

## Module 3: Federal and state laws that address stormwater management

### Module 3 Objectives

After completing this module, you will be able to:

- Discuss the purpose of the Clean Water Act and its formation of the Environmental Protection Agency and the National Pollutant Discharge Elimination System (NPDES) Permit Program
- Discuss the general purpose of the Virginia Pollutant Discharge Elimination System (VPDES) and the Virginia Stormwater Management Program (VSMP)
- Discuss key sections of the Stormwater Management Act (VSMA) as it pertains to a local VSMP authority

### Module 3 Content

3a. Brief history of federal and State Stormwater Legislation

3b. Virginia Stormwater Management Act – Highlights

3c. Virginia Stormwater Management Act - Overview

### 3a. Brief History of Stormwater Legislation

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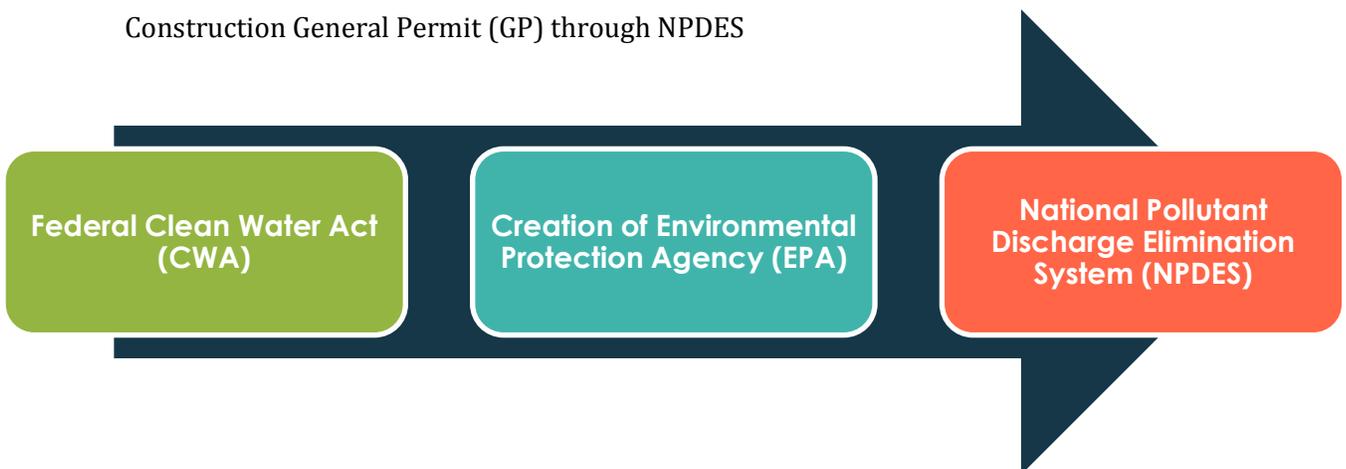
#### The Federal Water Pollution Control Act (1948)

