soil erosion;*
  - 2. *Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;*
  - 3. *Minimize the amount of soil exposed during construction activity;*
  - 4. *Minimize the disturbance of steep slopes;*
  - 5. *Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;*
  - 6. *Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible;*
  - 7. *Minimize soil compaction and, unless infeasible, preserve topsoil;*
  - 8. *Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have*

*permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the VESMP authority. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the VESMP authority; and*

9. *Utilize outlet structures that withdraw water from the surface, unless infeasible, when discharging from basins and impoundments.*

F. *The SWPPP shall be amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the SWPPP. The SWPPP must be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site.*

**Section 4.2. STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN. (9VAC25- 875-510)**

A. *A stormwater management plan shall be developed and submitted to the County. The stormwater management plan shall be implemented as approved or modified by the County and shall be developed in accordance with the following:*

1. *A stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria set forth in this ordinance and Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation to the entire land-disturbing activity. Individual lots in new residential, commercial, or industrial developments, including those developed under subsequent owners, shall not be considered separate land-disturbing activities.*

2. *A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.*

B. *A complete stormwater management plan shall include the following elements:*

1. *Information on the type of and location of stormwater discharges, information on the features to which stormwater is being discharged including surface waters or karst features if present, and predevelopment and post-development drainage areas;*

2. *Contact information including the name, address, telephone number, and email address of the owner and the tax reference number and parcel number of the property or properties affected;*

3. *A narrative that includes a description of current site conditions and final site conditions or if allowed by the VESMP authority, the information provided and documented during the review process that addresses the current and final site conditions;*



4. *A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;*
5. *Information on the proposed stormwater management facilities, including (i) detailed narrative on the conversion to a long-term stormwater management facility if the facility was used as a temporary ESC measure; (ii) the type of facilities; (iii) location, including geographic coordinates; (iv) acres treated; and (v) the surface waters or karst features into which the facility will discharge;*
6. *Hydrologic and hydraulic computations, including runoff characteristics;*
7. *Documentation and calculations verifying compliance with the water quality and quantity requirements of these regulations;*
8. *A map of the site that depicts the topography of the site and includes:*
  - i. *All contributing drainage areas;*
  - ii. *Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;*
  - iii. *Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;*
  - iv. *Current land use including existing structures, roads, and locations of known utilities and easements;*
  - v. *Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;*
  - vi. *The limits of clearing and grading, and the proposed drainage patterns on the site;*
  - vii. *Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and*
  - viii. *Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including planned locations of utilities, roads, and easements;*
9. *If an operator intends to meet the requirements established in 9VAC25-875-580 or 9VAC25-875-600 through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included; and*
10. *If the County requires payment of a fee with the stormwater management plan submission, the fee, and the required fee form in accordance with Section 5-8 of this ordinance must have been submitted.*

- C. *All final plan elements, specifications, or calculations of the stormwater management plans whose preparation requires a license under Chapter 4 (§ 54.1-400 et seq.) or 22 (§ 54.1- 2200 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately signed and sealed by a professional who is licensed to engage in practice in the Commonwealth of Virginia. Nothing in this subsection shall authorize any person to engage in practice outside his area of professional competence.*

**Section 4.3. POLLUTION PREVENTION PLAN; CONTENTS OF PLANS. (9VAC25-875-520)**

- A. *A plan for implementing pollution prevention measures during construction activities shall be developed, implemented, and updated, as necessary. The pollution prevention plan shall detail the design, installation, implementation, and maintenance of effective pollution prevention measures as specified in 40 CFR 450.21(d) to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:*
1. *Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;*
  2. *Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and*
  3. *Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.*
- B. *The pollution prevention plan shall include effective best management practices to prohibit the following discharges in accordance with 40 CFR 450.21(e):*
1. *Wastewater from washout of concrete, unless managed by an appropriate control;*
  2. *Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;*
  3. *Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and*
  4. *Soaps or solvents used in vehicle and equipment washing.*
- C. *Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls in accordance with 40 CFR 450.21(c).*

**Section 4.4. EROSION AND SEDIMENT CONTROL PLAN; CONTENTS OF PLANS (9VAC25-875-550)**

- A. *An erosion and sediment control plan, which is a component of the ESM plan, shall be filed for a development and the buildings constructed within, regardless of the phasing of construction. The erosion and sediment control plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives in 9VAC25-875-560. The erosion and sediment control plan may include:*
- 1. Appropriate maps;*
  - 2. An appropriate soil and water plan inventory and management information with needed interpretations; and*
  - 3. A record of decisions contributing to conservation treatment.*
- B. *The person responsible for carrying out the plan shall provide the name of an individual holding a certificate who will be in charge of and responsible for carrying out the land-disturbing activity to the County. Note: The VESMP authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan in accordance with §62.1-44.15:34 or §62.1-44.15:55 of the Code of Virginia.*
- C. *If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an "Agreement in Lieu of a Plan" signed by the property owner.*
- D. *Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the VESMA if the total land-disturbing activity in the development is equal to or greater than 10,000 square feet.*

**Section 5.1. TECHNICAL CRITERIA FOR REGULATED AND DISTURBING ACTIVITIES**

- A. *To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the County hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part V of 9VAC25-875 expressly to include 9VAC25-875-580 [water quality design criteria requirements]; 9VAC25-875-590 [water quality compliance]; 9VAC25-875-600 [water quantity]; 9VAC25-875-610 [offsite compliance options]; 9VAC 25-875-620 [design storms and hydrologic methods]; 9 VAC 25 - 875 - 630 [stormwater harvesting]; 9 VAC 25 - 875 - 640 [linear development project]; and, 9VAC25-875-650 [stormwater management impoundment structures or facilities], which shall apply to all land-disturbing activities regulated pursuant to this ordinance, except as expressly set forth in Subsection B of this Section.*

- B. *Any land-disturbing activity shall be considered grandfathered and shall be subject to Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation provided:*
1. *A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the County to be equivalent thereto (i) was approved by the County prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-875-670, (iii) will comply with the technical criteria of Article 4 of Part V of 9VAC25-875, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;*
  2. *A permit has not been issued prior to July 1, 2014; and*
  3. *Land disturbance did not commence prior to July 1, 2014.*
- C. *Locality, state, and federal projects shall be considered grandfathered by the County and shall be subject to the technical criteria of Article 4 of Part V of 9VAC25- 875 provided:*
1. *There has been an obligation of locality, state, or federal funding, in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012.*
  2. *A permit has not been issued prior to July 1, 2014; and*
  3. *Land disturbance did not commence prior to July 1, 2014.*
- D. *Land disturbing activities grandfathered under subsections A and B of this section shall remain subject to the technical criteria of Article 4 of Part V of 9VAC25-875 for one additional permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.*
- E. *In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of Article 4 of Part V of 9VAC25-875.*
- F. *Nothing in this section shall preclude an operator from constructing to a more stringent standard at his discretion.*

***Section 5.2. LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES***

- A. *The operator shall submit a construction record drawing for permanent stormwater management facilities to the County in accordance with 9VAC25-875-535. The record drawing shall contain a statement signed by a professional registered in the Commonwealth of Virginia pursuant to Chapter 4 of Title 54.1 of the Code of Virginia, stating that to the best of their knowledge, the construction record drawing shows all adjustments and revisions to the Stormwater Management Plan made during*

*construction and serve as a permanent record of the actual location of all constructed elements.*

- B. *The County shall require the provision of long-term responsibility for, and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the County and shall at a minimum:*
1. *Be submitted to the County for review and approval prior to the approval of the stormwater management plan.*
  2. *Be stated to run with the land.*
  3. *Provide for all necessary access to the property for purposes of maintenance and regulatory inspections.*
  4. *Provide for inspections and maintenance and the submission of inspection and maintenance reports to the County; and*
  5. *Be enforceable by all appropriate governmental parties.*
- C. *At the discretion of the County, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the County that future maintenance for those facilities will be addressed through an enforceable mechanism at the discretion of the County.*
- D. *If a recorded instrument is not required pursuant to Subsection C., the County shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the County or its duly authorized agent.*

### **Section 5.3. MONITORING AND INSPECTIONS**

- A. *The County shall inspect the land-disturbing activity during construction for:*
1. *Compliance with the approved Erosion and Sediment control Plan;*
  2. *Compliance with the approved Stormwater Management Plan;*
  3. *Development, updating, and implementation of a Pollution Prevention Plan;*
  4. *Development and implementation of any additional control measures necessary to address a TMDL.*

