

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY



CONSTRUCTION STORMWATER

FFY 2016 COMPLIANCE MONITORING STRATEGY

Prepared by:

VADEQ Central Office
Office of Water Compliance
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I. PURPOSE

This Compliance Monitoring Strategy (CMS) provides compliance monitoring objectives for the Virginia Department of Environmental Quality’s (DEQ) Construction General Permit (CGP) program for federal fiscal year (FFY) 2016, beginning October 1, 2015 through September 30, 2016. The CMS will provide a consistent approach and plan for DEQ’s six (6) regional offices and their respective staff to follow. The United States Environmental Protection Agency (EPA) delegated authority to administer the National Pollutant Discharge Elimination System (NPDES) Permit Program to Virginia. Virginia exercises this authority through implementation of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Program. In exercising this authority DEQ attempts to ensure that it’s inspection program substantially meets the requirements of EPA’s NPDES Compliance Monitoring Strategy.

Virginia has thousands of permitted active construction sites and an undetermined amount of unpermitted construction sites across the Commonwealth. Contending with the volume of active construction sites necessitates strategic choices as to when, how, and where to apply inspection resources. A targeted strategy is important to the success of the program and the agency mission to protect the environment.

***Disclaimer:** This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any alternative method. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.*

II. OBJECTIVES

There has historically been a high rate of non-compliance associated with land disturbing activity regulated under the Virginia Stormwater Management Program (VSMP) Regulations and/or the CGP so making a concerted effort to inspect as much of the construction activity taking place in the Commonwealth as possible is paramount to changing the attitudes, behaviors, and cultures of this sector while improving knowledge, awareness and overall compliance. Increasing field presence will allow staff to conduct more inspections of active construction sites in order to detect those that are poor performers as well as those that are unpermitted and will help to improve the compliance rate.

The increase in field presence involves the increase in field activity and will serve to proactively identify areas of concern at active construction sites. DEQ will work expeditiously with the responsible party (e.g., owner or operator) to correct identified concerns. Inspectors will allocate a significant portion of their availability to field work, consisting of: site inspections, complaint investigations, surveillance, etc. Other media programs within the Agency will also report land disturbing activity that appears to have suspect operations or conditions and will serve as a resource in identifying sites, areas, and contractors for compliance staff to target for inspection.

In order to progress towards accomplishing our mission in FFY2016 DEQ will take actions including, but not limited to the following objectives:

- Increase in site visits and inspections,
- Empowerment of local VSMP authorities,
- Education through compliance assistance, and
- Compliance through enforcement.

A. INCREASE IN SITE VISITS AND INSPECTIONS

Increasing the number and frequency of inspections will help DEQ disseminate its message to the regulated community that historical and recalcitrant non-compliance and irresponsible operational practices are unacceptable. The construction stormwater program does not require self reporting so essentially the only way to evaluate and assess compliance is to inspect construction site operations.

There are thousands of land disturbing activities in the Commonwealth which trigger applicability thresholds of the Virginia Erosion and Sediment Control Program¹ (VESCP)

¹ Permit threshold under the local Virginia Erosion and Sediment Control Program is 10,000 sq.ft. of land disturbance.

and the VSMP² regulations with several areas of compliance that require inspectors to evaluate site operations in accordance with the CGP, VESCP, and VSMP regulations. In order to effectively and efficiently allocate resources, the CMS recommends a tiered risk based approach to inspections and supports an increase in the number of sites visited with a higher frequency of inspections at poorly operated construction sites.

B. EMPOWERMENT OF LOCAL VSMP AUTHORITIES

There are currently ninety-five (95) local VSMP authorities meaning primary implementation of administration, compliance and enforcement with the construction stormwater program is the responsibility of those local programs. Out of the 95 VSMP authorities, fifty-eight (58) local VSMP authorities have Municipal Separate Storm Sewer System (MS4) permits and are required to administer VSMP programs while the other thirty-seven (37) localities voluntarily opted into the program.

All land disturbing site inspections and complaint investigations applicable to the VSMP regulation and/or regulated under the CGP performed by local VSMP authorities shall be conducted by local inspectors that are trained and certified through DEQ. Inspections conducted by the local VSMP authority will count toward DEQ's annual federal commitment for construction stormwater inspections when documented and reported through the DEQ's Stormwater Construction General Permit System. DEQ is the VSMP authority for fifty-four (54) opt out localities³, retains compliance oversight of all regulated land disturbing activities including those administered by local VSMP authorities, and is responsible for state and federal projects and linear⁴ land disturbing projects operating under Annual Standards and Specifications. See **Attachment A** for a map showing the statewide distribution of local VSMP authorities and DEQ Regional Office boundaries.

Relative to local VSMP programs, the role of DEQ will be to conduct oversight inspections and provide program assistance in support of the local VSMP authority's responsibility to administer and enforce VSMP requirements through their local program and ordinance. DEQ staff will plan and conduct focused inspections within local VSMP authorities to support and assess operations of local programs. When the local VSMP authority is not involved with the inspection and working to resolve the non-compliance, inspections resulting in findings of non-compliance will be referred by cover letter to the local VSMP authority for follow-up. In those instances where program or compliance assistance is needed DEQ regional staff is encouraged to coordinate efforts with local stormwater inspectors. As an Agency practice, DEQ staff will notify the local

² Permit threshold under the Virginia Stormwater Management Program is 1 acre of land disturbance or less than 1 acre when part of a common plan of development that disturbs 1 acre or more.

³ Opt out localities are localities not required to implement a local VSMP and did not chose to voluntarily participate.

⁴ Linear projects are land-disturbing activities by telephone, cable, electric, natural gas pipeline and railroad companies that have Annual Standards and Specifications approved and regulated by DEQ.

VSMP authority of the construction sites scheduled for inspections in advance to confirm that the sites are actively under construction and to provide an opportunity for local inspectors to participate in the inspection.

Complaints received by DEQ regarding projects within a local VSMP authority and not otherwise under DEQ's direct oversight will also be referred by cover letter to the respective locality. DEQ staff will investigate alleged violations of state statutory or regulatory requirements that are not addressed in the local VSMP authority's ordinance and enforce the state (CGP) permit and/or VSMP regulation if the locality fails to adequately respond to or address a referred complaint.

When a local VSMP authority does not respond to local program referrals or the non-compliance remains unresolved DEQ staff is encouraged to use informal communications to verify the status of the respective inspection or complaint referral and provide the locality an additional opportunity to bring the matter to resolution. If there is no resolution, the Regional Office (RO) with concurrence of the Central Office (CO) will notify the locality in writing of DEQ's intentions to proceed to address the non-compliance directly with Agency resources. The locality will also be informed that the Agency may reference supporting documents filed in the case history during future local program reviews. The amount of oversight required of a local VSMP authority will be based on Virginia's Risk Based Inspection Strategy for construction stormwater. See **Attachment B** of this document for the complaint referral letter, **Attachment C** for the inspection referral letter and **Attachment D** for the notification of DEQ's intent to proceed.

C. EDUCATION THROUGH COMPLIANCE ASSISTANCE

The rate of non-compliance in the construction stormwater program can be addressed through a number of methods. One theme that commonly surfaces in discussions regarding program compliance is outreach and education, to help permittees understand the program, their responsibilities as an owner or operator of a land disturbing activity, and the necessity to comply with permit requirements. The reissuance of the CGP and introduction of new laws and regulations germane to permitting and compliance provided additional need to further educate and inform the regulated community.