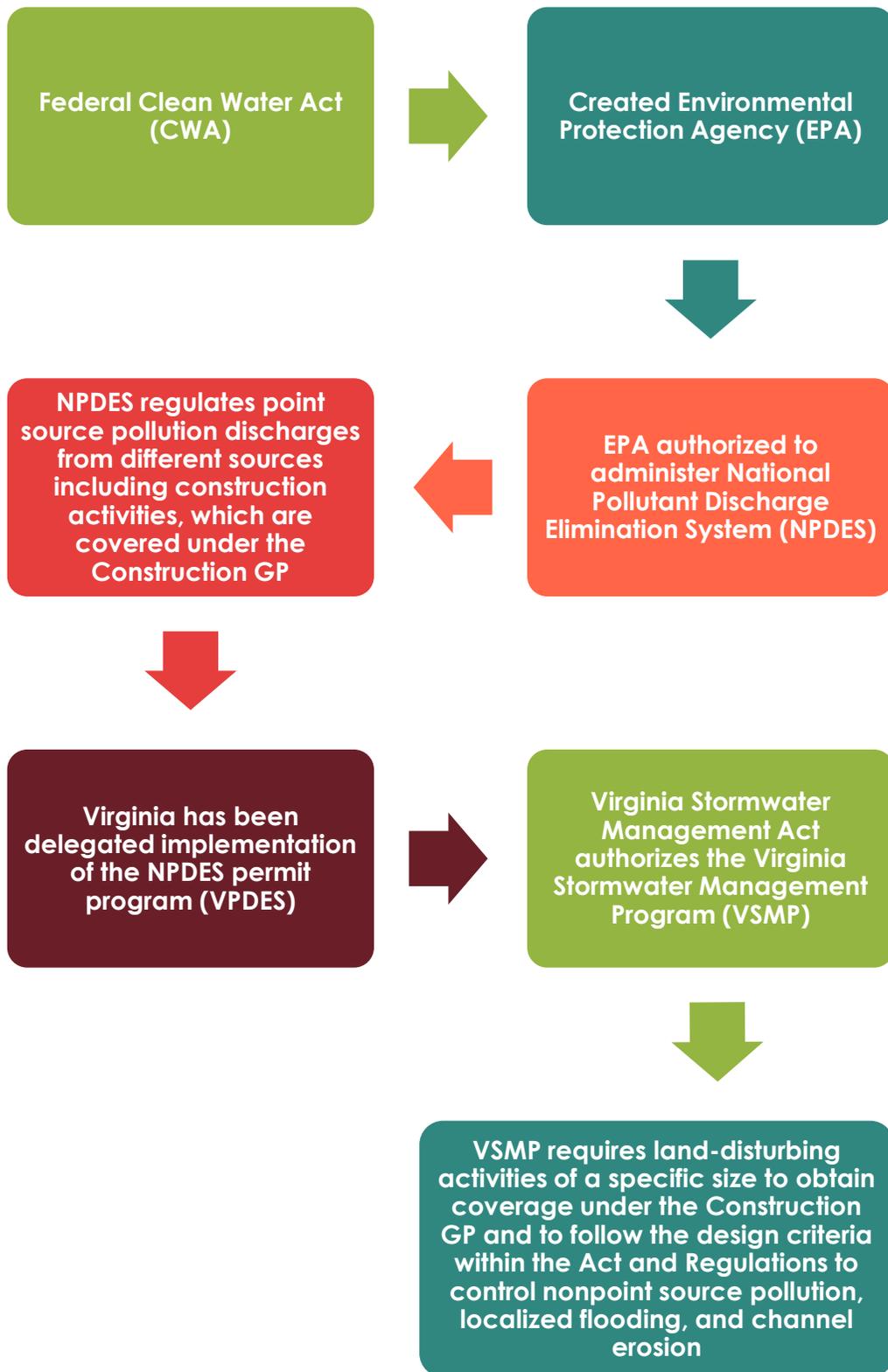
The Federal Water Pollution Control Act of 1948 was the first major US law to address water pollution. The Act was one of the earliest references to clean water as a resource and the importance of protecting water quality through the managed reduction of pollutants flowing into waterways. This Act also set the precedent for a federal authority to regulate water quality.

#### The Clean Water Act (1972)

Congress passed major amendments to the Federal Water Pollution Control Act in 1972, creating what we now know as the Clean Water Act (CWA). The amendments made a number of changes to strengthen the existing law including:

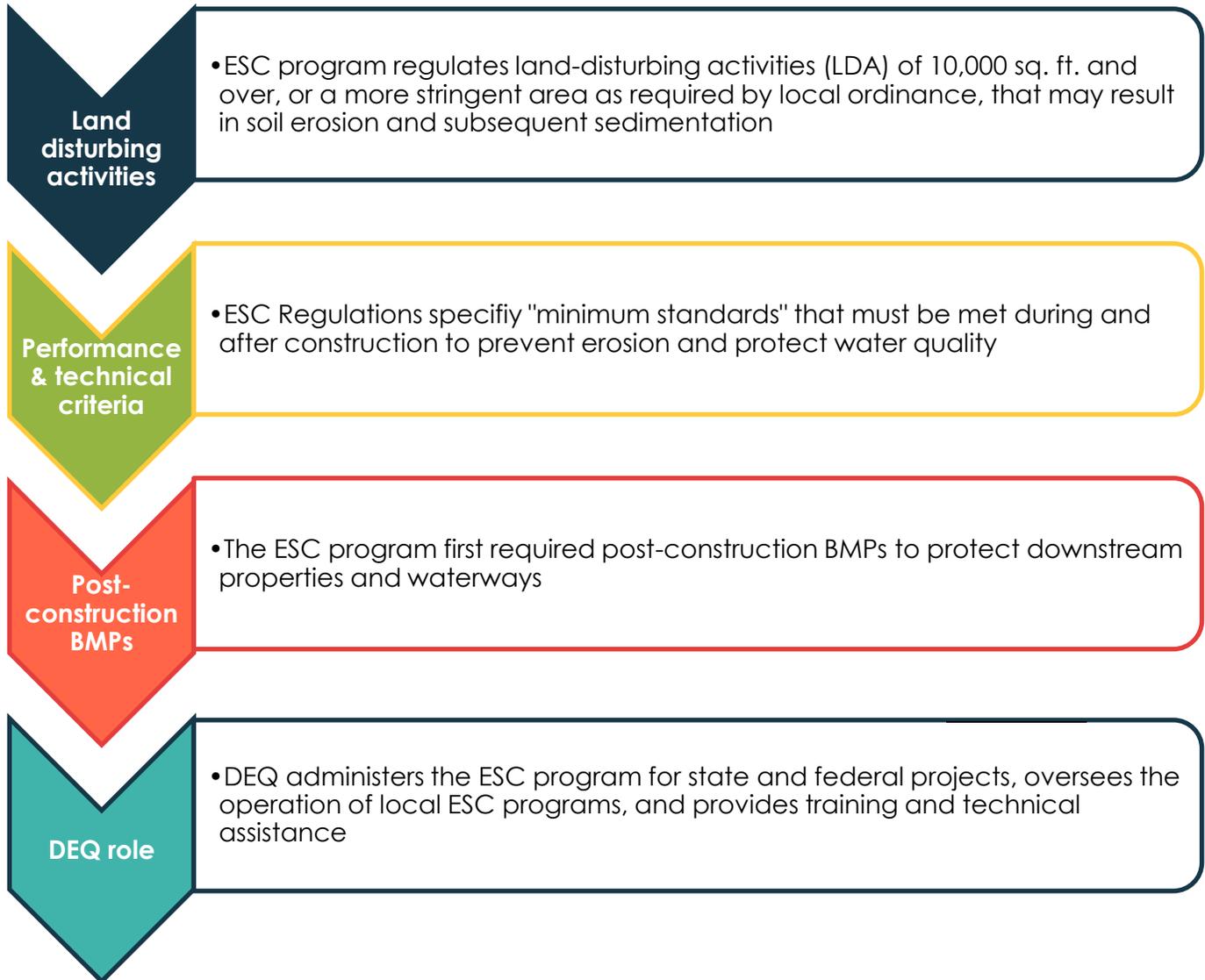
- Consolidated the control of water pollution policy under the administrator of the newly created US Environmental Protection Agency (EPA)
- Established the National Pollutant Discharge Elimination System (NPDES) Permit Program, which in Virginia is administered by the Virginia Pollutant Discharge Elimination System (VPDES), to control water pollution by regulating point sources that discharge pollutants
- Stormwater discharges from land disturbing activities are permitted under the Construction General Permit (GP) through NPDES