- B. *The County shall conduct periodic inspections on all projects during construction. The County shall either:*
1. *Provide for an inspection during or immediately following initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff producing storm event, and at the completion of the project prior to the release of any performance bonds; or*
  2. *Establish an alternative inspection program which ensures compliance with the approved erosion and sediment control plan. Any alternative inspection program shall be:*
    - i. *Approved by the department prior to implementation.*
    - ii. *Established in writing.*
    - iii. *Based on a system of priorities that, at a minimum, address the amount of disturbed project area, site conditions and stage of construction; and*
    - iv. *Documented by inspection records.*
- C. *The County shall establish an inspection program that ensures that permanent stormwater management facilities are being adequately maintained as designed after completion of land-disturbing activities. Inspection programs shall:*
1. *Be approved by the department.*
  2. *Ensure that each stormwater management facility is inspected by the County, or its designee, not to include the owner, except as provided in subsections D and E of this section, at least once every five years; and*
  3. *Be documented by records.*
- D. *The County may utilize the inspection reports of the owner of a stormwater management facility as part of an inspection program established in subsection B of this section if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1; a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor; or a person who holds an appropriate certificate of competence from the department.*
- E. *If a recorded instrument is not required pursuant to 9VAC25-875-130, The County shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the County.*

#### **Section 5.4. HEARINGS**

- A. *Any permit applicant or permittee, or person subject to the requirements of this ordinance, aggrieved by any action of the County taken without a formal hearing, or by inaction of the County, may demand in writing a formal hearing by the Board of Supervisors causing such grievance, provided a petition requesting such hearing is filed with the Director of Planning within 30 days after notice of such action is given by the Administrator.*
- B. *The hearings held under this Section shall be conducted by the Board of Supervisors at a regular or special meeting of the Board of Supervisors. Any applicant who seeks an appeal hearing before the Board of Supervisors shall be heard at the next regularly scheduled Board of Supervisors meeting provided that the Board of Supervisors and other involved parties have at least thirty (30) days' prior notice. In reviewing the agent's actions, the Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Board of Supervisors may affirm, reverse, or modify the action. The Board of Supervisors' decision shall be final, subject only to review pursuant to Section 5.5 below.*
- C. *The Board of Supervisors or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.*

#### **Section 5.5. APPEALS**

*Any permit applicant or permittee, or person subject to the requirements of this ordinance, aggrieved by any action of the County is entitled to judicial review thereof by the Circuit Court of Greenville County, provided that an appeal is filed within thirty (30) days from the date of the decision being appealed.*

#### **Section 5.6. RIGHT OF ENTRY**

- A. *The County or any duly authorized agent thereof may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this ordinance.*
- B. *In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, the County may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by conditions imposed by the County of Greenville on a land-disturbing activity when an owner, after proper notice, has failed to take acceptable action within the time specified.*

## **Section 5.7. ENFORCEMENT**

A. *If the Director of Planning determines that there is a failure to comply with the permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.*

- 1. The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection 2 or the permit may be revoked by the Administrator.*
- 2. If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Director of Planning may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.*

*Such orders shall be issued in accordance with [refer to local procedures]. Such orders shall become effective upon service to the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Director of Planning finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Director of Planning may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 5.7.C.*

B. *In addition to any other remedy provided by this Ordinance, if the Director of Planning or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with [reference local public facilities/engineering manual and/or specific policy].*

C. *Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Director of Planning may be compelled in a proceeding instituted in the General*



*District Court of Greenville County by the County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.*

- D. *Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Director of planning may be compelled in a proceeding instituted in the General District Court of Greenville County by County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.*
1. *Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:*
    - i. *No state permit registration.*
    - ii. *No SWPPP.*
    - iii. *Incomplete SWPPP.*
    - iv. *SWPPP not available for review.*
    - v. *No approved erosion and sediment control plan.*
    - vi. *Failure to install stormwater BMPs or erosion and sediment controls.*
    - vii. *Stormwater BMPs or erosion and sediment controls improperly installed or maintained.*
    - viii. *Operational deficiencies.*
    - ix. *Failure to conduct required inspections.*
    - x. *Incomplete, improper, or missed inspections; and*
    - xi. *Discharges not in compliance with the requirements of 9VAC25-880-70.*
  2. *The Director of Planning may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.*
  3. *In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.*
  4. *Any civil penalties assessed by a court as a result of a summons issued by the County shall be paid into the treasury of the County to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.*

- E. Notwithstanding any other civil or equitable remedy provided by this ordinance or by law, any person who willfully or negligently violates any provision of this ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

**Section 5.8. FEES**

Fees to cover costs associated with implementation of a VESMP related to land disturbing activities and issuance of general permit coverage and VESMP authority permits shall be imposed in accordance with Table 1. [NOTE: Such fee attributes include the costs associated with plan review, VESMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with land-disturbing activities as well as state program oversight costs.] When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees (“total fee to be paid by applicant” column) in accordance with the disturbed acreage of their site or sites according to Table 1.

**Table 1: Fees for permit issuance**

<i>Fee type</i>	<i>Total fee to be paid by applicant (includes both VESMP authority and department portions where</i>	<i>Department portion of “total fee to be paid by applicant” (based on 28% of total fee paid*)</i>
<i>Erosion and Sediment Control Land Disturbing Permit Fee (not subject to SMP General Permit coverage; sites with a land-disturbance equal to or greater than 10,000 square feet)</i>	<i>\$50 base fee plus \$1 per acre disturbed.</i>	<i>\$0</i>
<i>General/Stormwater Management- Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)</i>	<i>\$290</i>	<i>\$81</i>
<i>General/Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)</i>	<i>\$2,700</i>	<i>\$756</i>
<i>General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</i>	<i>\$3,400</i>	<i>\$952</i>

<i>General/Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]</i>	\$4,500	\$1,260
<i>General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</i>	\$6,100	\$1,708
<i>General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</i>	\$9,600	\$2,688

*\* If the project is completely administered by the department, such as maybe the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the department.*

- A. *Fees for the modification or transfer of registration statements from the general permit issued by the department shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by the County of Greenville, such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1.*

**Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities**

<b>Type of Permit</b>	<b>Fee Amount</b>
<i>General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)</i>	\$20
<i>General/Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)</i>	\$200
<i>General /Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</i>	\$250
<i>General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</i>	\$300

<i>General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</i>	\$450
<i>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</i>	\$700

B. The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. **NOTE: Fees specified in this Subsection go to the County.**

**Table 3: Permit Maintenance Fees**

<b>Type of Permit</b>	<b>Fee Amount</b>
<i>Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)</i>	\$50
<i>General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)</i>	\$50
<i>General/Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)</i>	\$400
<i>General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</i>	\$500
<i>General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</i>	\$650
<i>General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</i>	\$900
<i>General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)</i>	\$1,400

*General permit coverage maintenance fees shall be paid annually to the County of Greenville, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.*

- C. *The fees set forth in Subsections A through C of this section, shall apply to:*
1. *All persons seeking coverage under the general permit.*
  2. *All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.*
  3. *Persons whose coverage under the general permit has been revoked shall apply to the department for an Individual Permit for Discharges of Stormwater from Construction Activities.*
- D. *Permit and permit coverage maintenance fees outlined under Section 5.8 may apply to each general permit holder.*
- E. *No general permit application fees will be assessed to:*
1. *Permittees who request minor modifications to general permits as defined in Section 1.2 of this ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Director of Planning shall not be exempt pursuant to this Section.*
  2. *Permittees whose general permits are modified or amended at the initiative of the department, excluding errors in the registration statement identified by the Director of Planning or errors related to the acreage of the site.*
- F. *All incomplete payments will be deemed as non-payment, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The County of Greenville shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.*

**Section 5.9. PERFORMANCE BOND [4VAC50-60-104.D AND CODE § 603.8(A)]**

*Prior to issuance of any permit, the applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the County Attorney, to ensure that measures could be taken by the County at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If the County takes such action upon such failure by the applicant, the County may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such 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.*

Supervisor Astrop moved, seconded by Supervisor Conwell, to approve Resolution 24-90 as presented. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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**3. Public Hearing: Planning Commission Report – ZTA-2-2024 Technology Overlay District (Ordinance to Adopt Chapter 25, ZTA-2-2024 Technology Overlay District)**

Supervisor Astrop moved, seconded by Supervisor Conwell, to convene in Public Hearing: Planning Commission Report – ZTA-2-2024 Technology Overlay District (Ordinance to Adopt Chapter 25, ZTA-2-2024 Technology Overlay District) as recommended by Chair Brown. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

Mr. Pope presented ZTA-2-2024 Technology Overlay District (Ordinance to Adopt Chapter 25, ZTA-2-2024 Technology Overlay District-TOD). A data center would provide significant benefits to the County including the creation of jobs, significant revenue, and comparatively low impacts on existing facilities. Two areas in the County have been identified that have infrastructure in place to support data center development: (1) MaMAC site and adjacent to properties located along Otterdam Road, and (2) State Route 58 West, Chambliss/Chaplin properties.

