



**DATE:** March 25, 2020

**TO:** All Architects, Builders, Contractors, Developers, Engineers, Surveyors, and Property Owners

**FROM:** Greg Emanuel, Director, Department of Environmental Services (DES)

**SUBJECT:** Temporary Policy—due to the COVID-19 Local Emergency—for Stormwater Management Facility Maintenance and Monitoring Agreements for Land Disturbing Activities Regulated under Arlington County Code Chapter 60 (Stormwater Management Ordinance) and Arlington County Code Chapter 61 (Chesapeake Bay Preservation Ordinance)

**EFFECTIVE DATE:** Immediately, until further notice.

Chapter 60 requires a Stormwater Management Facility Maintenance and Monitoring Agreement (MMA) to be recorded in the Arlington County land records prior to the approval of the Stormwater Management Plan and subsequent issuance of a Land Disturbing Activities (LDA) permit. MMAs are also occasionally required under Chapter 61.

As part of Arlington County's response to the COVID-19 Local Emergency, all in-person permitting services closed as of 4:30 PM on March 18, 2020.

At this time, the County is unable to offer fully digital processes for the notarization and recordation of the MMA document.

Until such time as a fully digital option for this process is available and in order to prevent unreasonable delays in issuing LDA permits during the Local Emergency, I authorize under my authority as the Administrator of Chapter 60 the following temporary change to the MMA process:

- For projects that require certificates of occupancy (COs): the MMA must be approved and recorded before the Department of Environmental Services (DES) will sign-off on the release of the CO.
- For projects that do not require COs: the MMA must be approved and recorded prior to project completion, defined as the final sign-off for any required County inspection.

You are still required to submit the MMA with the owner's signature page completed to the electronic permitting system prior to permit issuance. Please also allow at least 10 business days prior to your desired closing date to allow for final MMA processing and recordation.

Please also note that failure to record the required MMA is subject to the enforcement provisions of Chapter 60, which can include civil penalties up to \$32,500 per day for each violation.

This temporary change is hereby incorporated into the Stormwater Manual by reference.

*Gregory J. Emanuel*

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Greg Emanuel, Director  
Department of Environmental Services

# SWM Ordinance - Temporary Policy for MMAs COVID-19 Local Emergency v1

Final Audit Report

2020-03-26

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