

**PULASKI COUNTY, VIRGINIA**  
**EROSION AND SEDIMENT CONTROL PROGRAM**  
**SAMPLE BOND PACKET**

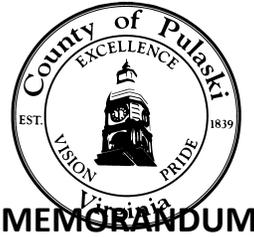


**DEPARTMENT OF ENGINEERING**

Memo - Re: control permit and bond requirements..... 2  
Bond amounts and bond release policy..... 3  
(Form) Irrevocable letter of credit for erosion & sediment control..... 4  
(Form) Erosion and sediment control performance bond..... 5  
(Form) Surety agreement for cash escrow..... 6

# EROSION AND SEDIMENT CONTROL

DEPARTMENT OF ENGINEERING  
143 THIRD STREET NW, SUITE 1  
PULASKI, VA 24301



(540) 980-7710  
FAX: (540) 980-7717  
[bsrowe@pulaskicounty.org](mailto:bsrowe@pulaskicounty.org)

**TO:** Erosion & sediment control (E&SC) permit applicants  
**DATE:** October 5, 2016  
**SUBJ:** Erosion and sediment control permitting and bond requirements

Pursuant to the Code of Virginia and Chapter 26 of the Pulaski County Erosion Sediment Control Ordinance, property owners engaging in non-exempt land disturbance of greater than or equal to 10,000 square feet within the county must first obtain an E&S control permit and must post an E&S bond. Bonds are necessary to ensure the applicant or contractor installs appropriate measures on the site to prevent erosion during a project, and to prevent degradation of neighboring properties and the natural features of the County. These funds are held by the County in the event that the applicant or contractor fails to meet their obligations to control erosion, and will be expended (after proper notice) by the County to correct any deficiencies in order to enforce the regulations. Under normal circumstances, bonds are returned to the applicant/contractor upon completion of the project and satisfaction of all regulatory requirements.

For all non-exempt land disturbance, engineered E&S control plans must be submitted to and approved by the County prior to permitting. Single-family residential construction that does not involve any major grading or filling operations may be issued a document known as an Agreement in Lieu of an E&S Plan. This takes the place of a Land Disturbance Permit, which is issued for any other project involving land disturbance.

A bond must accompany any Land Disturbance Permit, and may be posted as cash/check/money order, a letter of credit from a lending institution (i.e. a bank), or a performance bond (typically issued by insurance agencies). The last 3 pages of this packet provide the appropriate forms to accompany a bond for a project depending on how it is to be posted. Letters of credit and performance bonds are original documents and need must be provided to the county at the time permits are issued. Issuers of these sureties must also provide proof that they are licensed to conduct business in Virginia. Refer to page 3 for E&S bond amounts and the County's E&S bond release policy.

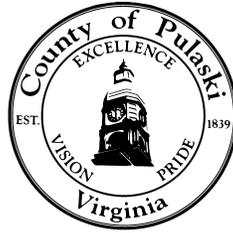
Please also refer to the Application for an Agreement in Lieu of an E&S Control Plan OR the Application for Land Disturbance Permit (available on the department's webpage at [www.pulaskicounty.org](http://www.pulaskicounty.org)).

**A Responsible Land Disturber (RLD) certification issued by the state (DEQ) is required for the issuance an Agreement in Lieu of a Plan or for a Land Disturbance Permit.**

## PULASKI COUNTY, VIRGINIA

# EROSION AND SEDIMENT CONTROL

DEPARTMENT OF ENGINEERING  
143 THIRD STREET, NW, SUITE 1  
PULASKI, VA 24301



(540) 980-7710  
FAX: (540) 980-7717  
[bsrowe@pulaskicounty.org](mailto:bsrowe@pulaskicounty.org)

## EROSION & SEDIMENT CONTROL BOND AMOUNTS & BOND RELEASE REQUIREMENTS

A bond (cash/check/money order, letter of credit, or performance bond) must be posted prior to the issuance of a Land Disturbance Permit in accordance with the attached Bond Calculation Sheet:

This itemized bond estimate should be submitted by the erosion control plan-preparer or a contractor who is knowledgeable of the approved plan requirements. This itemized estimate should cover the installation of all erosion control measures shown on the approved plan AND all stormwater facilities and measures to be installed.

### **BOND RELEASE REQUIREMENTS:**

The following conditions constitute the County's E&S bond release policy. These conditions must be met, along with any other reasonable condition established by the Program Administrator. The owner is responsible for scheduling the bond release inspection.