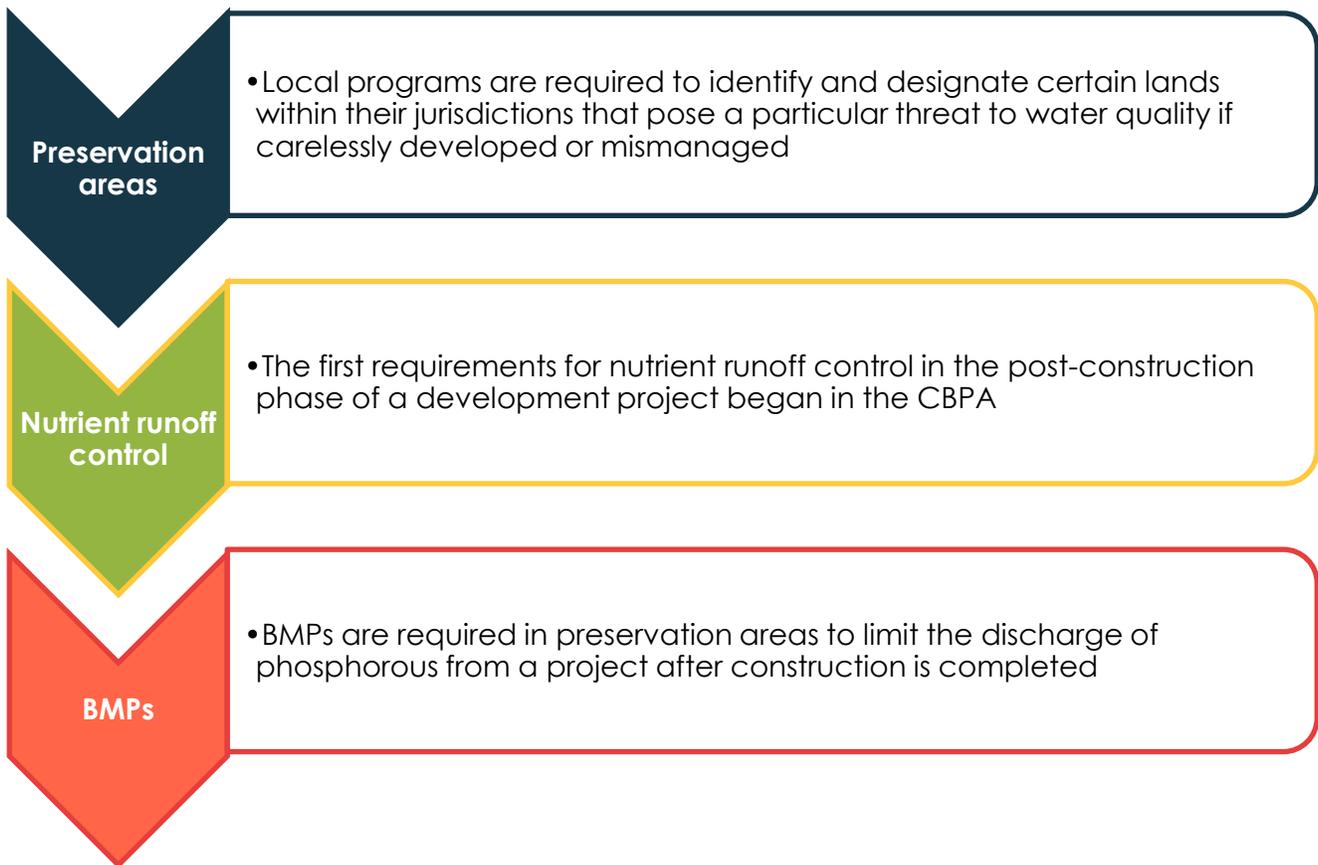
## Virginia Erosion and Sediment Control Law