Supervisor Cain recommended the buffer area around the data centers to be changed back to 200 feet, versus the 300 feet that had been proposed by the Planning Commission. Supervisor Cain stated that the 100 additional feet proposal would be a waste of land usage. Supervisor Conwell expressed his agreement with Supervisor Cain’s recommendation of the buffer area.

Supervisor Conwell further recommended that each project have a Special Use Permit (SUP) in place to address issues with setbacks, and other controls if needed. Supervisor Cain expressed opposition to the SUP and would rather continue with the TOD.

The following citizens spoke during the Public Hearing.

Mr. Mark Kroneathal, 406 W Franklin Street, Richmond, Virginia, represents the six owners of the SABAR property, also known as the Chambliss Farm, which is in the proposed technology overlay district consisting of about 860 acres. He expressed his support for the Technology Overlay District project as originally proposed without the SUP requirement.

Mr. Allan Sharrett, 5105 Devonslive Road, Richmond, Virginia, expressed his support for the Technology Overlay District project as originally proposed without the SUP requirement.

Mr. Boyce Adams, 315 West Atlantic Street, Emporia, Virginia, expressed his support for the Technology Overlay District as originally proposed without the SUP requirement.

James Craig, Falls Church, Virginia, expressed his support for the Technology Overlay District project as originally proposed without the SUP requirement.

**Return to Regular Session:**

Chair Brown recommended the Board of Supervisors return to Regular Session.

Supervisor Astrop moved, seconded by Supervisor Conwell, to return to Regular Session. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

Supervisor Conwell stated that the Technology Overlay District is a huge project for Greenville County and stated that he wants to be sure that the County is doing things right by having controls in place.

**Action Resulting from Public Hearing:**

**RESOLUTION 24-91  
ORDINANCE TO ADOPT CHAPTER 25  
ZTA-2-2024, TECHNOLOGY OVERLAY DISTRICT**

**WHEREAS**, due to the interest of data centers in Southside Virginia, Greenville County is proposing a Technology Overlay District Ordinance; and

**WHEREAS**, the regulations of the proposed overlay district are intended to supplement and modify the regulations of the primary districts in order to achieve the special purposes of this proposed Technology Overlay District, which is to provide regulations that will mitigate any possible nuisances to surrounding property;

**IT IS HEREBY ORDAINED** by the Greenville County Board of Supervisors that Chapter 25, Technology Overlay District Ordinance, presented by staff is approved and reads as follows:

**Article 25  
Technology Overlay District**

**25-1 Purpose and Intent.** The Technology Overlay District (TOD) is hereby created for the purpose of promoting the development of technology centers in areas of the County where existing or proposed infrastructure could adequately support the proposed uses. By their nature, these uses may require sizable acreage, often operating and designed in a campus like atmosphere, and are developed with a functional separation from dense residential and commercial retail development. The TOD furthers the County’s efforts to attract and advance high-tech industrial development while limiting the impacts on the community. The TOD may be designated by the Board of Supervisors (“BOS”) as an overlay of existing zoning districts, regardless of classification.

**25-2 Establishing a Technology Overlay District**

**(1) Size and Location:** Lands in the TOD shall encompass a minimum of one hundred twenty-five (125) contiguous acres as part of a TOD campus. Properties in the TOD shall be located in close proximity to high voltage power transmission lines of

115kv or more. Additionally, parcels in the TOD shall be located on lands which can be served by adequate infrastructure, including public water and sewer (or other suitable ground water and septic systems), and a road network with acceptable capacity that can serve the TOD's intended uses expressed herein.

(2) **TOD Adoption:** The TOD boundaries and any future amendments shall be created by the BOS and amended by ordinance upon adoption by the BOS based on boundaries established by the Technology Overlay District map.

(3) **TOD Overlay/Zoning:** The TOD shall overlay the existing zoning district and impose additional restrictions on the use of the property. The regulations and requirements of the underlying zoning district and the TOD shall both apply, provided however, that when the regulations applicable to the TOD conflict with the regulations of an underlying zoning district, the TOD regulations shall supersede and apply. If the TOD is silent on a development condition or matter, and the underlying zoning district is not silent on said condition or matter, then the TOD shall govern.

(4) **TOD Design Standards:** TOD facilities shall meet the following design guidelines:

(A) **Principal Building Facades:**

(1) Principal Building facades shall include all building facades substantially visible to adjacent public roads and streets. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatments. Principal building facades associated with new construction within the TOD shall meet the following standards:

(a) Principal building facades shall avoid the use of uniform surfaces by including at least two (2) of the following design elements:

i. change in building height.

ii. building step-backs or recesses.

iii. fenestration (the arrangement of windows and doors on the building elevations).

iv. change in building material, pattern, texture, color; or

v. use of accent materials.

(b) Buildings not visible from adjacent roads or properties due to buffering shall not be required to have differentiated design elements.

(c) Building Facade Material Requirements.

(i.) The following primary and second materials are permitted and to include: a tinted textured masonry block, pre-cast concrete, tilt-up



concrete panels with brick finish or stone facing, glass, stucco and external insulation finish system that simulates a stucco appearance, fiber-cement siding, metal panel systems, structural metal siding, wood siding and smooth faced concrete blocks.

(ii.) Precast concrete must contain other materials embedded within and articulated with design detailing or have application of other building materials to create design interest. (iii) Notwithstanding anything to the contrary herein, the BOS may approve alternative building facades and features, and building facade materials.

**(B) Screening of Accessory Equipment:**

(1) To minimize visibility from adjacent public roads and adjacent properties, ground level and roof top accessory equipment shall be screened from public roads and streets abutting residentially zoned or planned properties. This screening may be provided by a principal building or existing vegetation that will remain on or is within a landscaping/buffer easement on an adjacent property. Accessory equipment not screened by a principal building or existing vegetation shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, accessory equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the BOS, shall not be required to be screened.

(2) Notwithstanding anything to the contrary herein, this Section 4 shall not apply to permitted accessory uses, including without limitation electric substations, transmission, and distribution facilities.

**(C) Landscaping:**

(1) A minimum of twenty (20) percent open space shall be maintained for each group of contiguous parcels within the TOD, inclusive of undeveloped land wetlands, steep slopes, stormwater areas, or water left in undisturbed, open condition or developed as a landscaped or buffer area for buildings, streets or parking lots, areas used primarily for resource protection or recreational purposes.

(2) If created, individual parcels within the TOD are required to submit a landscaping plan with a site plan.

(3) Required landscaping is to be maintained in perpetuity.

**(D) Perimeter Buffers:**

(1) All buffers shall be inclusive of required setbacks.

(2) All roads and utility rights-of-ways and easements are permitted to cross all TOD buffered areas. Stormwater management features are prohibited in the buffer areas, except by waiver approved by the BOS.

(3) Buffer yard plantings shall be designed to minimize visual impacts from adjacent public roads and streets and properties. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the BOS to provide minimal visual screening from adjacent land uses.

(4) Buffers shall be shown on the TOD campus buffer and landscape plan and on any individual site plans when the buffer area is part of an individual lot or multiple lots for which the site plan was submitted.

(5) Minimum Buffering Requirements:

(a) Adjacent to Residential and Agricultural District Uses. Minimum buffer area shall be two hundred (200) feet.

(b) Adjacent to Commercial and Industrial District Uses. Minimum buffer area shall be one hundred (100) feet.

(c) Adjacent to Primary Public Roads. Minimum buffer area shall be one hundred fifty (150) feet. Primary public roads include Interstate 95, Route 301, Route 58, and Route 397.

(d) Adjacent to Secondary Public Roads. Minimum buffer area shall be one hundred (100) feet. Secondary Public Roads are all roads not defined as primary roads.