#### Site Conditions:

- All denuded areas must be graded to final grade such that site allows for positive drainage and ponding of water does not occur.
- The site must be stabilized with uniform vegetation at least two inches in height. If sod is used, there is a 90-day waiting period before a bond release inspection may be scheduled, and there must be evidence that the sod is sufficiently rooted.
- All construction debris and rocks larger than 1" diameter must be removed from the site.
- All temporary erosion and sediment control measures (including temporary construction entrance that will not be converted to a permanent driveway) must be removed.

#### Other Conditions: (If Applicable)

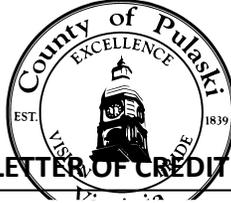
- *(If applicable)* The construction must have passed its final inspection, as performed by the Building Department, before the project is eligible for an E&S bond release inspection.
- *(If applicable)* The completed Notice of Termination has been submitted to the Virginia DEQ to satisfy the requirements of the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10), and the related requirements have been completed.
- *(If applicable)* Any detention must be fully executed by the owner to the satisfaction of the Program Administrator.

# PULASKI COUNTY, VIRGINIA

## EROSION AND SEDIMENT CONTROL

DEPARTMENT OF ENGINEERING  
143 THIRD STREET NW, SUITE 1  
PULASKI, VA 24301

(540) 980-7710  
FAX: (540) 980-7717  
[bsrowe@pulaskicounty.org](mailto:bsrowe@pulaskicounty.org)



**IRREVOACABLE LETTER OF CREDIT FOR E&S CONTROL**

**Beneficiary:**  
Pulaski County  
Board of Supervisors  
143 Third Street, NW, Suite 1  
Pulaski, VA 24301

Date: \_\_\_\_\_  
EACH DRAFT DRAWN RELATIVE HERETO MUST BE MARKED  
*DRAWN UNDER \_\_\_\_\_ LETTER OF CREDIT NUMBER \_\_\_\_\_*,  
AND BE ACCOMPANIED BY THIS ORIGINAL LETTER OF CREDIT.

APPLICANT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AMOUNT:  
U. S. \$ \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

\*\*\*SEE BELOW\*\*\*

WE HEREBY OPEN OUR IRREVOCABLE LETTER OF CREDIT NO. \_\_\_\_\_ IN YOUR FAVOR FOR THE ACCOUNT OF \_\_\_\_\_ FOR A SUM NOT EXCEEDING U. S. \$ \_\_\_\_\_ AVAILABLE BY YOUR SIGHT DRAFTS ON US AND ACCOMPANIED BY THE FOLLOWING DOCUMENTS:

A CERTIFIED STATEMENT SIGNED BY AN OFFICIAL OF PULASKI COUNTY STATING THAT \_\_\_\_\_ HAS NOT SATISFACTORILY PERFORMED ITS OBLIGATION TO THE PULASKI OF ORANGE RELATING TO EROSION AND SEDIMENT CONTROL FOR \_\_\_\_\_, AND THAT THE PROCEEDS OF THE DRAWING WILL BE USED IN PROVIDING FUNDS FOR COMPLETION OF THE PROJECT.

\*\*\*THIS LETTER OF CREDIT SHALL BE VALID FOR A PERIOD OF TWO YEARS FROM THE DATE HEREON AND SHALL AUTOMATICALLY RENEW FROM YEAR TO YEAR THEREAFTER UNLESS THE GUARANTOR SHALL GIVE NINETY DAYS PRIOR WRITTEN NOTICE TO THE COUNTY OF ORANGE OF ITS INTENT TO TERMINATE SAME AT THE EXPIRATION OF SAID NINETY DAY PERIOD.\*\*\*

DURING THE LAST THIRTY DAYS IN WHICH THIS CREDIT IS VALID, THE COUNTY OF PULASKI MAY DRAW UP TO THE FULL AMOUNT WHEN ITS DRAFT IS ACCOMPANIED BY THE FOLLOWING DOCUMENT:

A CERTIFIED STATEMENT SIGNED BY AN OFFICIAL OF PULASKI COUNTY STATING THAT \_\_\_\_\_ HAS NOT SATISFACTORILY PERFORMED ITS OBLIGATION TO THE COUNTY OF PULASKI RELATING TO EROSION AND SEDIMENT CONTROL FOR \_\_\_\_\_, THAT \_\_\_\_\_ HAS NOT PROVIDED AN ACCEPTABLE SUBSTITUTE LETTER OF CREDIT OR DEPOSIT IN ESCROW, AND THAT THE DRAWING WILL BE HELD FOR THE SOLE PURPOSE OF PROVIDING FOR COMPLETION OF THE PROJECT IN ACCORDANCE WITH THE PULASKI COUNTY CODE.