The Virginia Erosion and Sediment Control (ESC) Law was first passed in 1973. Not solely an environmental protection law, the original law was passed “to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources.”



## Chesapeake Bay Preservation Act

The Chesapeake Bay Preservation Act (CBPA) was passed in 1988 with the expressed purpose of protecting “the public interest in the Chesapeake Bay, its tributaries, and other state waters.” To accomplish this purpose the CBPA requires that certain regions of the state, where improperly managed land use could have a detrimental effect on the waters of the Chesapeake Bay, establish programs administered by local governments that protect water quality.



### 3b. Virginia Stormwater Management Act (VSMA)- highlights

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#### History

The Virginia Stormwater Management Act (VSMA) was first passed in 1989, and is the basis for all requirements pertaining to stormwater management in Virginia. When the VSMA was first passed, all state agencies were required to meet its requirements and local governments were given the option, but not required to adopt a local program.

The stated intent of the VSMA is to “ensure the general health, safety and welfare of the citizens of the Commonwealth as well as protect the quality and quantity of state waters from the potential harm of unmanaged stormwater.”

The VSMA and Virginia Stormwater Management Program Regulations have been amended and expanded over the past 24 years.

#### Today

The biggest changes to the VSMA occurred in 2012 as a result of the passage of House Bill 1065, also called the Integration Bill. Among the changes made by the Integration Bill, is the requirement that certain counties, cities and towns in the state adopt and administer a local Virginia Stormwater Management Program (VSMP), effectively creating a statewide stormwater management program that can operate at the local government level.

The Integration Bill also brings about a new shift to the runoff reduction paradigm, where designers will focus on reducing the post-development stormwater runoff volume from a site, as well as meeting more stringent nutrient load reduction requirements.

Under the VSMA, land-disturbing activity of one acre or more, 2,500 square feet in all areas of jurisdictions designated as subject to the Chesapeake Bay Preservation Act, part of a larger common plan of development or sale that is one acre or more, or a more stringent area as established in local ordinance, must follow the provisions of the VSMA and obtain state permit coverage, where applicable, and VSMP authority permit coverage.

## Highlights from the Virginia Stormwater Management Act (VSMA)

### Board role

- State Water Control Board (Board) permits, regulates, and controls stormwater runoff

### VSMP authority

- Localities with regulated MS4s must adopt a VSMP by ordinance

### Consistency

- Local VSMPs must be consistent with the Act, Regulations, and the Construction GP

### Integration

- Local VSMPs bring together MS4, erosion and sediment control, flood insurance, flood plain management, and other related programs

### Approval and review

- Board approves VSMPs and Department of Environmental Quality (Department) reviews programs every 5-years

### LDA

- VSMP applies to LDAs of  $\geq 1$  acre,  $\geq 2,500$  sq. ft. in a Chesapeake Bay Preservation Area, part of a larger common plan of development or sale that is one acre or more, or a more stringent area as required by local ordinance

### Inspection

- VSMP authorities must periodically inspect the installation of BMPs and require long-term maintenance agreements for BMPs

### Violations

- Violations of the Act, Regulations, or local ordinance are subject to civil penalties of up to \$32,500 at the discretion of the court

### 3c. The Virginia Stormwater Management Act (VSMA) - Overview

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Now that we are able to understand where laws to control stormwater and pollution originated, we can focus on the VSMA. This discussion is not an all-inclusive study of the VSMA, but it will discuss key sections as they pertain to local VSMP implementation. Participants should obtain a full copy of the VSMA. An official listing is available at: [lis.virginia.gov/cgi-bin/legp604.exe?000+cod+62.1-44.15C24](http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+62.1-44.15C24).