(e) TOD, Internal Parcel Buffers. Where multiple parcels within the TOD are included in a development master plan, buffer requirements shall not apply to internal parcel lines. Where internal parcels lines intersect with perimeter parcel lines, the TOD perimeter buffer regulations shall apply.

(E) **Noise:** Specific sound levels in the TOD shall be governed by the provisions in Chapter 15 of the Greensville County, Virginia Code of Ordinances. Notwithstanding anything to the contrary in chapter 15, TOD decibel levels shall not exceed the following:

Daytime Level: 65dB.

Nighttime Level: 60dB.

(F) **Minimum Lot Sizes:** There is no minimum lot size applicable to the TOD.

**(G) Fencing:**

Fencing of the property improvements shall be located inside the buffer area. roads shall be deemed to have a right-of-way of at least 50 feet and setbacks should be measured accordingly from the edge of the right of way.

**(H) Setback Requirements:**

**(1) Adjacent to Primary Public Roads.** No buildings shall be permitted closer than one hundred fifty (150) feet. Primary public roads include routes (insert route numbers) and all right-of-way.

**(2) Adjacent to Secondary Public Roads.** Minimum setback shall be one hundred (100) feet. Secondary Public Roads are all roads not defined as primary roads. All roads shall be deemed to have a right-of-way of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.

**(3) Adjacent to Residential and Agricultural District Uses.** No building, parking, outdoor storage areas for collection of refuse, or loading area shall be permitted closer than two hundred (200) feet from any residential or planned residential district, or development zone allowing residential development, or agricultural land.

**(4) Adjacent to Commercial and Industrial Districts.** No buildings, parking, outdoor storage or loading areas shall be permitted closer than one hundred (100) feet from commercial or industrial use districts.

**(5) Setbacks Between Buildings.** Within the TOD where individual lots or building sites are provided, the minimum setback between buildings on adjacent lots or building sites shall be twenty-five (25) feet, unless a waiver of this requirement is approved by the BOS. Driveways, parking, and covered entrances may be within the aforesaid setback area; however, no such facility may be closer than five (5) feet to any adjoining lot line. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such setback areas.

**(I) Building Height:**

Eighty (80) feet from the vertical dimension of a structure as measured from the average elevation of the finished grade at the front line of the building to the highest point of the roof of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge (mid-line of the roof) for a gable, hip, or gambrel roof. This height limitations shall not apply to parapets, screening, spires, belfries, cupolas, antennas, communication towers, air cooling ventilation equipment, ventilators, or other appurtenances usually required to be placed on the roof level and not intended for human occupancy nor does it apply to any utility infrastructure facility. Electric transmission, distribution and substation facilities, and

towers (water or other) shall be excluded from the maximum height requirements. A special exception permit to exceed the maximum building height regulations provided herein may be granted by the BOS.

**(J) Lighting Requirements:**

(1) Fully shielded lighting fixtures shall be used in all areas. Lighting shall not exceed .50 foot-candles as measured from the property line. Lighting that is exempt from these requirements includes temporary lighting and lighting provided for emergency or safety purposes as required by: the Building Code, Electric Code, or otherwise within the County Code. Signage related to the authorized uses shall not be illuminated.

(2) Parking lot, access and security lighting shall not exceed a height of thirty (30) feet.

(3) Pedestrian and walkway lighting structures shall not exceed a height of twelve (12) feet.

(4) Security Entrance Gates: A minimum illumination of 3 foot-candles (30 lux) is required to support safe and secure operation of the gate area.

**25-3 Permitted Uses:**

(1) The following uses are permitted by the issuance of a Special Use Permit in the TOD, subject to the requirements and limitation provided under this ordinance section:

- a. Technology College, University, or Technical School
- b. Conference or training center
- c. Data centers
- d. Technology research and development facility
- e. Technology capital intensive advanced manufacturing facility
- g. Utility service, minor
- f. Utility service, major. Utility scale solar energy generating facilities producing two MW or more of electricity which powers uses within the TOD site boundaries. Utility Scale solar facilities constructed to power the uses within the TOD site boundaries must obtain a Special Use Permit from the Board of Supervisors and must conform to ARTICLE 24: Solar Facilities.

**25-4 Accessory Permitted Uses:** The following ancillary uses, which support permitted uses expressed above under Section 25-3, are hereby authorized by the issuance of a Special Use Permit in the TOD. Accessory permitted uses that are deemed utility facilities subject to the provisions of the Zoning Ordinance and must be in substantial accord with the relevant provisions of the county comprehensive plan or applicable element thereof. Notwithstanding this provision, facilities that are by-right uses shall be deemed substantially in accord with the comprehensive plan.

- a.** water treatment plant, public or privately owned.
- b.** sewage treatment plant, public or privately owned.
- c.** elevated water storage tank or tower
- d.** telecommunications tower
- e.** district heating or cooling facility
- f.** energy storage facility
- g.** energy generating facility other than solar
- h** food service facility
- i.** security building
- j.** general storage and maintenance facility
- k.** structured parking
- l.** general office
- m.** other Ancillary uses approved by the BOS

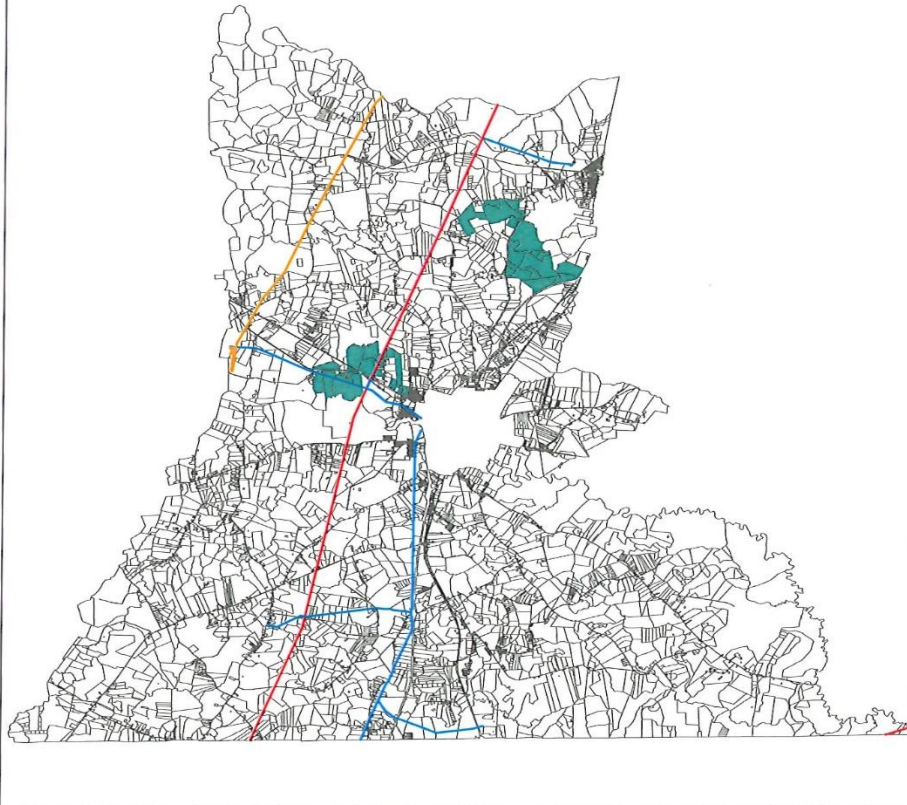
# GREENSVILLE COUNTY TECHNOLOGY OVERLAY DISTRICT



## Legend

Electrical Transmission Lines	
VOLTAGE	
	115
	230
	500
	Technology Overlay District Parcels
	Tax Parcels

115 KV and 230 KV lines run parallel in same Right-of-Way north of Brunswick Road Substation



Supervisor Conwell moved, seconded by Chair Brown, to approve Resolution 24-91, as presented originally, but with the requirement of a Special Use Permit. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, nay; Supervisor Conwell, aye; and Chair Brown, aye.

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#### 4. **Public Hearing: Planning Commission Report – ZTA-1-24, County of Greenville (ZTA-1-24, Amendment to Greenville County Zoning Ordinance.**

Supervisor Astrop moved, seconded by Supervisor Conwell, to return to Public Hearing: Planning Commission Report – ZTA-1-24, County of Greenville (ZTA-1-24, Amendment to Greenville County Zoning Ordinance as recommended by Chair Brown. A roll call vote was

taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

Mr. Pope presented the ZTA-1-24, Amendment to Greensville County Zoning Ordinance for the Board's consideration. Mr. Pope stated that the Board adopted Resolution 24-55 which tasked the Planning Department with removing utility scale solar language from the Greensville County Comprehensive Plan as well as the Greensville County Zoning Ordinance.