WE HEREBY ENGAGE WITH YOU THAT ALL DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT SHALL BE DULY HONORED UPON PRESENTATION AND DELIVERY AT THIS OFFICE WITHIN THE VALIDITY OF THE CREDIT.

SINCERELY,  
  
ADDRESS: \_\_\_\_\_

ISSUED BY: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

\_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
DATE

**PULASKI COUNTY, VIRGINIA**  
**EROSION AND SEDIMENT CONTROL**

DEPARTMENT OF ENGINEERING  
143 THIRD STREET, NW, SUITE 1  
PULASKI, VA 24301

(540) 980-7710  
FAX: (540) 980-7717  
[bsrowe@pulaskicounty.org](mailto:bsrowe@pulaskicounty.org)



Bond # \_\_\_\_\_

**PERFORMANCE BOND FOR E&S CONTROL**

KNOW ALL MEN BY THESE PRESENTS, that

\_\_\_\_\_  
(Hereinafter called Principal), as PRINCIPAL,

\_\_\_\_\_  
(Principal Address) AND

\_\_\_\_\_  
(Hereinafter called Surety), as SURETY,

\_\_\_\_\_  
(Surety Address)

are held and firmly bound unto the County of Pulaski, Virginia, in the sum of \$ \_\_\_\_\_ good and lawful money of the United States of America, for the payment of which well and truly we bind ourselves, our heirs, executors, and assigns firmly by these presents:

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WHEREAS, PRINCIPAL has filed with the County of Pulaski, Virginia, a Site Plan and/or Erosion and Sediment Control Plan, approved on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for a project known as \_\_\_\_\_, and to be performed at \_\_\_\_\_.

NOW, THEREFORE, if PRINCIPAL shall conform and comply to all regulations and ordinances pertaining to the aforesaid plan promulgated by the County of Pulaski, and shall indemnify and save harmless said County, its citizens, residents and property owners against any and all loss arising out of PRINCIPAL's failure to comply or conform with the requirements of regulations and/or ordinances of the County of Pulaski, now in force or which may hereafter be enacted, or arising by reason of PRINCIPAL's negligence or carelessness in the performance of the work for which said plan was approved, then this obligation shall be null and void, otherwise to remain in full force and effect.

BY: \_\_\_\_\_ (SEAL)  
PRINCIPAL

NOTARY/ATTEST:

PRINTED NAME

TITLE

\_\_\_\_\_  
BY: \_\_\_\_\_ (SEAL)  
SURETY (MUST BE NOTORIZED)

**PULASKI COUNTY, VIRGINIA**  
**EROSION AND SEDIMENT CONTROL**

DEPARTMENT OF ENGINEERING  
143 THIRD STREET, NW, SUITE 1  
PULASKI, VA 24301

(540) 980-7710  
FAX: (540) 980-7717  
[bsrowe@pulaskicounty.org](mailto:bsrowe@pulaskicounty.org)



### SURETY AGREEMENT FOR CASH ESCROW FOR E&S CONTROL

I, \_\_\_\_\_ have posted with Pulaski County a  
(Landowner or agent (requires letter of permission to act as agent))  
cash escrow in the amount of \$\_\_\_\_\_ as surety that I will comply with all  
applicable ordinance requirements as required by plans approved as issued for the project known  
as: \_\_\_\_\_. Once the site work is complete and  
vegetation sufficient to inhibit erosion is present on site, I understand that this cash escrow will  
be returned to me at my request upon a successful bond release inspection conducted by Pulaski  
County.

---

Printed Name of Property Owner or Agent (requires letter of permission to act as agent)

---

Signature of Property Owner or Agent

Date

**\*\*\* This surety will be retained until obligations are satisfied. \*\*\***

Cc: Melinda Worrell, Treasurer  
Applicant: Copy  
File: Original

**PLEASE RETURN SURETY RELEASE TO THE FOLLOWING:**

NAME: \_\_\_\_\_  
STREET: \_\_\_\_\_  
P.O. BOX: \_\_\_\_\_  
CITY: \_\_\_\_\_  
STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**Please sign:** The above address is true and correct to the best of my knowledge:

\_\_\_\_\_  
Surety Agent (Applicant)

\_\_\_\_\_  
Date