In light of DEQ's FFY 2016 compliance strategy objective, promoting an increase in field activity, it is recommended that DEQ staff provide compliance assistance to operators. Compliance assistance is viewed as a voluntary means to help a permittee understand and meet statutory and regulatory requirements. Construction site inspections will have to serve as the primary means of evaluating compliance and providing compliance assistance with the CGP and VSMP regulations and limited compliance assistance can be offered during that time. If it is determined that permittees, local VSMP authorities, etc.

require and/or request additional agency assistance DEQ staff is encouraged to have them contact the DEQ RO to establish a time and place suitable for providing compliance assistance to several stakeholders at one time. This is particularly important if the assistance required is substantial. Such assistance would be qualified as an outreach event.

These requests should be communicated by the RO to DEQ's CO to support the development of additional outreach efforts and training programs. If it is not feasible for DEQ, the permittee, or the local VSMP authority to participate in prolonged compliance assistance there are consultants in this field that may be contracted by the local VSMP authority or the permittee. Inspectors may suggest visiting the website of Virginia's Department of Business Assistance (DBA) at <http://dba.virginia.gov> or contacting DBA directly for assistance in locating consulting firms in the area specializing in construction stormwater. DEQ staff is not to recommend any specific consultant to the permittee or local VSMP authority. Additionally, DEQ's Office of Training Services offers a course specifically for permittees entitled *Stormwater Management for Contractors and Operators* that offers formal compliance assistance focused on meeting the requirements of the CGP.

D. COMPLIANCE THROUGH ENFORCEMENT

Compliance is routinely achieved through the inspection process and accomplished through the use of Requests for Corrective Action as contained in inspection reports and issuance of Warning Letters, which are considered informal actions. Formal enforcement is a measure taken by DEQ against the land disturber, owner or operator, when a violation or violations detected accumulate enough points, in accordance with DEQ's points guidance, at a construction site for referral to the enforcement division (e.g., by issuing a Notice of Violation) to correct the non-compliance. The points guidance was developed to provide consistency and transparency relative to inspections and any necessary action. As an added review, currently, agency protocol requires a regional recommendation with subsequent agreement by RO and CO management to issue Warning Letters and Notices of Violation.

Requirements necessary to return to compliance along with any injunctive relief and associated civil penalty will be outlined and clearly stated for the permittee to understand in any consent order or unilateral order. All efforts to return the construction site to compliance, formal or informal, need to be documented and enforced as expeditiously as possible and practicable.

III. FEDERAL REQUIREMENTS

The EPA's Office of Enforcement and Compliance Assurance (OECA) recommend a joint EPA and state goal to inspect at a minimum 10% of the regulated construction sites

annually with priority given to sites located near Section 303(d) or 305(b) listed waters that are impaired for construction-associated pollutants, and at sites located near high quality waters that the state has designated for higher levels of protection to prevent degradation.

To determine the applicable universe at the Inspection planning stage, the 10% goal should be applied to the estimated number of active regulated construction sites in the state in the coming year. As part of this goal, EPA and the states should follow-up on local government and citizen reports, tips and complaints about potentially unpermitted construction sites. Inspections of unpermitted construction sites will count toward the annual construction stormwater coverage minimum of 10%.

IV. VIRGINIA'S RISK BASED INSPECTION STRATEGY (RBIS)

In order to use resources most effectively, the DEQ utilizes a risk based protocol to identify construction sites in need of increased inspections or decreased compliance oversight.

DEQ's Risk Based Inspection Strategy is designed, but not limited to:

- Provide a framework for compliance and to assure optimum coverage and thoroughness during inspection activities of the regulated community,
- Assure that obligations under the State Water Control Law and federal grant agreements are met,
- Provide guidance and assistance for operating plan commitments, budgeting, and resource requirements, and
- Ensure inspections are conducted in a consistent and timely manner.

DEQ's risk based protocol attempts to direct resources away from operators with well operating construction sites and good compliance histories to operators with poor performance records or those considered higher risk construction sites⁵. Qualifiers for risk based inspection planning are:

1. **Compliance History and Activity Size (CH)** – The compliance history of the operator or their contractor is the major consideration for risk based inspection scheduling. Use this factor to prioritize which active construction sites require more or less compliance oversight or whether increased inspections are necessary for construction sites with on-going issues. Consider compliance history of the operator or their contractor with activity size and complexity of

⁵ Higher risk sites are those that illustrate a higher risk of non-compliance with their permit, state and federal regulations or could have a greater adverse impact on the surrounding environment if operations were not in compliance with permit conditions, state and federal regulations.

BMPs (ie. sensitivity to grade or soils, number of discharge points, etc.) to insure the value added for conducting the inspection is equivalent to the resources expended.

2. **Environmental Sensitivity (ES)** – Increased inspection frequency may be necessary for construction sites located in areas of particular environmental or public health concern. Examples include, but are not limited to, proximity to residential areas, schools, daycares, interstates, major highways, wetlands, waterways, park systems, drinking water reservoirs, 303(d) listed waters that are impaired for construction-associated pollutants (e.g., sediment), endangered aquatic species habitat and at sites located near high quality waters that the state has designated for higher levels of protection to prevent degradation.
3. **Multi-media Applicability (MM)** – Evaluate risk based plans to include potential multi-media opportunities ranging from single inspectors covering simple multiple program areas to a team approach for larger more complex construction sites and facilities. For instance, Virginia Water Protection (VWP) inspectors cross training with construction stormwater inspectors so that the same inspector can evaluate a site for both programs. Other options would include construction stormwater inspectors attending an inspection with inspectors from another media to a smaller or minor type facility (cross-training), or going to a larger facility with multi-media programs as part of an Inspection team.
4. **Agency Exposure/Sectors (AES)** – Evaluate agency obligations relative to legislative mandates and sector initiatives (i.e., identification of particular groups or categories) relative to risk. If there is a lack of resources to complete everything then base what cannot be accomplished on an evaluation of risk to the agency. These risks may include consideration of concerns by staff or public regarding a particular facility, construction sites, contractors, or identification of particular sectors for any number of considerations including any newly regulated/permitted construction sites or facilities, particular pollutant concerns, minimal agency resources applied historically, etc.
5. **Oversight (OS)** – When planning inspections, evaluate risk based plans to consider the need for oversight within a given locality. Risk based planning should consider the qualifiers identified within this section as well as the complaint history and ESC/SWM experience of the locality, the SWM criteria applicable to the construction site and when construction commenced. This qualifier applies to opt in and opt out localities. Regional offices may assess the

appropriate frequency of these oversight opportunities considering their overall responsibility for projects within the regional service area, the need to conduct inspections of active construction sites for which they have direct oversight and their remaining available resources to meet the objectives of this Strategy when targeting inspections within local VSMP authorities.

V. CONSTRUCTION STORMWATER INSPECTIONS (CATEGORIES)

Land disturbing activities of 1 acre or greater and less than 1 acre when part of a common plan of development that disturbs 1 acre or more, unless specifically exempted in the Virginia Stormwater Management Program regulations (Chapter 870) and the Virginia Stormwater Management Act (§62.1-44.15:34), require CGP coverage to discharge to surface waters of the Commonwealth. The universe of permitted and unpermitted construction sites is vast, but the agency resources to regulate these operations are limited. Therefore, a focused and comprehensive system of inspecting is necessary to provide adequate coverage in hopes of protecting the environment and improving the rate of compliance.