The following citizens spoke during the Public Hearing.

Dr. Angela Wilson, 4015 Slagles Lake Road, Emporia, Virginia, expressed her support for the ZTA-1-24 County of Greensville, Amendment to Greensville County Zoning Ordinance.

Mr. Jesse Harrell, 6035 Purdy Road, Emporia, Virginia, expressed his support for the ZTA-1-24 County of Greensville, Amendment to Greensville County Zoning Ordinance.

Mr. Cody Jannise, Sun Energy One, 3330 Spring Church Road, Skippers, Virginia, expressed his opposition to the ZTA-1-24 County of Greensville, Amendment to Greensville County Zoning Ordinance.

Mr. Tyler Rosa, Property Land Use Attorney for KPAJ, LLC, 222 Central Parke Avenue, Virginia Beach, Virginia, expressed his opposition to the ZTA-1-24 County of Greensville, Amendment to Greensville County Zoning Ordinance.

Mr. Robie Vincent, 1647 Massie Branch Road, Skippers, Virginia, expressed his support for the ZTA-1-24 County of Greensville, Amendment to Greensville County Zoning Ordinance.

Mr. Chris Thompson, 5206 Purdy Road, Emporia, Virginia, expressed his support for the ZTA-1-24 County of Greensville, Amendment to Greensville County Zoning Ordinance.

Ms. Kristine Thompson, 5430 Purdy Road, Emporia, Virginia, expressed her support for the ZTA-1-24 County of Greensville, Amendment to Greensville County Zoning Ordinance.

Mr. Benny Ligon, 3175 Pine Log Road, Skippers, Virginia, expressed his support for the ZTA-1-24 County of Greensville, Amendment to Greensville County Zoning Ordinance.

Mr. Milton Grant, Sr., 4870 Purdy Road, Emporia, Virginia, expressed his support for the ZTA-1-24 County of Greensville, Amendment to Greensville County Zoning Ordinance.

Mr. Timothy Fajna, 406 Meadow Bank, Emporia, Virginia, expressed his support for the ZTA-1-24 County of Greensville, Amendment to Greensville County Zoning Ordinance.

Ms. Kim Wiley, 1266 Tryall Mill Road, Emporia, Virginia, expressed her opposition to ZTA-1-24 County of Greensville, Amendment to Greensville County Zoning Ordinance.

Mr. Mike Rae, 583 Scotland Drive, Jarratt, Virginia, expressed his opposition to ZTA-1-24 County of Greensville, Amendment to Greensville County Zoning Ordinance.

Supervisor Astrop expressed her opposition to removing utility scale solar from the Comprehensive Plan and County Ordinances.

Supervisor Cain expressed his support to remove utility scale solar from the Comprehensive Plan and County Ordinances.

**Return to Regular Session:**

Chair Brown recommended the Board of Supervisors return to Regular Session.

Supervisor Conwell moved, seconded by Supervisor Astrop, to return to Regular Session. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

**Action Resulting from Public Hearing:**

**RESOLUTION 24-92  
AMENDING ZONING ORDINANCE TO REMOVE UTILITY SCALE SOLAR  
PROJECTS AS A PERMITTED USE**

**WHEREAS**, at the January 2, 2024, meeting of the Greenville County Board of Supervisors (“Board”), the Board adopted Resolution 24-55 directing the Planning Commission to consider amendments to the County’s Zoning Ordinance which would remove utility-scale solar facilities as a permitted use in any zoning district in the County, with or without a Special Use Permit; and

**WHEREAS**, the Board will consider one exception, namely, permitting utility-scale solar facilities on property on which a business or industry is operated, on the condition that the electricity generated serve operations only on the property on which the utility-scale solar facility and business’ or industry’s activities are operated, and subject to the proposed operator securing a Special Use Permit, and securing all other local and state approvals and actions required; and

**WHEREAS**, because the County Line Solar Project has secured 2232 approval, the Board’s intent is to let that Project continue through the zoning approval process, even if the contemplated zoning amendments are made before that Project secures a Special Use Permit; and

**WHEREAS**, the foregoing paragraph is not intended as assurance that a SUP will be approved for the County Line Solar Project; instead, the Board will make a determination as to whether a Special Use Permit should be approved for that Project; and

**WHEREAS**, it is the Board’s intent that if the zoning amendments under consideration are implemented, that no solar projects other than the County Line Solar Project will be considered for approval of a Special Use Permit; and

**WHEREAS**, On May 14, 2024, at their regularly scheduled meeting, the Planning Commission, on a 5-1 vote recommended amendments to the County’s Zoning Ordinance which would remove utility-scale solar facilities as a permitted use in any zoning district in the County, with or without a Special Use Permit with one exception, namely, permitting utility-scale solar



facilities on property on which a business or industry is operated, on the condition that the electricity generated serve operations only on the property on which the utility-scale solar facility and business' or industry's activities are operated, and subject to the proposed operator securing a Special Use Permit, and securing all other local and state approvals and actions required;

**THEREFORE, IT IS HEREBY ORDAINED**, by the Greensville County Board of Supervisors that utility-scale solar facilities as a permitted use in any zoning district in the County, with or without a Special Use Permit is hereby removed from the County's Zoning Ordinance subject to the exceptions noted above.

Chair Brown moved, seconded by Supervisor Conwell, to adopt Resolution 24-92 as presented to remove from the County's Zoning Ordinance subject to the exceptions of the three projects grandfathered in to include County Line Solar project, Purdy Solar project, and Emporia Solar project. A roll call vote was taken as follows: Supervisor Astrop, nay; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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**5. Public Hearing: Planning Commission Report – Amendment to Greensville County Comprehensive Plan.**

Supervisor Conwell moved, seconded by Supervisor Astrop, to return to Public Hearing: Planning Commission Report - Amendment to Greensville County as recommended by Chair Brown. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

Mr. Pope presented the Planning Commission Report Amendment to the Greensville County Comprehensive Plan. As noted in the Planning Commission Report, under staff comments, Greensville County Board of Supervisors wishes to remove utility scale solar from both the Comprehensive Plan and Zoning Ordinance. During the May 14, 2024, meeting, the Planning Commission voted 5 to 1 to amend the Comprehensive Plan as per staff comments noted in the report.

The following citizens spoke during Public Hearing.

Dr. Angela Wilson, 4015 Slagles Lake Road, Emporia, Virginia, expressed her support for the Amendment to the Greensville County Comprehensive Plan.

Mr. Jesse Harrell, 6035 Purdy Road, Emporia, Virginia, expressed his support for the Amendment to the Greensville County Comprehensive Plan.

Mr. Charles Kasper, 6719 Purdy Road, Emporia, Virginia, expressed his support for the Amendment to the Greensville County Comprehensive Plan.

Mr. Milton Grant, Sr., 4870 Purdy Road, Emporia, Virginia, expressed his support for the Amendment to the Greensville County Comprehensive Plan.

Mr. Timothy Fajna, 406 Meadow Bank, Emporia, Virginia, expressed his support for the Amendment to the Greensville County Comprehensive Plan.

Mr. Mike Rae, 583 Scotland Drive, Jarratt, Virginia, expressed his support for the Amendment to the Greensville County Comprehensive Plan.

**Return to Regular Session:**

Chair Brown recommended the Board of Supervisors return to Regular Session.