#### **Definitions** (§62.1-44.15:24)

The VSMA contains the definitions of certain terms to explain their legal meanings and how they are to be applied to stormwater management.

#### **"Virginia Stormwater Management Program" or "VSMP"**

A program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board (Board) on and after June 30, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

#### **"Virginia Stormwater Management Program authority" or "VSMP authority"**

An authority approved by the Board after September 13, 2011, to operate a Virginia Stormwater Management Program or, until such approval is given, the Department. An authority may include a locality; state entity, including the Department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § [62.1-44.15:31](#), electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § [15.2-5102](#).

## Further powers and duties of the State Water Control Board

(§62.1-44.15:25)

The Board is required to:

- Permit, regulate, and control stormwater runoff

The Board may:

- Issue, deny, revoke, terminate, or amend state stormwater individual or general permits
- Adopt regulations
- Approve and periodically review VSMPs and management programs developed in conjunction with a state MS4 permit
- Enforce the VSMA
- Act to ensure the general health, safety, and welfare of citizens as well as protect the quality and quantity of state waters from the potential harm of unmanaged stormwater
- Issue, deny, amend, revoke, terminate, and enforce state permits for the control of stormwater discharges from MS4s and land-disturbing activities (LDA)
- Take administrative and legal actions to ensure compliance
- Amend or revoke any state permit for good cause
- Investigate, inspect or provide recommendations or instructions to ensure compliance
- Adopt certain rules or cancel any rule it has adopted
- Issue special orders
- Take enforcement action for any past violation of provisions of the VSMA or Regulations
- With the consent of the violator, issue an order for the payment of civil charges in lieu of a civil penalty

**State permit** means an approval to conduct a land-disturbing activity issued by the Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Board for stormwater discharges from an MS4. Under these permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations and this article and its attendant regulations.  
(§62.1-44.15:24)

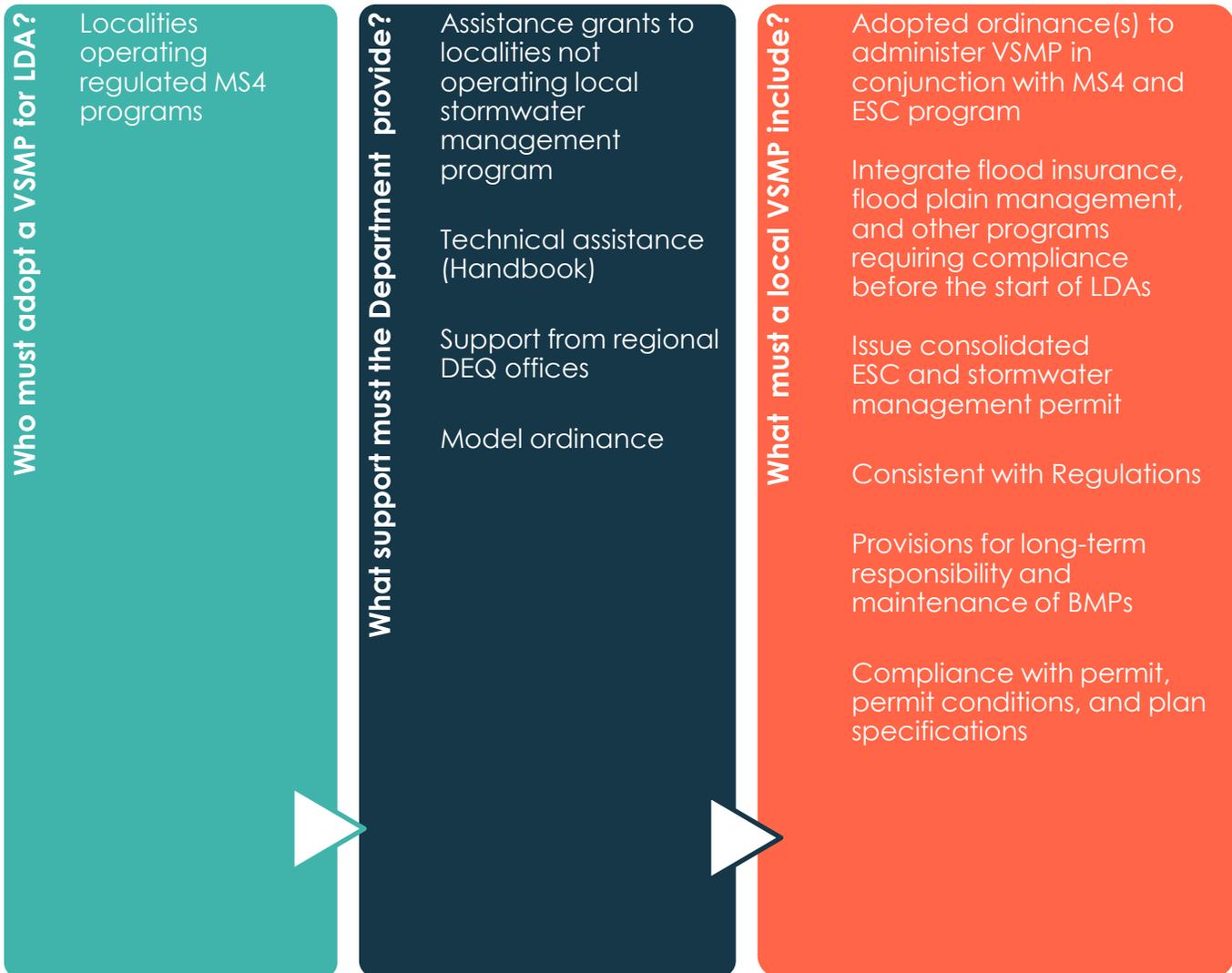
**LDA or land-disturbing activity** means a manmade change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation.  
(9VAC25-870-10)