In an effort to increase field presence, the number of inspections conducted, and frequency of inspections to improve compliance, the Agency has to implement an inspection strategy that will allow for maximum coverage by using a risk based approach to planning as well as the inspections. In order to achieve this objective the construction stormwater compliance program will continue deployment of its trial approach to inspections for FFY2016 and continue to evaluate its effectiveness at the end of the fiscal year. The approach will primarily involve two levels of inspection which are explained below.

As an additional tool, DEQ regional staff will continue to collect and compare local land disturbance reports to the DEQ's Stormwater Construction General Permit database to assist in targeting potentially unpermitted sites. RO staff is encouraged to provide local VESCP authorities a standard format to submit Local Monthly Land Disturbance Reports⁶ for consistency, efficiency, and accuracy of interpreting and reporting data. A template for the Local Monthly Land Disturbance Report is included with this document as **Attachment E**.

A. LEVEL 1 INSPECTION (FOCUSED)

The Level 1 Inspection is designed to focus compliance efforts on a portion of the statutory and regulatory requirements applicable to the CGP for construction sites with

⁶ **9VAC25-840-65. Reporting.** Each VESCP authority shall report to the department, at least monthly, in a method such as an online reporting system and on a time schedule established by the department, a listing of each land-disturbing activity for which a plan has been approved by the VESCP authority under the Act and this chapter.

land disturbance activity of 1 acre or greater and less than 1 acre when part of a common plan of development that disturbs 1 acre or more. Inspectors must evaluate compliance within the following areas and make a site evaluation and agency recommendation:

- i. Coverage and Posting Requirements,
- ii. SWPPP (Stormwater Pollution Prevention Plan) Availability and Contents,
- iii. ESC and SWM Control Measures, and
- iv. Pollution Prevention Practices

The Level 1 Inspection allows for a focused evaluation of multiple construction sites during the course of a day to quickly assess the need for a comprehensive evaluation of the site and prioritize resources based on RBIS. A recommendation to conduct a comprehensive inspection in accordance with RBIS is included in the Level 1 Inspection along with an assessment and recommendation for enforcement. A Level 1 Inspection is primarily to determine whether a construction site has coverage, a SWPPP, and measures to control erosion and sediment, stormwater and pollution sources while allowing inspectors the opportunity to observe whether actual or potential impacts are occurring and evaluate necessary next steps while on site. As a rule of thumb for this compliance strategy, if an active construction site does not have a 2014 CGP when required, it would not be necessary to proceed beyond the Level 1 Inspection (e.g., conducting a Level 2 Inspection) at that time. A Warning Letter would be issued to the appropriate party with an accompanying Request for Corrective Action requesting the submittal of an application for permit coverage and corrective action for any plan requirements and unauthorized impacts within a timeframe established by DEQ staff.

For DEQ regions conducting inspections within local VSMP authorities, the Level 1 Inspection is the default report and serves as a site assessment and oversight tool for DEQ staff. It will be used to determine whether operator compliance with the focused areas of the CGP requirements has been met while affording an opportunity to provide program assistance on VSMP implementation to local VSMP staff. The approved local programs are required to ensure compliance and are expected to be the primary administrator relative to conducting comprehensive evaluation inspections of construction activity in their localities. If the Level 1 Inspection performed by DEQ determines noncompliance or areas of concern that the local VSMP authority is unaware of or that they have not addressed the results should be conveyed through the use of the inspection referral letter and the local VSMP authority given opportunity to investigate and address issues documented in the Level 1 Inspection. See **Attachment F** to this document for the check sheet of the Level 1 Inspection Report and **Section II.B** of this document for further information on referrals and follow-up with the local VSMP authority.

B. LEVEL 2 INSPECTION (COMPREHENSIVE)

The Level 2 Inspection is a comprehensive review to determine if the construction site complies with the statutory and regulatory requirements applicable to the CGP. The components of the Level 2 Inspection include:

- i. Coverage and posting requirements,
- ii. SWPPP availability and contents,
- iii. SWPPP amendments, modifications and updates,
- iv. Inspections and corrective actions,
- v. ESC and SWM plan implementation,
- vi. Pollution prevention plan implementation, and
- vii. Site evaluation and agency recommendation

The inspector verifies permit coverage, adequate posting of coverage and availability of the SWPPP. If available, the inspector reviews the SWPPP and determines whether the SWPPP meets the requirements set forth in the permit. The inspector reviews records, such as self-inspection reports, contractor lists identifying responsibilities for each BMP, and dates of major grading activities to verify that the facility is complying with its permit and the SWPPP and walks the site to verify that the SWPPP and updated site map are accurate and specified control measures are in place and functioning properly. Level 2 Inspections are designed to evaluate all areas of the construction site including good housekeeping procedures for documentation, updates, amendments, modifications and reports as well as best management practices for erosion and sediment control, stormwater pollution control, and pollution prevention. Generally, a Level 2 Inspection should be conducted at sites with CGP coverage when significant compliance issues are apparent with respect to on-site conditions or operations. A Level 2 Inspection Report may also be selected to provide program assistance to local VSMP authorities in limited instances to make clear the range of non-compliance being referred. For sites without CGP coverage, a Level 2 Inspection typically is not warranted.

Any areas requiring corrective action can be noted in the Level 2 Inspection Report and the check sheet. The Level 2 Inspection Report is included as **Attachment G** to this document.

VI. OTHER INSPECTIONS – ESC AND LINEAR UTILITY PROJECTS

The DEQ also conducts inspections of construction sites that do not require CGP coverage such as state and federal construction sites and projects conducted under approved annual standards and specifications with land disturbing activities of 10,000 square feet to less than 1 acre for compliance with the Virginia Erosion and Sediment Control Law and Regulations. Additionally, DEQ may decline to issue coverage for linear utility projects provided the project will not result in significant changes to the

predevelopment runoff characteristics of the land surface after completion of construction and stabilization and the owner/operator provides reasonable assurances that certain conditions will be satisfied by incorporating them into their erosion and sediment control plan if:

- The project is managed so that less than one (1) acre of land disturbance occurs on a daily basis;
- The disturbed land where work has been completed is adequately stabilized on a daily basis;
- The environment is protected from erosion and sedimentation damage associated with the land-disturbing activity;
- The owner and/or construction activity operator designs, installs, implements, and maintains pollution prevention measures to:
 - Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water and other wash waters;
 - Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other material present on-site to precipitation and to stormwater;
 - Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures;
 - Prohibit the discharge of wastewater from the washout of concrete;
 - Prohibit the discharge of wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials, and
 - Prohibit the discharge of fuels, oils, or other pollutants, used in vehicle and equipment operation and maintenance.

DEQ will inspect ESC and linear utility projects based on the RBIS contained in this document to ensure compliance with applicable Laws and Regulations, determine whether additional permitting is required and address complaints. The Erosion and Sediment Control/Linear Utility Project Report is included as **Attachment H** to this document.