Supervisor Conwell moved, seconded by Supervisor Astrop, to return to Regular Session. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

**Action Resulting from Public Hearing:**

**RESOLUTION 24-93  
AMENDMENTS TO GREENSVILLE COUNTY COMPREHESIVE PLAN  
UTILITY-SCALE SOLAR FACILITIES**

**WHEREAS**, at the January 2, 2024, meeting of the Board of Supervisors (“Board”), the Board adopted Resolution 24-55 directing the Planning Commission to consider amendments to the County’s Comprehensive Plan (“Plan”) which would remove solar language from the Plan; and

**WHEREAS**, on May 14, 2024, at their regularly scheduled meeting, the Planning Commission considered staff recommended amendments to the Plan; and

**WHEREAS**, on May 14, 2024, the Planning Commission, on a 5-1 vote, recommended approval of the proposed amendments to the Plan as presented by staff;

**IT IS THEREFORE HEREBY ORDAINED** by the Board that the Plan is amended as follows:

*Amend page 94 to read as follows:*

**SOLAR**

*With the electricity infrastructure installed in the county to support the new Dominion natural gas-fueled power plant, along with relatively flat terrain and an abundance of open land, Greensville County is generating significant interest from the solar industry as a prime location for the construction of utility scale solar projects. With transmission lines traversing the county, solar developers are offered relatively low capital investment costs to connect to the electrical infrastructure necessary to carry solar energy to the power grid. Permits have been issued for 5 solar facility sites (see Map 6.3), which are in various stages of completion in Greensville County, as follows:*

- *Pumpkinseed Solar (formerly Meherrin Solar) – 60-megawatt photovoltaic solar energy facility*

- *Greensville Solar – 80-megawatt photovoltaic solar energy facility*
- *Sadler Solar – 100-megawatt photovoltaic solar energy facility*
- *Jarratt Solar - 49-megawatt photovoltaic solar energy facility*
- *Fountain Creek Solar - 80-megawatt photovoltaic solar energy facility*

*In the fall of 2020, surveys were distributed county wide to residents asking questions on topics such as community needs, strengths, concerns, and desires. One question that was asked was, “What do you value most about Greensville County?” 55.2% of those that responded stated that the rural character and open space is what they valued the most. Now that the majority of the approved solar projects are nearing completion, the Board of Supervisors is concerned that the rural character of the county is not being maintained, therefore the Greensville County Board of Supervisors is taking steps to amend the Comprehensive plan and the Zoning ordinance to remove Utility Scale Solar Projects as an acceptable use within the county’s A-1: Agricultural District.*

*Retain page 95 which is the map showing all approved utility scale solar projects in Greensville County.*

*Delete solar language on page 98 underneath the section titled “Strategies to Improve Infrastructure”.*

*Delete solar language on page 141 pertaining to land use.*

*Delete solar language on page 146 pertaining to rural area primary land use types.*

*Delete solar language on page 157 in the Future Land Use Considerations section.*

*Delete Map 9.2 on page 158 titled “Utility Scale Solar Siting Considerations”.*

*Delete Implementation Strategy #15 on page 173.*

Supervisor Conwell moved, seconded by Chair Brown, to approve Resolution 24-93 as presented. A roll call vote was taken as follows: Supervisor Astrop, nay; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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**6. Public Hearing: Siting Agreement between Virginia Electric and Power Company (VEPCO) and Greensville County regarding the County Line Solar Project**

Supervisor Conwell moved, seconded by Supervisor Astrop, to convene in Public Hearing: Siting Agreement between Virginia Electric and Power Company (VEPCO) and Greensville County regarding the County Line Solar Project as recommended by Chair Brown. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

Mr. Pope presented the County Line Siting Agreement for the Board's consideration. Mr. Pope advised that the voluntary payments offered by Dominion were at the rate of \$25,000.00 per megawatt. However, Mr. Russell Slayton negotiated a rate of \$30,000.00 per megawatt and VEPCO agreed to pay the County the negotiated amount.

Ms. Meaghan O'Brien, Senior Business Development Manager with Dominion Energy, presented a PowerPoint presentation on the County Line Solar, LLC Project. The presentation covered the following economic and fiscal benefits to Greensville County:

- Increased Economic Activity
- Increased Tax Revenue
- Revenue Share
- Siting Agreement

The following citizens spoke during the Public Hearing.

Mrs. Ann Moore, 5176 Benton Road, Lawrenceville, Virginia, expressed her opposition to the County Line Solar project.

### **Return to Regular Session**

Chair Brown recommended the Board of Supervisors return to Regular Session.

Supervisor Astrop moved, seconded by Supervisor Conwell, to return to Regular Session. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

### **Action Resulting from Public Hearing:**

## **RESOLUTION 24-94 APPROVAL OF SITING AGREEMENT WITH VIRGINIA ELECTRIC AND POWER COMPANY COUNTY LINE SOLAR PROJECT**

**WHEREAS**, after conducting a duly advertised public hearing;

**IT IS HEREBY RESOLVED**, by the Greensville County ("County") Board of Supervisors that the Siting Agreement with Virginia Electric and Power Company ("VEPCO"), together with all exhibits thereto, the terms and conditions of which were negotiated between the County and VEPCO pursuant to Virginia Code Section 15.2-2316.8, is approved in the form this day presented, and the Board Chair or the County Administrator, either of whom may act alone, is authorized to sign said Siting Agreement on behalf of the County.

Supervisor Astrop moved, seconded by Chair Brown, to approved Resolution 24-94 as presented. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, nay; Supervisor Conwell, aye; Chair Brown, aye.

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Mr. Russell Slayton, County Attorney, recommended that the Board schedule the action on the Special Use Permit Application solar revenue and have a Public Hearing at the next meeting of July 1, 2024.

Supervisor Conwell moved, seconded by Supervisor Astrop, that the Board have a Public Hearing and take action on the Special Use Permit Application at the July 1, 2024, Board meeting. Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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## **7. Public Hearing: FY25 Consolidated Budget**

Supervisor Conwell moved, seconded by Chair Brown, to convene in Public Hearing: FY25 Consolidated Budget as recommended by Chair Brown. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

Ms. Tameka Green, Director of Finance, advised that the proposed budget was presented to the Board during the Budget Session meeting held on April 16, 2024. The balanced budget was presented as follows:

- Fund 1 – General Fund, \$25,472,118
- Fund 8 – Public Transportation, \$371,601
- Fund 10 – Fire and Rescue Services, \$375,947
- Fund 17 – Solid Waste Enterprise, \$1,371,000
- Fund 75 – Local Capital Improvement, \$201,916

There were no citizens to sign up for Public Hearing.

## **Return to Regular Session**

Chair Brown recommended the Board of Supervisors return to Regular Session.

Supervisor Astrop moved, seconded by Supervisor Conwell, to return to Regular Session. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

## **Action Resulting from Public Hearing:**

The Greenville County Board of Supervisors will meet on Tuesday, June 11, 2024, at 2:00 p.m. to adopt the FY25 Budget.

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## **In Re: Items with Appointments, Virginia Department of Transportation (VDOT) – Road Matters Report**

Mr. Paul Matticks, VDOT Resident Administrator, presented the following road matters report:

### A. Emporia Area Headquarters Updates

- Completed contract litter pick up to prepare for upcoming contracted mowing.
- Crews assisted Capron Bridge staff with the repair of the failing abutment on Route 622, Little Low Ground Road.
- Crews cleaned out culverts on Rolling Acres Road and Whitehorne Road.
- Crews cut back underbrush with slope mowers on Barley Road, Brink Road, Beef Road and started on Pine Log Road for safety and sight distance.
- Crews ditched in front of Gordon's Garage on 301 South for a call-in drainage ticket.
- Crews installed jute mesh and grass seed for erosion and sediment control measures on the ditching jobs performed.
- Crews patched potholes on Low Ground Road and Ashbin Road.
- Crews performed ditching on Ashbin Road, Watkins Drive, Sadler Drive and Whitehorne Road for work order complaints.
- Crews started the rotation of grading gravel roads. Steel Bridge Road has been completed. Staff is now moving to Newsome Lane.
- Crews have been checking Route 58 and Route 301 twice a week, on average, for debris.
- Performed ditching work on Low Ground Road, close to Spring Hill Drive, for a work order drainage tickets.

### Additional Tasks

- VDOT staff participated in Greensville County High School Career Day.
- Currently two staff members short due to staff taking the Federal CDL class.

### Upcoming Plans

- Ditching work to be completed on Little Low Ground Road, Tryall Mill Road and East Atlantic Street (Route 58 Eastbound).
- Pipe replacements on Allen Road and Everettes Lake Road.
- Road repairs on Main Street in Jarratt.
- Maintain cutting back underbrush with slope mowers throughout the County.
- Mowing sight distance complaints as received until contract mowers start the first of the year.
- Scheduled meetings in the Town of Jarratt to discuss citizens' concerns.

- B. Intersection Safety Review: Route 301(Skippers Road) and Route 629 (Moores Ferry Road/Zion Church Road).

Mr. Matticks presented a letter from Cheryl Lynn Tate, P.E., dated May 7, 2024, entitled, “Intersection Safety Review (GR00201-20231016-GS) Route 301 (Skippers Rd) and Route 629 (Moores Ferry Rd/Zion Church Rd).” Based on review, the following was recommended:

- Refresh pavement markings within the intersection functional area of the study intersection.
- Install dual STOP signs on Route 629 (Moores Ferry Rd/Zion Church Rd) eastbound and westbound.
- Install Yellow Reflective Strips on Warning Sign posts.
- Install Dual Indicated Warning signs on Route 301 northbound and southbound.
- Install Watch for Turning Vehicles signs on the same post with the Intersection Warning signs.

