

Land Disturbance Performance Guarantee – Release Protocol

Stormwater Division, Jefferson County Department of Public Works

Two releases of the permit are allowed: a partial release and the final release.

The partial release must include all the following components:

- 50% of the Land Disturbance Cost. To obtain a 50% release of the land disturbance cost, the following criteria must be achieved:
 - Completion of mass grading for 50% or more of the site.
 - Completion of roadway and storm sewer installation for 50% or more of the site.
 - Complete installation of all permanent stormwater rate control BMPs.
 - Establishment of temporary/permanent vegetation at a density capable of preventing erosion on 50% or more of the site. (No more than 50% of the site shall be unstable at any one time from this point forward.)
 - The most recent inspection report of the site shows the project in full compliance (no noted deficiencies for the **entire permit**).
- 100% of the Stream Disturbance Cost. To obtain the 100% release of the stream disturbance cost, the following criteria must be achieved:
 - Complete stabilization of the channel, channel banks and discharge locations that may negatively impact the integrity of the channel.
 - Re-establishment of the stream buffer.
 - No further disturbance within the channel or stream buffer.
- A partial release will only be permitted when **all criteria have been met for both the land disturbance and stream disturbance release criteria identified above.**

The final release will contain:

The remaining portion of the performance guarantee. This will be available at the completion of the Land Disturbance.

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FAQ

Q: May I get a partial release on my performance guarantee?

A: Yes you may. A partial release must consist of 50% of the Land Disturbance cost and 100% of the Stream Disturbance cost. This release may only occur after all the criteria identified in the permit has been achieved.

Q: When will I get the money back from the partial release?

A: It depends on the type of performance guarantee. If it is a cash guarantee, it will be processed immediately and you will typically receive the funds within a few weeks. If it is a letter of credit guarantee, the adjustment will be permitted at any time after the approval has been granted. All partial releases will be accompanied by a memo stating the previous and updated performance guarantee requirements.

Q: If I have a very large site, may I receive more than one partial release?

A: In a way, yes you may. This may be done by breaking the project down into phases during the initial planning of the project and requesting a partial release for each individual phase. Each phase will then have to meet the criteria identified for a partial release prior to any money being released. Each phase will be treated like its own permit and therefore must be able to stand on its own so material is not migrating offsite onto a previous phase that has been released. However, there are two exceptions to this rule:

1. To get a release, there may not be any noted deficiencies throughout the entirety of your permitted site.
2. All paperwork will refer to a single permit rather than multiple, separate permits.

Q: If I have a permit with multiple phases planned, but I will not be disturbing the phases at the same time, do I have to pay the full performance guarantee upfront?

A: No, that is not required. However, you must pay the amount of the largest phase up front. Since the single performance guarantee would be used for multiple different phases, partial releases would not be permitted until the project is in its final phase. To ensure you can continue working on your project with minimum interruptions, you may provide payment for multiple phases from the start or plan it out where phases have some overlap.

Q: How small may I make each phase?

A: That will be handled between you and the County on your individual project. One (1) modification of the performance guarantee amount will be permitted in a six (6) month time frame, regardless of how many phases you have. Therefore if you plan on requesting

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multiple releases, please save them up and request them all at the same time or you may have to wait an additional six months before you may request the funds. Remember, each phase must be able to stand on its own as if it is an individual land disturbance permit; and therefore, you must protect previous phases from the work being performed in the later phases. The plans must reflect this as well.

Q: What if I have a permit and decide to add additional phases onto it later?

A: Unfortunately this is not allowed. You would have to go through the permitting process again for the extra phases. Minor adjustments may be made to the limits of disturbance, however, the addition of another phase or a change to the hydrologic conditions of offsite locations in any way will require the formation of a secondary plan set and permit.