## State permits (§62.1-44.15:26)

The maximum state permit term is five years.

## Establishment of Virginia Stormwater Management Programs

(§62.1-44.15:27)



## Development of regulations (§62.1-44.15:28)

The Board is authorized to adopt regulations that specify minimum technical criteria and administrative procedures for VSMPs. The Board may consolidate components of the ESC program, Chesapeake Bay Preservation Area Designation and Management program with the VSMP Regulations

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### The Regulations shall...

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Establish standards and procedures for administering a VSMP

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Establish minimum standards to control nonpoint source pollution and localized flooding, and incorporate Minimum Standard 19 from the Erosion and Sediment Control Regulations (relates to the prevention of stream channel erosion)

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Require long-term maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff

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Require VSMPs to follow administrative procedures including stormwater management plan review and approval, and inspection of approved projects

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Establish permit fee schedule

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Establish statewide standards for stormwater management from LDAs of one acre or greater and also apply those same standards to Chesapeake Bay Preservation Act LDAs

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Maintain post-development runoff rate of flow and characteristics that replicate, as nearly as practicable, the existing pre-development runoff characteristics and site hydrology; or improve upon the pre-development site conditions if stream channel erosion or localized flooding exists

Except where more stringent requirements are necessary to address TMDLs or protect exceptional state waters, stormwater management practices must be designed to:

1. Detain the water quality volume and release it over 48 hours
2. Detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm
3. Reduce the allowable peak flow rate resulting from the 1.5-year, 2-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition by using the energy balance equation

If the practice meets these conditions, it is exempt from any flow rate capacity and velocity requirements for natural or man-made channels

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Encourage low-impact development design, stormwater reuse, regional and watershed approaches, and nonstructural means for controlling stormwater

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Establish statewide permit fee schedule for MS4s

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Provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies

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**Education and training programs** ([§62.1-44.15:30](#))

The Board is required to issue certificates of competence for subject areas of the VSMP including program administration, plan review, and project inspection. To carry out this requirement, the Department must develop training programs and may charge reasonable fees to cover its costs.

Additional certification information can be found in the Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850).

**Annual standards and specifications for state agencies, federal entities, and other specified entities** ([§62.1-44.15:31](#))

<b>Annual Standards and Specifications</b>			
Table 3-1			
<b>What</b>	<b>Who must submit</b>	<b>Who may submit</b>	<b>Coverage under the state general permit</b>
Single set of standards and specifications approved by the Department that describes how LDA must be conducted  Must be consistent with VSMA, Regulations, Construction GP, and Erosion and Sediment Control Law and Regulations	State entities  Linear projects Electric Natural gas Telephone Railroad	Federal entities	Must be obtained before the start of LDA
<b>Must Include</b>			
Technical criteria laid out in VSMA and Regulations	ESC and stormwater management program administration, plan design, review and approval, and construction inspection and enforcement		
Provisions for the long-term responsibility and maintenance of stormwater management control devices and other techniques to manage the quality and quantity of stormwater runoff	Provisions for personnel and contractors obtain certifications or qualifications for ESC and stormwater management comparable to those required for local government		
Implementation of project tracking and notification system to the Department of all LDAs	Requirements for documenting onsite changes as they occur		

<b>Inspections</b>	
The Department must perform random site inspections or inspections in response to a complaint	Department may take enforcement action
<b>Administrative Charge</b>	
The Department must assess an administrative charge to cover the costs of services rendered	

### **Duties of the Department** (§62.1-44.15:32)

- Provide technical assistance, training, research, and coordination in stormwater management technology to VSMP authorities
- Review stormwater management plans for any project with real or potential inter-jurisdictional impacts at the request of one or more of the involved localities to determine plan consistency
- Implement the VSMA

### **Authorization for more stringent ordinances**

(§62.1-44.15:33)

#### **Ordinances**

Localities are authorized to adopt more stringent ordinances provided they are based upon factual findings of local or regional comprehensive watershed management studies or findings and are determined by the locality to be necessary to:

- Prevent further degradation to water resources
- Address TMDL requirements
- Protect exceptional state waters
- Address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed

Before adopting more stringent ordinances, a public hearing is held after due notice is given.