VII. CENTRAL OFFICE PROGRAM COORDINATION

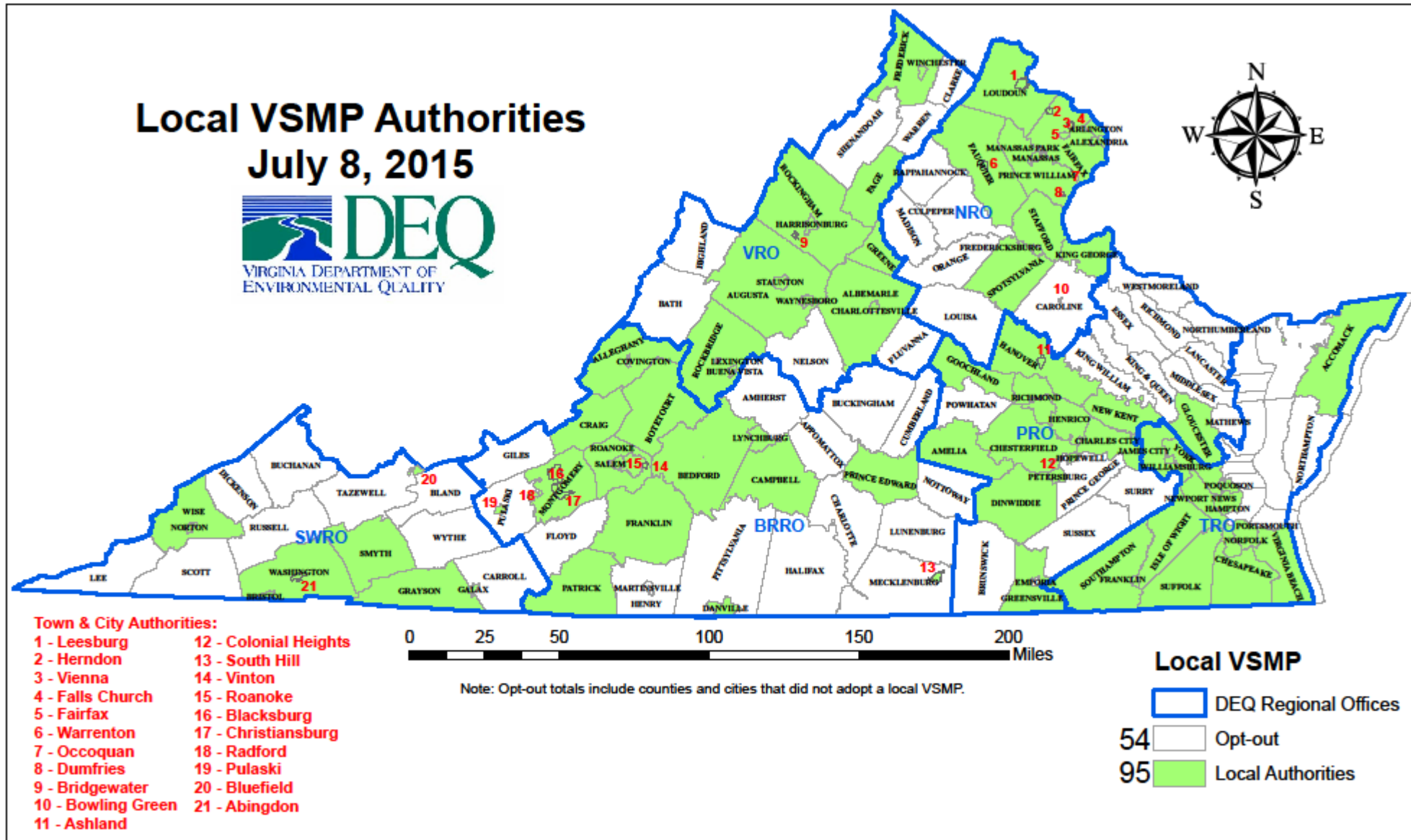
Central Office's "Office of Water Compliance" (OWC) is responsible for, but not limited to, coordination of regional compliance, enforcement, planning, and technical support of the construction stormwater compliance program. OWC is also responsible for tracking inspections and enforcement actions and reporting those activities and actions to EPA in the mid and end of year reports. Notifications, questions, and requests (e.g., complaints, information request (IRs), EPA inspections) from EPA regarding the

construction stormwater compliance program are received and coordinated through the OWC.

For inspection planning OWC notifies EPA region 3 of the number of active permitted construction sites 1 acre or greater in Virginia at the beginning of each federal fiscal year no later than October 1st in order to establish Virginia's federal inspection commitment. OWC will provide each DEQ RO with the same information for oversight and inspection planning purposes. Inspection data will be tracked and stored in DEQ's Stormwater Construction General Permit System and RO staff will update their data weekly. The end of year report to EPA will include inspections and associated enforcement actions of DEQ staff, and local VSMP authority inspectors when applicable, so accuracy of recording and tracking this information is vital.

If you have questions regarding any areas of this strategy please contact Matthew Stafford, OWC Construction Stormwater Compliance Coordinator, at (804) 698-4097 or Jerome Brooks, OWC Program Manager, at (804) 698-4403.

ATTACHMENT A



ATTACHMENT B

Regional Office Letterhead

Date

[Local VESCP/VSMP Authority Contact]

[Address]

[Locality, State, Zip]

Re: Complaint Referral – *[Location/Project/Permit ID]*

Dear ***[VESCP/VSMP Authority Contact]***:

The Department of Environmental Quality (DEQ) has received a complaint regarding a land-disturbing activity being conducted in ***[Locality]***. This information is being referred to you as the local Virginia Erosion and Sediment Control Program (VESCP)/Virginia Stormwater Management Program (VSMP) authority. Please see the attached information for details.

The DEQ is requesting that ***[Locality]*** investigate this complaint and provide a written response within 10 business days detailing the findings and, if necessary, actions that have been taken, or will be taken, to bring the site into compliance. Please advise DEQ if there is additional information of which DEQ should be aware.

Responses may be directed to me at ***[Staff Email]***@deq.virginia.gov. Please note that DEQ may take direct action to investigate and resolve the matter, should the complaint continue without progress toward resolution. Should you have questions you may contact me by email or by phone at ***[(xxx) xxx-xxxx]***.

Sincerely,

[RO Staff Name]

Stormwater Compliance Specialist

Copy to: ***[RO Staff Name]***, Stormwater Compliance Manager

Enclosure

ATTACHMENT C

Regional Office Letterhead

Date

[Local VSMP Authority Contact]

[Address]

[Locality, State, Zip]

Re: Inspection Referral – *[Location/Project/Permit ID]*

Dear ***[VSMP Authority Contact]***:

The Department of Environmental Quality (DEQ) recently conducted Virginia Stormwater Management Program (VSMP) inspections in ***[Locality]***. Issues of alleged non-compliance in the attached inspection report are being referred to you as the local VSMP authority. Please see the attached inspection report for additional details.

The DEQ is providing this information so that ***[Locality]*** may conduct their own investigation. Additionally, we request that ***[Locality]*** provides a written response within 10 business days detailing the actions that will be taken to bring the site(s) into compliance. This may require ***[Locality]*** to take action to have the operator of the site(s) obtain Construction General Permit coverage. Please advise DEQ if there is additional information of which DEQ should be aware.

Responses may be directed to me at ***[Staff Email]***@deq.virginia.gov. Please note that DEQ may take direct action to resolve the alleged non-compliance if ***[Locality]*** does not respond or act to return the site to compliance. Should you have questions or require compliance assistance please do not hesitate to contact me by email or by phone at ***[(xxx) xxx-xxxx]***.