A work order will be submitted to Regional Operations Installation and Maintenance to schedule the installation of signs.

Supervisor Astrop thanked Mr. Matticks and VDOT staff for moving quickly on the Moores Ferry Road and on Highway 301 report.

Supervisor Conwell inquired about that status of the pipe replacement on Allen Road. Mr. Matticks indicated that he will check on the status and provide an update to Lin Pope.

Supervisor Cain asked if a representative from VDOT could meet him near E. W. Wyatt Middle School, 206 Slagles Lake Road. There are limbs hanging in the road, as well as, tall trees that are rotten which need to be cut down. The tall trees are leaning and could fall on a bus. Mr. Matticks stated that he will reach out to their staff to meet with him. Dr. Charlette Woolridge, County Administrator, asked VDOT staff to make this request a high priority to protect the life and safety of individuals and protect property.

Chair Brown shared that 2853 Independence Church Road has potholes that need to be addressed. He also stated that at 71 Lincoln Circle, the drainpipes are stopped up and need to be cleaned.

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### **In Re: Citizens’ Comments**

The Greenville County Board of Supervisors had developed a protocol to ensure that Board meetings and Citizen Comments were productive and efficient, and that proper decorum was maintained. The Board of Supervisors wanted to emphasize that this protocol was intended to make the Board meetings and/or citizens’ comments as productive as possible.

The protocol is as follows:

1. Each speaker will be given three minutes to address the Board of Supervisors. The time limit will be strictly enforced.
2. Each speaker will be advised when two minutes have elapsed.

3. Each speaker will be advised when three minutes have elapsed.
4. After all comments have been made by speakers at the public hearing, the applicant will be afforded three minutes to respond to comments made during the public hearing.
5. Each speaker will be permitted to address the Board of Supervisors only once, i.e., the three-minute opportunity to speak cannot be transferred from one speaker to another.
6. Speakers should face the Board of Supervisors and address their comments to the Board of Supervisors, and not to others who are present at the meeting. Speakers should not turn to face and address members of the audience.
7. The Board of Supervisors is conducting the citizens' comments period and/or public hearing to receive comments from interested parties. Neither the Board of Supervisors nor its staff will respond to questions during the citizen comments period or public hearing, and neither the Board of Supervisors nor its staff will engage in a dialogue with speakers. However, after this meeting County staff will follow up with citizens when appropriate.
8. The Board of Supervisors asks that everyone at the meeting to be respectful to the others who are present and asks that those present not applaud speakers. As a reminder, it is inappropriate, at a public meeting, to make personal attacks, to be defamatory, or to disparage individuals or identifiable groups.
9. Prior to beginning your comments, please state your name and address for the record.
10. There is a signup sheet for speakers. If you have not signed up and wish to speak, let County staff know just before the public hearing or citizens' comments begins, and your name will be added to the list of speakers.

There were no citizens to speak during Citizens' Comments.

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**In Re: Old Business**

Agenda Item deferred to July 1, 2024, Board of Supervisors meeting.

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**In Re: New Business: Resolution 24-96, Approval of Solar Revenue Share Opt-In Agreements with Virginia Electric and Power Company Sadler Solar Project, Fountain Creek Solar Project, and Pumpkinseed Solar Project (F/K/A Meherrin Solar Project)**

Mr. Slayton presented Resolution 24-96, for review and consideration by the Board.

**RESOLUTION 24-96  
APPROVAL OF SOLAR REVENUE SHARE OPT-IN AGREEMENTS  
WITH VIRGINIA ELECTRIC AND POWER COMPANY  
SADLER SOLAR PROJECT, FOUNTAIN CREEK SOLAR PROJECT, AND  
PUMPKINSEED SOLAR PROJECT (F/K/A MEHERRIN SOLAR PROJECT)**



**IT IS HEREBY RESOLVED**, by the Greensville County (“County”) Board of Supervisors that the three Solar Revenue Share Opt-In Agreements with Virginia Electric and Power Company for the Sadler Solar Project, the Fountain Creek Solar Project, and the Pumpkinseed Solar Project (f/k/a Meherrin Solar Project) are hereby approved in the forms this day presented, and that the Board Chair is authorized to sign the three Solar Revenue Share Opt-In Agreements on behalf of the County.

Supervisor Astrop moved, seconded by Supervisor Conwell, to approve Resolution 24-96 as presented. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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**In Re: Resolution 24-97, Washington Park Phase VI Infrastructure Improvement Bids**

Mr. Lin Pope presented Resolution 24-97 for consideration by the Board.

**RESOLUTION 24-97  
WASHINGTON PARK COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
PHASE VI INFRASTRUCTURE IMPROVEMENTS**

**WHEREAS**, Greensville County, Virginia issued a request for sealed bids to complete infrastructure improvements in the Phase VI Project Area of the Washington Park Community Development Block Grant Project; and

**WHEREAS**, Greensville County received two bids, one bid from Dickens Construction who submitted a base bid of \$677,830, and one bid from H. G. Reynolds Company who submitted a base bid in the amount of \$777,811; and

**WHEREAS**, this project is being funded through the Virginia Department of Housing and Community Development’s Community Development Block Grant Program; and

**WHEREAS**, the low bid received from Dickens Construction exceeded the budgeted amount for street improvements by \$214,856.20, Greensville County has submitted a budget revision request to the Virginia Department of Housing and Community Development to move \$214,856.20 in unspent Housing Activity Funds to cover the cost of street improvements; and

**WHEREAS**, B&B Consultants and Greensville County’s staff evaluated Dickens Construction’s ability to complete the work. We believe they have the equipment & expertise to complete the project; and

**WHEREAS**, staff recommends awarding the \$677,830 base bid to Dickens Construction;

**THEREFORE, BE RESOLVED**, that the Greensville County Board of Supervisors:

1. Issue the \$677,830 Phase VI Washington Park CDBG Infrastructure Improvements Notice of Award to Dickens Construction
2. Adoption of this Resolution constitutes publication of the Board’s award.

3. Authorizes the Greensville County Attorney to draft a contract for this project.
4. Authorizes the County Administrator to sign all contract documents.

Supervisor Astrop moved, seconded by Supervisor Conwell, to approve Resolution 24-97, as presented. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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**In Re: Resolution 24-98, World Elder Abuse Awareness Day (WEAAD), June 15, 2024**

Mr. Gary Cifers, Assistant County Administrator, presented Resolution 24-98 for the Board's consideration.

**RESOLUTION 24-98  
WORLD ELDER ABUSE AWARENESS DAY (WEAAD)**

**WHEREAS**, Greensville County, Virginia recognizes that in 2006, the International Network for the Prevention of Elder Abuse proclaimed June 15<sup>th</sup> of each year as World Elder Abuse Awareness Day; and

**WHEREAS**, according to the Department of Justice (DOJ) Elder Abuse Initiative, elder abuse is an intentional or negligent act by any person that causes harm or serious risk of harm to an older adult; and

**WHEREAS**, subtypes of elder abuse include physical abuse, financial fraud, scams, exploitation, caregiver neglect and abandonment, psychological abuse, and sexual abuse; and

**WHEREAS**, elder abuse, neglect, or exploitation have no boundaries and cross all racial, social, class, gender, and geographic lines, according to the Elder Justice Coalition; and

**WHEREAS**, the Virginia Department of Aging and Rehabilitative Services (DARS) reported that local Departments of Social Services received 43,443 reports during state fiscal year 2023, a 3072, increase in reports over the previous year; and

**WHEREAS**, of the reports of adult abuse, neglect or exploitation received through the Adult Protective Services (APS) Program, 79 percent of the subjects of the reports were persons age 60 years and older; and

**WHEREAS**, the majority of the APS reports of adult abuse, neglect, and exploitation during fiscal year 2023 were reported by a relative followed by financial institution staff; and

**WHEREAS**, of the 13,135 substantiated reports of adult abuse in fiscal year 2023, DARS reports that self-neglect is the most common type of adult abuse experienced in Virginia at 8,289 (63%) and that financial exploitation is the second most common at 1,811 (14%);

**NOW, THEREFORE**, the Greensville County Board of Supervisors do hereby proclaim June 15, 2024, to be Elder Abuse Awareness Day and recognize professionals, agencies, and advocates for their efforts to advance awareness of elder abuse; and

**NOW, THEREFORE BE IT FURTHER RESOLVED**, Greensville County Board of Supervisors urge every resident in our community to take time during this important day to support older adults and the people who serve them as essential and valuable members of our community, and to identify and report suspected elder abuse within our community.