**Flooding** means a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

A **watershed** means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

(§62.1-44.15:24)

Localities must submit a **letter report** to the Department within **30 days** after adoption of more stringent ordinances. The letter report must include a summary of why the ordinance is necessary.

**An affected landowner or their agent** has **90 days** after the adoption of ordinances to request a review of the ordinances by the Department. The request is submitted to the Department and a copy of the letter is sent to the locality. The locality must then submit the ordinances and supporting materials to the Department for determination of whether the requirements of the VSMA have been met. The Department must issue a written decision with rationale within **90 days** of submission. The determination or failure to make a determination may be appealed to the Board.

### **Best management practices (BMPs)**

A locality VSMP authority may prohibit the use of a Board approved BMP or require more stringent conditions for a specific land-disturbing project based on a review of the stormwater management plan and project site conditions. Prohibitions must be based on site-specific concerns and can be appealed to the Department.

**A locality VSMP authority may also prohibit the use of a Board approved BMP** or require more stringent conditions across its jurisdiction or in a specific geographical area. Within **90 days** of adoption, an affected landowner or their agent may submit a request asking the Department to review the locality's determination.

### **Regulated activities; submission and approval of a permit application; security for performance; exemptions ([§62.1-44.15:34](#))**

#### **Submission and approval of a permit application**

A person shall not conduct an LDA activity until they have submitted a Construction GP application to the VSMP authority. More details about the plan review process are included in Module 4.

- VSMP authority has **60 days** from determination of administrative completeness to review plan
- Written rationale for denial must be provided
- VSMP authority has **45 days** to review resubmitted applications

## Security for performance

Prior to plan approval, a VSMP authority may require an applicant, excluding state or federal entities, to submit a reasonable performance bond and must refund the bond within [60 days](#) of project completion or permit termination.

## Chesapeake Bay Preservation Act LDAs

Chesapeake Bay Preservation Act LDAs are equal to or greater than 2,500 square feet and less than one acre. After [July 1, 2014](#), the LDAs do not require coverage under the Construction GP. However, the LDAs are still required to meet the criteria in Part II of the Regulations.

Chesapeake Bay Preservation Act LDAs	
Now	Starting July 1, 2014
<ul style="list-style-type: none"><li>Required to obtain coverage under the Construction GP</li></ul>	<ul style="list-style-type: none"><li><b>Not</b> required to obtain coverage under the Construction GP</li><li>Must hold VSMP authority permit and follow Part II criteria of VSMP Regulations</li></ul>

## Exemptions

The following activities are exempt from the VSMA:

- Permitted surface or deep mining or oil and gas operations
- Clearing of lands specifically for agricultural purposes, harvesting of forest crops, livestock feedlot operations, and agricultural engineering operations
- Single-family residences separately built and disturbing less than one acre and that are not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures

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**Single family residences** that disturb less than 1-acre of land and are not part of a common plan of development or sale – regardless of location – are not required to obtain coverage under the Construction GP.

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- LDAs that disturb less than one acre of land area except:
  - Chesapeake Bay Preservation Act LDAs
  - Activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance
    - A VSMP authority may reduce this exception to a smaller area of disturbed land or qualify the conditions of this exception, but it cannot require the project to have coverage under the Construction GP

**Common plan of development or sale:** A contiguous area where separate and distinct construction activities may be taking place at different times on different schedules (ex. subdivision). (9VAC25-870-10)

- Discharges to a sanitary sewer or a combined sewer system
- Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use
- Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project
- Conducting LDAs in response to a public emergency to avoid imminent endangerment to human health or the environment

**Nutrient credit use and additional off-site options for construction activities**  
(§62.1-44.15:35)

A VSMP authority is authorized to allow compliance with the water quality criteria through the use of nutrient credits in the same tributary. Nutrient credits cannot be used to address water quantity control requirements, nor can they be used in violation of local water quality based limitations.

## VSMP authority must allow the use of off-site options when:

< 5-acres of land will be disturbed; **or**

Post-construction P control requirement is < 10 lbs/year; **or**

State permit applicant demonstrates to the satisfaction of the VSMP authority all of the following:

Alternative site designs have been considered that may accommodate onsite best management practices

Onsite BMPs have been considered in alternative site designs

Appropriate onsite best management practices will be implemented

Full compliance with post-development nonpoint nutrient runoff compliance requirements cannot practicably be met onsite

If applicant demonstrates onsite control of at least 75% of the required phosphorus nutrient reductions, the applicant shall be deemed to have met the 4 requirements above

### Monitoring, reports, investigations, inspections, and stop work orders

(§62.1-44.15:37)

This section defines the procedures for enforcement of the approved plan, outlining both the responsibilities and the authorities assigned to the VSMP authority.