Sincerely,

[RO Staff Name]

Stormwater Compliance Specialist

Copy to: ***[RO Staff Name]***, Stormwater Compliance Manager
[Operator/Person conducting unpermitted activity]

Enclosure

ATTACHMENT D

Regional Office Letterhead

Date

[Local VSMP Authority Contact]

Address

Locality, State, Zip

Re: Notice of Potential Action - [Location/Project/Permit ID]

Dear **[VSMP Authority Contact]**:

On **[date]**, the Virginia Department of Environmental Quality (DEQ) referred an **[inspection/complaint]** for alleged noncompliance with the Virginia Stormwater Management Act and Regulations to **[Locality]**. The referral asked that **[Locality]** respond within 10 business days to detail their findings and the actions that have been or will be taken at the site. As of this date, DEQ has received **[no response/information indicating the issue is still unresolved]**.

The State Water Control Board (Board) and/or DEQ maintains compliance and enforcement administrative authority to take direct action under the Virginia Stormwater Management Program and Construction General Permit Program Regulations. DEQ prefers **[Locality]** to take necessary actions to resolve the situation, however DEQ can directly take actions needed to ensure compliance with state law and regulations. Prior to taking further action DEQ requests you provide any relevant or related measures **[Locality]** plans to take or has taken, and a schedule, as needed, for further activities. Please advise DEQ whether **[Locality]** disputes any of the observations noted in the referral letter's attached supporting documentation, including the basis for your position and any supporting documentation, or if there is other information of which DEQ should be aware.

Please contact **[inspector's name]**, at **[(xxx) xxx-xxxx]**, or by e-mail at **[Contact.Name]@deq.virginia.gov** within 10 business days of the date of this letter to indicate whether **[Locality]** is willing to discuss the **[observations/complaint]** cited in the referral letter and begin discussions to resolve this matter in a timely way by mutual agreement. If there is no response or if **[Locality]** is not willing to resolve the matter by mutual agreement, the Board and/or DEQ may proceed under its authority to enforce applicable state law and regulations.

Sincerely,

[RO Staff Name]

Stormwater Compliance Manager

Copy to: **[RO Staff Name]**, Stormwater Compliance Specialist
[Operator/Person conducting unpermitted activity]

Enclosure

ATTACHMENT E



Virginia Erosion and Sediment Control Program

Monthly Land Disturbance Report

9VAC25-840-65 of the Virginia Erosion and Sediment Control Regulations requires Virginia Erosion and Sediment Control Programs (VESCP) authorities to report, at least monthly, a listing of each land disturbing activity that has been approved during the prior month. When listing land disturbing activities below include individual activities approved as an Agreement in Lieu of a Plan (AILP).

Please complete and submit this form to your DEQ Regional Office by the 5th of each month, to: (RO staff email address)

Name of Locality: Phone #:

Person Completing Report: Date:

Email: Report (MM/YY):

Name of Construction Activity	Site Address	Longitude (Decimal Degree) (e.g. 37.1234)	Latitude (Decimal Degree) (e.g. -78.1234)	Total Disturbed Area (to the nearest one-hundredth acre)	Date Plan or AILP Approved	Anticipated Start date	Owner Name	Owner Contact (Address/Phone/Email)
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ATTACHMENT F

CONSTRUCTION GENERAL PERMIT SITE INSPECTION REPORT - LEVEL 1 (FOCUSED)

Project Name:	Permit Number:
Project Address:	County/City:
Project Operator:	Operator Telephone:
Project Contact:	Contact Telephone:
Contact E-Mail:	Qualified Personnel (QP):
Inspector:	Weather (Wet/Dry/Rain):
Disturbed Acreage:	Inspection Date & Time:

Linear Project: Yes No
Annual Stands. & Specs: Yes No
VSMP Authority: Locality DEQ

Stage of Construction:
 Initial Clearing & Grading
 Rough Grading
 Building Construction
 Final Grading
 Construction of SWM Facilities
 Final Stabilization
 Notice of Termination
 Other: _____

Nature of Project: Public
 Private
 State
 Federal
 Other: _____
Re-Inspection: Yes No

	COVERAGE & POSTING REQUIREMENTS	Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Comments/Description</i>
1	Construction site has permit coverage? (Va. Code §62.1- 44.15:34.A) (9VAC25-870-310)				
2	A copy of the notice of coverage letter is posted conspicuously near the main entrance of the construction activity? (CGP Part II.C)				
3	Notice of the location of the SWPPP is posted near the site's entrance, if applicable, and information for public access is provided? (9VAC25-870-54.G)(CGP Part II D.2 & 3)				
	SWPPP AVAILABILITY AND CONTENTS	Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Comments/Description</i>
4	The SWPPP is on-site or made available during the inspection? (CGP Part II D.1 & 2)(9VAC25-870-54.G)				
5	The SWPPP contains a signed copy of the registration statement? (CGP Part II A.1.a)				
6	The SWPPP includes, upon receipt, a copy of the notice of coverage letter and the CGP? (CGP Part II A.1.b & c)				
7	The SWPPP contains the name, phone number and qualifications of "Qualified Personnel" conducting inspections? (CGP Part II A.6)				
8	The SWPPP contains an approved erosion and sediment control plan? (9VAC25-870-54.B)(CGP Part II.A.2)				
9	The SWPPP contains an approved stormwater management plan or an existing construction site has a stormwater management plan? (9VAC25-870-54.C)(CGP Part II.A.3) Technical Criteria II.B <input type="checkbox"/> II.C <input type="checkbox"/>				
10	The SWPPP contains a pollution prevention plan? (9VAC25-870-54.D)(CGP Part II.A.4)				

ATTACHMENT F

	ESC AND SWM CONTROL MEASURES	Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No Comments/Description
11	Sediment trapping measures are installed as a first step in the land disturbing activity? (9VAC25-840-40.4)				
12	Stabilization applied and/or established in accordance with CGP and ESC Minimum Standards? (9VAC25-840-40(1,2,3,5,7, and 15)) (9VAC25-880-60) (CGP Part I F.1(a)) (CGP Part II A.2.c.8) (CGP Part II A.5.b.1)				
13	Operable storm sewer inlets are protected from sediment laden water? (9VAC25-840-40.10)				
14	Operational stormwater conveyance channels or pipes have adequate outlet protection and channel lining? (9VAC25-840-40.11)				
15	Transport of sediment onto paved surfaces is minimized? (9VAC25-840-40.17)				
16	For Notice of Termination, permanent SWM control measures included in the SWPPP are in place? (9VAC25-880-60) (CGP Part I F.1(a))				
	POLLUTION PREVENTION PRACTICES	Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No Comments/Description
17	Have discharges of spilled and leaked fuels and chemicals from vehicle fueling and maintenance activities been prevented, if applicable? (CGP Part IIA.4 (e)(2))				
18	Have discharges of soaps, solvents, detergents, and washwater from construction materials, including the clean-up of stucco, paint, form release oils, and curing compounds been prevented, if applicable? (CGP Part IIA.4(e)(3))				
19	Is concrete washwater directed into a leak-proof container or leak-proof settling basin? (CGP Part IIA.4(e)(5))				
	SITE EVALUATION AND AGENCY RECOMMENDATION	Yes	No	N/A	Request for Corrective Action attached: <input type="checkbox"/> Yes <input type="checkbox"/> No Comments/Description
20	Are measures in place that have prevented or minimized actual or potential impacts occurring at the site or along the perimeter and at outfall locations?				
21	VA DEQ's Risk Based Inspection Strategy has been satisfied. No local VSMP Authority or comprehensive DEQ re-inspection is required at this time.				Referred to Locality: <input type="checkbox"/> Yes <input type="checkbox"/> No
22	Site inspection results are such that immediate or subsequent recommendation for issuance of a Warning Letter or Notice of Violation is NOT required.				
<p>Be advised that this inspection is focused on portions of the applicable statutory and regulatory requirements only. The purpose of the inspection is to assess the general condition and compliance level of the construction site and to evaluate the need for a more comprehensive inspection by DEQ or the local VSMP, as applicable, or the presence of actual or potential adverse impacts. The inspector's report is limited to the day, time, and specified statutory and regulatory requirements identified in the Report and Request for Corrective Action, if attached. Although some statutory or regulatory components may not be covered by this inspection report your responsibilities as the owner/operator are to comply with all applicable statutory and regulatory requirements.</p>					