Supervisor Astrop moved, seconded by Supervisor Conwell, to approve Resolution 24-98 as presented. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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**In Re: County Agreements with Constitution Officers**

Dr. Charlette T. Woolridge presented the agreements for the Commissioner of the Revenue and the Treasurer for the Board’s consideration.

**AGREEMENT BETWEEN THE BOARD OF SUPERVISORS  
AND THE COMMISSIONER OF THE REVENUE OF  
GREENSVILLE COUNTY, VIRGINIA**

THIS AGREEMENT, effective January 1, 2024, and established pursuant to Virginia law and governed thereby, is between Martha S. Swenson, Commissioner of the Revenue (hereinafter referred to as “Commissioner”) and the Board of Supervisors of Greensville County, Virginia. The Commissioner and the Board of Supervisors hereby agree that the County Personnel Policy (the “Personnel Manual”) is extended to cover all employees and deputies of the Commissioner, except for the Commissioner herself, thereby establishing a uniform personnel system to the end that the Commissioner’s employees will have the same rights and benefits and will be subject to the same procedures and regulations as other County employees, except as provided herein. The Commissioner shall have all authority as designated by the Personnel Manual for a Department Head.

Employees and deputies of the Commissioner will be subject to the County’s personnel policies and regulations, except they shall have no rights under the County’s grievance procedure. The advertising of position vacancies will be consistent with Virginia Code Section 15.2-1604 and will be handled by Greensville County Department of Human Resources. Fringe benefits and future pay increases shall be set by the Board of Supervisors notwithstanding salary levels set by the State Compensation Board, but in no event shall the salary be less than that established by the State Compensation Board.

Greensville County Department of Human Resources will assist the Commissioner, as needed, with the following: (1) Hiring, promoting, transferring, or appointing employees and deputies, (2) Disciplining, suspending, demoting, dismissing, or terminating the appointment of any employee or deputy. The Commissioner has the authority to terminate the appointment of a deputy pursuant

to Virginia Code Section 15.2-1603, and nothing herein affects those statutory rights and obligations. All employees of the Commissioner are at-will.

This Agreement shall remain in effect until December 31, 2027, unless it is canceled by either party by the giving of 60 days written notice to the other party. In the event this Agreement is canceled, no salary for any employee or deputy shall be diminished should the salary set by the State Compensation Board be less than that established by the Board. The Board, however, shall not be obligated to increase the salary of any employee or deputy so affected above the level set by the State Compensation Board regardless of increases provided to other employees of the County or increases established by the Virginia General Assembly.

The County Department of Human Resources Office shall maintain the official records of all employment actions for employees and deputies of the Commissioner. Records and forms will be submitted in accordance with procedures outlined by the County Personnel Policy.

**AGREEMENT BETWEEN THE BOARD OF SUPERVISORS  
AND THE TREASURER OF  
GREENSVILLE COUNTY, VIRGINIA**

THIS AGREEMENT, effective January 1, 2024, and established pursuant to Virginia law and governed thereby, is between Pamela A. Lifsey, Treasurer (hereinafter referred to as (“Treasurer”) and the Board of Supervisors of Greensville County, Virginia.

The Treasurer and the Board of Supervisors hereby agree that the County Personnel Policy (the “Personnel Manual”) is extended to cover all employees and deputies of the Treasurer, except for the Treasurer herself, thereby establishing a uniform personnel system to the end that the Treasurer’s employees will have the same rights and benefits and will be subject to the same procedures and regulations as other County employees, except as provided herein. The Treasurer shall have all authority as designated by the Personnel Manual for a Department Head.

Employees and deputies of the Treasurer will be subject to the County’s personnel policies and regulations, except they shall have no rights under the County’s grievance procedure. The advertising of position vacancies will be consistent with Virginia Code Section 15.2-1604 and will be handled by Greensville County Department of Human Resources. Fringe benefits and future pay increases shall be set by the Board of Supervisors notwithstanding salary levels set by the State Compensation Board, but in no event shall the salary be less than that established by the State Compensation Board.

Greensville County Department of Human Resources will assist the Treasurer, as needed, with the following: (1) Hiring, promoting, transferring, or appointing employees and deputies, (2) Disciplining, suspending, demoting, dismissing, or terminating the appointment of any employee or deputy. The Treasurer has the authority to terminate the appointment of a deputy pursuant to Virginia Code Section 15.2-1603, and nothing herein affects those statutory rights and obligations. All employees of the Treasurer are at-will.

This Agreement shall remain in effect until December 31, 2027, unless it is canceled by either party by the giving of 60 days written notice to the other party. In the event this Agreement is canceled, no salary for any employee or deputy shall be diminished should the salary set by the State Compensation Board be less than that established by the Board. The Board, however, shall

not be obligated to increase the salary of any employee or deputy so affected above the level set by the State Compensation Board regardless of increases provided to other employees of the County or increases established by the Virginia General Assembly.

The County Department of Human Resources Office shall maintain the official records of all employment actions for employees and deputies of the Treasurer. Records and forms will be submitted in accordance with procedures outlined by the County Personnel Policy.

Supervisor Conwell moved, seconded by Supervisor Astrop, to approve the Agreement Between the Board of Supervisors and the Commissioner of the Revenue of Greensville County, Virginia and the Agreement Between the Board of Supervisors and the Treasurer of Greensville County as presented. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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### **In Re: Approval of additional holidays for Greensville County**

Dr. Woolridge, County Administrator, presented the following additional holidays for the Board's consideration. The following dates are:

- Friday, July 5, 2024 (Independence Day Holiday)
- Thursday, December 26, 2024 (Christmas Holiday)
- Tuesday, December 31, 2024 (New Year Holiday)

The aforementioned additional holidays have also been approved by the Judicial Council for the Judicial Branch Offices to be closed.

Supervisor Astrop moved, seconded by Supervisor Conwell to approve the additional holidays as presented. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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### **Board of Assessors Appointment –Election District 1**

Supervisor Astrop recommended to appoint Sheryl Moody to represent Election District 1.

Supervisor Astrop moved, seconded by Supervisor Conwell, to appoint Sheryl Moody to serve on the Board of Assessors for Election District 1. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

### **Crater Regional Workforce Development Board**

Supervisor Conwell moved, seconded by Supervisor Astrop, to reappoint Natalie Slate to serve on the Crater Regional Workforce Development Board. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

## District 19 Community Services Board

Supervisor Conwell moved, seconded by Supervisor Astrop, to reappoint Col. Anthony Johnson, to serve on the District 19 Community Services Board. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

## Transportation Safety Commission

Supervisor Cain requested to defer the Election District 3 appointment to replace James E. Hill, until the July 1, 2024, meeting. Mr. Hill has relocated to another Election District.

Supervisor Astrop moved, seconded by Supervisor Conwell, to reappoint the following to serve on the Transportation Committee, with the exception of James S. Hill.

<u>Appointee</u>	<u>Election District</u>
Cornell Hines	6/30/2024 (District 1)
Adolph Robinson	6/30/2024 (District 1)
Lorn Allen	6/30/2024 (District 2)
Len Hobbs	6/30/2024 (District 2)
Elvis Blount	6/30/2024 (District 3)
Vacant	6/30/2024 (District 3)
Wayne Fetko	6/30/2024 (District 4)
Danny Garrett	6/30/2024 (District 4)

A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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## In Re: Adjournment

With there being no further business to discuss, Chair Brown asked for a motion to adjourn to the FY25 Budget Adoption Meeting on Tuesday, June 11, 2024, at 2:00 p.m., at Greenville County Board of Supervisors Board Room, 1781 Greenville County Circle, Emporia, Virginia.

Supervisor Astrop moved, seconded by Supervisor Conwell, to adjourn to the FY25 Budget Adoption meeting on June 11, 2024. A roll call vote was taken as follows: Supervisor Astrop, aye; Supervisor Cain, aye; Supervisor Conwell, aye; and Chair Brown, aye.

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James R. Brown, Chair

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Dr. Charlette T. Woolridge, Clerk