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MS4 Annual Report 2023-2024
Appendix 4
Construction Site Stormwater Management

Appendix 4-A Memorandum of Understanding between the Town of
Leesburg and Loudoun County

Memorandum of Understanding
For Erosion & Sediment Controls and
Stormwater Management / Best Management Practice
Between Loudoun County, Virginia
And The Town of Leesburg

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this 3rd day of February, 2009²⁰¹⁰ by and between Loudoun County (hereinafter the "County"), and the Town of Leesburg (hereinafter the "Town").

Purpose of the Memorandum

WHEREAS, clean water is crucial to the quality of life of both County and Town residents as well as the economic vitality of the region and the Commonwealth; and,

WHEREAS, the Commonwealth of Virginia requires the County and the Town to implement measures to protect water quality under the *Virginia Pollutant Discharge Elimination System (VPDES) Phase II* program, the *Virginia Stormwater Management Program (VSMP)*, *National Pollutant Discharge Elimination System Program (NPDES)*, the *County and Town's Municipal Separate Storm Sewer System Permit (MS-4)*, the *Virginia Erosion and Sediment Control Law, Regulations, and Certification Regulations*, and the *Virginia Stormwater Management Regulations*; and,

WHEREAS, the County enforces *Chapter 1220: Erosion Control* of the *Codified Ordinances of Loudoun County within the County and the Town* to ensure 100% of construction site run off is adequately controlled; and,

WHEREAS, the Town enforces Design Standards, Hydrologic Design, Stormwater Management, Watershed Protection, and Best Management Practices (BMP) of the Town of Leesburg's Design and Construction Standards Manual; and

WHEREAS, the County and the Town have determined that it is mutually beneficial to establish a cooperative and coordinated approach to implementation of the Town's stormwater and erosion and sediment control requirements; and,

WHEREAS, the County issues grading permits for the Town upon the Town's approval of site plans;

NOW THEREFORE the County and Town agree that their respective responsibilities are as follows:

A. County Responsibilities

1. Review all Site and Construction Plans provided to the County as a referral by the Town and provide technical comments with respect to erosion and sediment control matters.
 2. Review and provide technical comments to applicants on all Grading Permit Applications submitted to the County.
 3. Require proof that all other associated State and Federal permits have been obtained prior to issuing any grading permit.
 4. Require that an Erosion and Sediment control bond be posted to the County on all projects prior to approving the grading permit.
 5. If a Grading Permit Application is inconsistent with the State laws and the Loudoun County Erosion and Sediment control ordinances, the County shall reject the Grading Permit Application and notify the Applicant.
 6. Issuance of grading permits upon applicant's compliance with all applicable requirements and the Town's approval of site plans (expressed via zoning clearance letter or zoning permit).
 7. Provide inspections for issued grading permits consistent with the Loudoun County Erosion and Sediment Control inspection schedule.
 8. Pursue administrative enforcement of grading permits in violation of the County erosion and sediment control ordinances as identified by County Field Managers during routine inspections.
 9. Investigate violations of the Loudoun County erosion and sediment control ordinances as identified by Town Staff.
 10. If during routine inspections, the County's field manager witness violations of the Town's VSMP, VDPES and NPDES permits, the County will notify the Town.
 11. Administer Erosion and Sediment control bond inspections and subsequent Erosion and Sediment control bond releases.
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12. Upon request, provide general technical assistance to the Town with respect to erosion and sediment control matters.
13. If requested by the Town, the County's Field Manager shall make available to the Town all grading permit correspondence, erosion and sediment control field inspection reports as well as any written violations issued for all projects being inspected by the County within the Town's corporate limits.

B. Town Responsibilities

1. Review and approve construction/site plans within the Town's Corporate Limits in accordance with all Town Ordinances and State Laws (including but not limited to floodplain studies & alterations, as well as adequate outfall, stormwater management and BMP measures).
 2. Require that all projects within the Town's Corporate Limits comply with Town and State's stormwater management regulations, including the use of Best Management Practices (BMP) to protect water quality. For projects within the Town's Corporate Limits, the Town will review all stormwater management and BMP plans and routinely inspect construction sites to verify compliance with all applicable Town, State and Federal stormwater management regulations.
 3. Submit construction/site plans within the Town's Corporate Limits to the County as a referral for erosion and sediment control review.
 4. The Town shall forward to the Loudoun County Erosion and Sediment Control Program all construction/site plan re-submissions which may require grading permit approval.
 5. During the review process, ensure that all Erosion and Sediment Control plans are in general conformance with all State Laws regarding Erosion & Sediment Control MS-19 Minimum Standards as noted within the County's referral comments.
 6. Upon Town approval of the plan, issue Zoning Clearance Letter to the applicant and forward a copy to the Loudoun County Erosion and Sediment Control Program.
 7. When observed, report any site violations that may cause imminent damage to waterways within the Town's Corporate Limits to the Loudoun County Erosion and Sediment Control Program.
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8. Prepare annual updates to the Town's Municipal Separate Storm Sewer System MS-4, NPDES, VPDES & VSMP permits as required by the State within the Town of Leesburg Corporate limits and provide copies to the County for their files.
9. Pursue legal enforcement of violations of the County Erosion and Sediment Control Ordinances within the Town's corporate limits.

C. Amendments and Modifications

This Memorandum of Understanding may be amended at any time by mutual consent of the parties, in writing.

D. Termination

Any termination or request for modification of this Memorandum of Understanding by either party shall be submitted in writing and require mutual written agreement by both the County and the Town.

However, this Memorandum of Understanding shall automatically terminate upon written notice of termination by one of the parties on the basis of one of the following events:

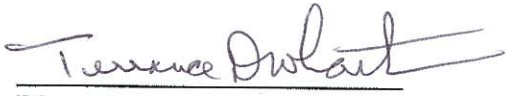
1. The Town implementing a local erosion and sediment control program within its corporate limits as approved by the Commonwealth of Virginia, Department of Conservation and Recreation; or
 2. The Commonwealth of Virginia, Department of Conservation and Recreation approval to exclude the administration of the Loudoun County Erosion and Sediment Control Program within the Town limits; or
 3. Upon statutory authority releasing the County from mandatory administration of an Erosion and Sediment Control program within the Town.
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This Memorandum of Understanding shall become effective upon the endorsement of the parties as well as adoption of applicable ordinances and shall remain in effect unless terminated by one of the parties as noted above.

In Witness Whereof, the parties herein have caused this document to be executed as of the date of the last signature shown below:

LOUDOUN COUNTY, VIRGINIA
A Political Subdivision

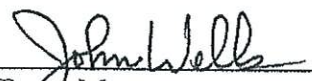
Approved as to Form

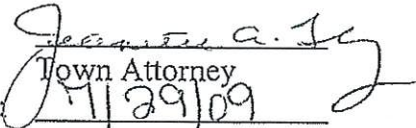
By: 
Director
Department of Building and Development
Date: 2/3/10

By: 
County Attorney
Date: 2-3-10

TOWN OF LEESBURG, VIRGINIA
A Municipal Corporation of Virginia

Approved as to Form

By: 
Town Manager
Date: 7/29/09

By: 
Town Attorney
Date: 7/29/09