Inspector Signature: _____ Date: _____

ATTACHMENT F

CONSTRUCTION GENERAL PERMIT SITE INSPECTION REPORT REQUEST FOR CORRECTIVE ACTION

Project Name: _____

Permit Number (if applicable): _____

Date: _____

Checklist #	Regulatory Citation/Legal Requirement ⁷	Occurrence	Observation/Recommended Corrective Action
			Observation: <u>Recommended Corrective Action:</u>
			Observation: <u>Recommended Corrective Action:</u>
			Observation: <u>Recommended Corrective Action:</u>
			Observation: <u>Recommended Corrective Action:</u>
			Observation: <u>Recommended Corrective Action:</u>

Comments:

Recommended Corrective Action Deadline: _____

Targeted Re-Inspection Date: _____

The recommended corrective action deadline date applies to all conditions noted on this report unless otherwise noted. If listed condition(s) currently constitute non-compliance and/or corrective actions are not completed by the deadline, other enforcement actions may be issued to the entity responsible for ensuring compliance on the above project.

Inspector Signature: _____ Date: _____

⁷ Refers to applicable regulation found in the most recent publication of the State Water Control Law (Va. Code § 62.1-44.2 et seq.), Virginia Erosion and Sediment Control Regulations (9VAC25-840), the Virginia Stormwater Management Program (VSMP) Regulations (9VAC25-870), or the General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880).

ATTACHMENT F

CONSTRUCTION GENERAL PERMIT SITE INSPECTION PHOTO LOG

Project Name:

Permit Number:

Date:

<p>Fig. 1 Description: "Photo"</p>	<p>Fig. 2 Description: "Photo"</p>
<p>Fig. 3 Description: "Photo"</p>	<p>Fig. 4 Description: "Photo"</p>

ATTACHMENT G

**CONSTRUCTION GENERAL PERMIT SITE INSPECTION REPORT
LEVEL 2 (COMPREHENSIVE)**

Project Name:		Permit Number:	
Project Address:		County/City:	
Project Operator:		Operator Telephone:	
Project Contact:		Contact Telephone:	
Contact E-Mail:		Qualified Personnel (QP):	
Inspector:		Weather (Wet/Dry/Rain):	
Disturbed Acreage:		Inspection Date & Time:	
Linear Project: <input type="checkbox"/> Yes <input type="checkbox"/> No Annual Stands. & Specs: <input type="checkbox"/> Yes <input type="checkbox"/> No VSMP Authority: <input type="checkbox"/> Locality <input type="checkbox"/> DEQ			
Stage of Construction:			
<input type="checkbox"/> Initial Clearing & Grading <input type="checkbox"/> Rough Grading <input type="checkbox"/> Building Construction <input type="checkbox"/> Final Grading <input type="checkbox"/> Construction of SWM Facilities <input type="checkbox"/> Final Stabilization <input type="checkbox"/> Notice of Termination <input type="checkbox"/> Other: _____			
Nature of Project:			Re-Inspection:
<input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Other: _____			<input type="checkbox"/> Yes <input type="checkbox"/> No

	COVERAGE & POSTING REQUIREMENTS	Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Comments/Description</i>
1	Construction site has permit coverage? (Va. Code §62.1- 44.15:34.A) (9VAC25-870-310)				
2	A copy of the notice of coverage letter is posted conspicuously near the main entrance of the construction activity? (CGP Part II.C)				
3	Notice of the location of the SWPPP is posted near the site's entrance, if applicable, and information for public access is provided? (9VAC25-870-54.G)(CGP Part II D.2 & 3)				
SWPPP AVAILABILITY AND CONTENTS		Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Comments/Description</i>
4	The SWPPP is on-site or made available during the inspection? (CGP Part II D.1 & 2)(9VAC25-870-54.G)				
5	The SWPPP contains a signed copy of the registration statement? (CGP Part II A.1.a)				
6	The SWPPP includes, upon receipt, a copy of the notice of coverage letter and the CGP? (CGP Part II A.1.b & c)				
7	The SWPPP includes a narrative description of the nature of the construction activity, including the function of the project? (CGP Part II A.1.d)				
8	The SWPPP includes a legible site plan identifying all appropriate measures and that includes the locations of support activities and the onsite rain gauge, when applicable? (CGP Part II A.1.e(1-7))				
9	The SWPPP contains the name, phone number and qualifications of "Qualified Personnel" conducting inspections? (CGP Part II A.6)				

ATTACHMENT G

10	The SWPPP contains an approved erosion and sediment control plan? (9VAC25-870-54.B)(CGP Part II.A.2)				
11	The SWPPP contains an approved stormwater management plan or an existing construction site has a stormwater management plan that ensures compliance with the water quality and quantity requirements? (9VAC25-870-54.C)(CGP Part II.A.3) Technical Criteria II.B <input type="checkbox"/> II.C <input type="checkbox"/>				
12	The SWPPP contains an adequate pollution prevention plan? (9VAC25-870-54.D)(CGP Part II.A.4)				
13	The SWPPP identifies impaired water(s), approved TMDL, pollutant(s) of concern, exceptional waters and the additional controls measures applicable? (9VAC 25-870-54.E)(CGP Part IIA.5 (a-b))				
14	The SWPPP contains the name, phone number and qualifications of "Qualified Personnel" conducting inspections? (CGP Part II A.6)				
15	Delegation of Authority is provided and signed in accordance with Part III K? (CGP Part II A.7)				
16	The SWPPP is signed and dated in accordance with Part III K? (CGP Part II A.8)				
SWPPP AMENDMENTS, MODIFICATIONS AND UPDATES		Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No Comments/Description
17	Is the SWPPP being amended whenever there is a change in the design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to surface waters? (CGP Part II B(1))(9VAC25-870-54.G)				
18	Has the SWPPP been amended if inspections or investigations by the operator's qualified personnel, or by local, state or federal officials find that existing control measures are ineffective in minimizing pollutants in discharges? (CGP Part II B(2))(9VAC25-870-54.G)				
19	Contractor(s) that will implement and maintain each control measure are identified? (CGP Part II B(3))(9VAC25-870-54.G)				
20	Have there been updates to the SWPPP when any modifications to its implementation have occurred, including a record of dates when major grading activities occur, construction activities temporarily or permanently cease on a portion of the site or stabilization measures are initiated? (CGP Part II B.4(a))(9VAC25-870-54.G)				
21	Is there documentation in the SWPPP of replaced or modified controls? (CGP Part II B.4(b))(9VAC25-870-54.G)				
22	Is the SWPPP updated to indicate areas that have reached final stabilization? (CGP Part II B.4(c))(9VAC25-870-54.G)				
23	Is the SWPPP updated to indicate properties that are no longer under the legal control of the operator and the dates on which the operator no longer had legal control over each property? (CGP Part II B.4(d))(9VAC25-870-54.G)				
24	Does the SWPPP identify the date of any prohibited discharges, the volume released, actions taken to minimize the impact of the release and measures taken to prevent the recurrence of any prohibited discharge? (CGP Part II B.4(e-f))(9VAC25-870-54.G)				
25	Amendments, modifications, or updates to the SWPPP are signed in accordance with Part III K? (CGP Part II B(5))(9VAC25-870-54.G)				

