

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 10.1-565 of the Code of Virginia, relating to security for performance*  
3 *for land-disturbing activities.*

4 [H 1230]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 10.1-565 of the Code of Virginia is amended and reenacted as follows:**8 § 10.1-565. Approved plan required for issuance of grading, building, or other permits; security for  
9 performance.

10 Agencies authorized under any other law to issue grading, building, or other permits for activities  
11 involving land-disturbing activities may not issue any such permit unless the applicant submits with his  
12 application an approved erosion and sediment control plan and certification that the plan will be  
13 followed. Prior to issuance of any permit, the agency may also require an applicant to submit a  
14 reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such  
15 other legal arrangement acceptable to the agency, to ensure that measures could be taken by the agency  
16 at the applicant's expense should he fail, after proper notice, within the time specified to initiate or  
17 maintain appropriate conservation action which may be required of him by the approved plan as a result  
18 of his land-disturbing activity. *The amount of the bond or other security for performance shall not*  
19 *exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on*  
20 *unit price for new public or private sector construction in the locality and a reasonable allowance for*  
21 *estimated administrative costs and inflation which shall not exceed twenty-five percent of the estimated*  
22 *cost of the conservation action.* If the agency takes such conservation action upon such failure by the  
23 permittee, the agency may collect from the permittee for the difference should the amount of the  
24 reasonable cost of such action exceed the amount of the security held. Within sixty days of the  
25 achievement of adequate stabilization of the land-disturbing activity *in any project or section thereof*, the  
26 bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion  
27 thereof, shall be refunded to the applicant or terminated *based upon the percentage of stabilization*  
28 *accomplished in the project or section thereof.* These requirements are in addition to all other provisions  
29 of law relating to the issuance of such permits and are not intended to otherwise affect the requirements  
30 for such permits.

ENROLLED

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