ATTACHMENT G

INSPECTIONS AND CORRECTIVE ACTIONS		Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Comments/Description</i>
26	Inspections required by the SWPPP are conducted at the required frequency, including a modified frequency for impaired water(s), approved TMDL(s), and exceptional waters when applicable? (CGP Part II F (2)) (CGP Part II A.5.b.3)				
27	Inspection reports are completed and signed in accordance with CGP Part II F (3-4)? (CGP Part II F (3-4))				
28	Corrective actions are taken consistent with the requirements of the CGP? (CGP Part II G(1-2))				
ESC AND SWM PLAN IMPLEMENTATION		Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Comments/Description</i>
29	Sequencing of the project is implemented in accordance with the approved erosion and sediment control plan and stormwater management plans? (9VAC25-870-54.B and C)				
30	Have all denuded areas requiring temporary or permanent stabilization been stabilized, and have stabilization requirements for impaired waters, approved TMDL(s), pollutants of concern and exceptional waters, when applicable, been met? (9VAC 25-840-40.1) (9VAC25-870-54.B) (9VAC25-880-60) (CGP Part I F.1(a)) (CGP Part II A.5.b(1)) (CGP Part II A.2.c (8)) (CGP II E(1-2))				
31	Are soil stockpiles adequately stabilized with seeding and/or protected with sediment trapping measures? (9VAC 25-840-40.2) (CGP Part II A.2(c)) (9VAC25-870-54.B)				
32	A permanent vegetative cover has been established that is uniform, mature enough to survive and will inhibit erosion? (9VAC 25-840-40.3) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
33	Have sediment trapping facilities been constructed as the first step in land disturbance activities? (9VAC 25-840-40.4) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
34	Have earthen structures been stabilized immediately after installation? (9VAC 25-840-40.5) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
35	Are sediment traps and basins installed in accordance with MS-6 and the approved plan? (9VAC 25-840-40.6) (CGP Part II A.2.c (9)) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
36	Are finished cut and fill slopes adequately stabilized to prevent or correct excessive erosion? (9VAC 25-840-40.7) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
37	Is concentrated runoff down cut or fill slopes contained in an adequate permanent or temporary structure? (9VAC 25-840-40.8) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
38	Is adequate drainage or other protection provided for water seeps? (9VAC 25-840-40.9) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
39	Do all operational storm sewer inlets have adequate inlet protection? (9VAC 25-840-40.10) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
40	Are stormwater conveyance channels adequately stabilized with channel lining and/or outlet protection? (9VAC 25-840-40.11) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				

ATTACHMENT G

41	Is in-stream construction conducted using measures to minimize channel damage? (9VAC 25-840-40.12) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
42	Are temporary stream crossings of non-erodible material installed where applicable? (9VAC 25-840-40.13) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
43	Is necessary restabilization of in-stream construction complete? (9VAC 25-840-40.15) (CGP II E(1-2)) (9VAC25-870-54.B)				
44	Are utility trench operations conducted and stabilized in accordance with MS-16? (9VAC 25-840-40.16) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
45	Are soil and mud kept off paved or public roads to minimize the transport of sediment? (9VAC 25-840-40.17) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
46	Have all temporary control structures that are no longer needed been removed and disturbed soil resulting from their removal permanently stabilized? (9VAC 25-840-40.18) (CGP Part II A.2(c)) (CGP II E(1-2)) (9VAC25-870-54.B)				
47	Are properties and waterways downstream from development adequately protected from erosion, sediment and damage in accordance with the standards and criteria specified by 9VAC25-840.19(a-n)? (9VAC 25-840-40.19(a-n))				
48	Permanent control measures included in the SWPPP are in place? (9VAC25-870-54.C) (9VAC25-880-60) (CGP Part II F.1(a))				
	POLLUTION PREVENTION PLAN IMPLEMENTATION	Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No Comments/Description
49	Practices are in place to prevent and respond to leaks, spills, and other releases including (i) procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases; and (ii) procedures for reporting leaks, spills, and other releases in accordance with Part III G? (CGP Part II A.4.e(1))(9VAC25-870-56)				
50	Practices are in place to prevent the discharge of spilled and leaked fuels and chemicals from vehicle fueling and maintenance activities? (CGP Part II A.4.e(2))(9VAC25-870-56)				
51	Practices are in place to prevent the discharge of soaps, solvents, detergents, and wash water from construction materials, including the clean-up of stucco, paint, form release oils, and curing compounds? (CGP Part II A.4.e(3))(9VAC25-870-56)				
52	Practices are in place to minimize the discharge of pollutants from vehicle and equipment washing, wheel wash water, and other types of washing? (CGP Part II A.4.e(4))(9VAC25-870-56)				
53	Concrete wash water is directed into a leak-proof container or leak-proof settling basin? (CGP Part II A.4.e(5))(9VAC25-870-56)				
54	Practices are in place to minimize the discharge of pollutants from storage, handling, and disposal of construction products, materials, and wastes? (CGP Part II A.4.e(6))(9VAC25-870-56)				
55	Practices are in place to prevent the discharge of fuels, oils, and other petroleum products, hazardous or toxic wastes, and sanitary wastes? (CGP Part II A.4.e(7))(9VAC25-870-56)				
56	Practices are in place to minimize any other discharge from the potential pollutant-generating activities not addressed above, when applicable? (CGP Part II A.4.e(8))(9VAC25-870-56)				

ATTACHMENT G

	SITE EVALUATION AND AGENCY RECOMMENDATION	Yes	No	N/A	Request for Corrective Action attached: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Comments/Description</i>
57	Measures have been taken to prevent adverse impact(s) to receiving waters? (CGP Part I B.6)(Part I G.1)(Part II G.2)(Part II A.4.e(1-6))				
58	VA DEQ's Risk Based Inspection Strategy has been satisfied. No local VSMP Authority or comprehensive DEQ re-inspection is required at this time.				Referred to Locality: <input type="checkbox"/> Yes <input type="checkbox"/> No
59	Site inspection results are such that immediate or subsequent recommendation for issuance of a Warning Letter or Notice of Violation is NOT required.				

Inspector Signature: _____ Date: _____

ATTACHMENT G

CONSTRUCTION GENERAL PERMIT SITE INSPECTION REPORT REQUEST FOR CORRECTIVE ACTION

Project Name: _____

Permit Number (if applicable): _____

Date: _____

Checklist #	Regulatory Citation/Legal requirement ⁸	Occurrence	Observation/Recommended Corrective Action
			Observation: <u>Recommended Corrective Action:</u>
			Observation: <u>Recommended Corrective Action:</u>
			Observation: <u>Recommended Corrective Action:</u>
			Observation: <u>Recommended Corrective Action:</u>
			Observation: <u>Recommended Corrective Action:</u>

Comments:

Recommended Corrective Action Deadline: _____

Targeted Re-Inspection Date: _____

The recommended corrective action deadline date applies to all conditions noted on this report unless otherwise noted. If listed condition(s) currently constitute non-compliance and/or corrective actions are not completed by the deadline, other enforcement actions may be issued to the entity responsible for ensuring compliance on the above project.

Inspector Signature: _____ Date: _____

⁸ Refers to applicable regulation found in the most recent publication of the State Water Control Law (Va. Code § 62.1-44.2 et seq.), Virginia Erosion and Sediment Control Regulations (9VAC25-840), the Virginia Stormwater Management Program (VSMP) Regulations (9VAC25-870), or the General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880).

ATTACHMENT G

CONSTRUCTION GENERAL PERMIT SITE INSPECTION PHOTO LOG

Project Name:

Permit Number:

Date:

Fig. 1
Description:
"Photo"

Fig. 2
Description:
"Photo"

Fig. 3
Description:
"Photo"

Fig. 4
Description:
"Photo"

ATTACHMENT H

EROSION AND SEDIMENT CONTROL/LINEAR UTILITY INSPECTION REPORT

Project Name:	Project ID Number:
Project Address:	County/City of Activity:
Project Contact:	Contact Telephone:
Contact E-Mail:	RLD Name:
Inspector:	Weather (Wet/Dry/Rain):
Disturbed Acreage:	Inspection Date & Time:
Linear Project: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Annual Stands. & Specs: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Stage of Construction:	
<input type="checkbox"/> Initial Clearing & Grading <input type="checkbox"/> Rough Grading <input type="checkbox"/> Building Construction <input type="checkbox"/> Final Grading <input type="checkbox"/> Final Stabilization <input type="checkbox"/> Other: _____	
Nature of Project:	
<input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Other: _____	
Re-Inspection:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

	EROSION AND SEDIMENT CONTROL MINIMUM STANDARDS CHECKLIST	Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Comments/Description</i>
MS-1	Have all denuded areas requiring temporary or permanent stabilization been stabilized? (9VAC 25-840-40.1)				
MS-2	Are soil stockpiles adequately stabilized with seeding and/or protected with sediment trapping measures? (9VAC 25-840-40.2)				
MS-3	A permanent vegetative cover has been established that is uniform, mature enough to survive and will inhibit erosion? (9VAC 25-840-40.3)				
MS-4	Have sediment trapping facilities been constructed as the first step in land disturbance activities? (9VAC 25-840-40.4)				
MS-5	Have earthen structures been stabilized immediately after installation? (9VAC 25-840-40.5)				
MS-6	Are sediment traps and basins installed in accordance with MS-6 and the approved plan? (9VAC 25-840-40.6)				
MS-7	Are finished cut and fill slopes adequately stabilized to prevent or correct excessive erosion? (9VAC 25-840-40.7)				
MS-8	Is concentrated runoff down cut or fill slopes contained in an adequate permanent or temporary structure? (9VAC 25-840-40.8)				
MS-9	Is adequate drainage or other protection provided for water seeps? (9VAC 25-840-40.9)				
MS-10	Do all operational storm sewer inlets have adequate inlet protection? (9VAC 25-840-40.10)				
MS-11	Are stormwater conveyance channels adequately stabilized with channel lining and/or outlet protection? (9VAC 25-840-40.11)				
MS-12	Is in-stream construction conducted using measures to minimize channel damage? (9VAC 25-840-40.12)				

ATTACHMENT H

MS-13	Are temporary stream crossings of non-erodible material installed where applicable? (9VAC 25-840-40.13)				
MS-15	Is necessary restabilization of in-stream construction complete? (9VAC 25-840-40.15)				
MS-16	Are utility trench operations conducted and stabilized in accordance with MS-16? (9VAC 25-840-40.16)				
MS-17	Are soil and mud kept off paved or public roads to minimize the transport of sediment? (9VAC 25-840-40.17)				
MS-18	Have all temporary control structures that are no longer needed been removed and disturbed soil resulting from their removal permanently stabilized? (9VAC 25-840-40.18)				
MS-19	Are properties and waterways downstream from development adequately protected from erosion, sediment and damage in accordance with the standards and criteria specified by 9VAC25-840.19(a-n)? (9VAC 25-840-40.19(a-n))				
LINEAR UTILITY PROJECT CHECKLIST		Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No
Reviewed during inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A					Comments/Description
L-1	Is the project managed so that less than one (1) acre of land disturbance occurs on a daily basis?				
L-2	Is the disturbed land where work is completed adequately stabilized on a daily basis?				
L-3	Is the project protecting the environment from erosion and sedimentation damage?				
L-4	Has the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters been minimized?				
L-5	Has the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present onsite to precipitation and stormwater been minimized?				
L-6	Has the discharge of pollutants from spills and leaks been minimized through the implementation of chemical spill and leak prevention and response procedures?				
L-7	Are measures in place that prohibits the discharge of wastewater from the washout of concrete?				
L-8	Are measures in place that prohibits the discharge of wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials?				
L-9	Are measures in place that prohibits the discharge of fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance?				
SITE EVALUATION AND AGENCY RECOMMENDATION		Yes	No	N/A	Request for Corrective Action attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
					Comments/Description
22	Are measures in place that have prevented or minimized actual or potential impacts occurring at the site or along the perimeter and at outfall locations?				
24	Site inspection results are such that immediate or subsequent recommendation for issuance of a Warning Letter or Notice of Violation is NOT required?				

Inspector Signature: _____ Date: _____

ATTACHMENT H

EROSION AND SEDIMENT CONTROL/LINEAR UTILITY INSPECTION REPORT REQUEST FOR CORRECTIVE ACTION

Project Name:

Project ID Number (if applicable):

Date:

Checklist #	Regulatory Citation/Legal requirement ⁹	Occurrence	Observation/Recommended Corrective Action
			Observation: <u>Recommended Corrective Action:</u>
			Observation: <u>Recommended Corrective Action:</u>
			Observation: <u>Recommended Corrective Action:</u>
			Observation: <u>Recommended Corrective Action:</u>
			Observation: <u>Recommended Corrective Action:</u>

Comments:

Recommended Corrective Action Deadline:

Targeted Re-Inspection Date:

The recommended corrective action deadline date applies to all conditions noted on this report unless otherwise noted. If listed condition(s) currently constitute non-compliance and/or corrective actions are not completed by the deadline, other enforcement actions may be issued to the entity responsible for ensuring compliance on the above project.

Inspector Signature: _____ Date: _____

⁹ Refers to applicable regulation found in the most recent publication of the State Water Control Law (Va. Code § 62.1-44.2 et seq.) and the Virginia Erosion and Sediment Control Regulations (9VAC25-840). Additional references applicable to Linear Utility Projects can be found in [Guidance Memo No. 15-2003](#) Postdevelopment Stormwater Management Implementation Guidance for Linear Utility Projects under the Virginia Stormwater Management Program Regulation, 9VAC25-870.

ATTACHMENT H

EROSION AND SEDIMENT CONTROL/LINEAR UTILITY SITE INSPECTION PHOTO LOG

Project Name:

Project ID Number:

Date:

Fig. 1
Description:
"Photo"

Fig. 2
Description:
"Photo"

Fig. 3
Description:
"Photo"

Fig. 4
Description:
"Photo"