#### Inspections, monitoring, and reports

- The authority must provide for [periodic](#) inspections of the installation of stormwater management measures and may require monitoring and reports from the person responsible for carrying out the permit conditions

### **Notice to comply**

- If it is determined by the VSMP authority or Department that there is a failure to comply with the permit conditions, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by registered or certified mail or at the development
- The notice must specify the measures needed to comply with the permit conditions and specify the time within which such measures shall be completed
- Upon failure to comply within the time specified, a stop work order may be issued, or the permit may be revoked by the VSMP authority, or the state permit may be revoked by the Board. The Board or the VSMP may also take enforcement action

### **Stop work order**

If a permittee fails to comply with a notice within the time specified, the VSMP authority or the Department may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or person conducting the LDAs without an approved plan or required permit to cease all LDA until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued:

- In accordance with local procedures if issued by a locality VSMP authority
- After a hearing held in accordance with the requirements of the Administrative Process Act if issued by the Department

Such orders shall become effective upon service on the person by mailing.

If the VSMP authority or the Department finds that any such violation is grossly affecting or presents an **imminent** and **substantial danger** of causing harmful erosion of lands or sediment deposition in the watershed of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing the LDA to cease immediately. The Department or the VSMP authority must provide an opportunity for a hearing and give reasonable notice as to the time and place. The hearing will affirm, modify, amend, or cancel such emergency order.

### **Department to review VSMPs** (§ 62.1-44.15:38)

The Department shall develop and implement a review and evaluation schedule so that the effectiveness of each VSMP authority is evaluated no less than every five years.

The review shall include an assessment of the extent to which the program has reduced nonpoint source pollution and mitigated the detrimental effects of localized flooding. The review will be coordinated with other program reviews.

### **Right of entry** (§ 62.1-44.15:39)

The Department, VSMP authority, or MS4 authority may, at reasonable times and under reasonable circumstances, enter establishments or properties for the purpose of obtaining information, conducting surveys or investigations necessary to enforce the VSMA.

In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, a VSMP authority may also enter any establishment or upon any property for the purpose of initiating or maintaining appropriate actions that are required by the permit conditions when a permittee, after proper notice, has failed to take acceptable action within the time specified.

### **Penalties, injunctions, and other legal actions** (§ 62.1-44.15:48)

#### **Civil actions**

Any person who violates any part of the VSMA, Regulations, local ordinances, or standards and specifications, or who fails, neglects, or refuses to comply with any order of a VSMP authority, the Department, the Board, or a court, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of a violation constitutes a separate offense.

The Board, Department, or VSMP authority may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court. Actions on behalf of the Board or the Department are brought by the Virginia Attorney General's Office.

Any civil penalty assessed by a court as a result of a summons issued by a locality VSMP authority shall be paid into the locality's treasury and is to be used for the purpose of

minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution.

Any civil penalty assessed by the court as a result of a summons issued by the Board or Department, or when the locality or its agent is the violator, shall be paid into the Virginia Stormwater Management Fund.

The Board, Department, or VSMP authority may also apply to the court for an injunction for a violation or threatened violation of the VSMA or local ordinance.

### **Consent orders**

The Board, Department, or VSMP authority may issue a consent order to any person who has violated or failed, neglected, or refused to obey the VSMA, an ordinance, a permit condition, a regulation of the Board, or an order of the Board, Department, or VSMP authority. A consent order may include civil charges up to \$32,500 for each violation instead of a civil penalty.

### **Criminal actions**

Violators who act willfully, negligently, or knowingly may also be subject to the criminal penalties under the VSMA that are listed in Table 3-2 on the next page. Criminal actions are prosecuted by the Commonwealth's Attorney in the locality where the criminal act occurred.

**Criminal Actions**

Table 3-2

<b>Misdemeanor</b>		
<b>Behavior</b>	<b>Punishment for individuals</b>	<b>Punishment for non individuals</b>
Willfully or negligently violates any of the following: VSMA Regulations or order of the Board Local VSMP authority ordinance or order Department order Permit Order of a court	Jail for up to 12 months and/or a fine between \$2,500 and \$32,500  Each day of violation of each requirement constitutes a separate offense	Fine ≥ \$10,000  Each day of violation of each requirement constitutes a separate offense
<b>Felony</b>		
<b>Behavior</b>	<b>Punishment for individuals</b>	<b>Punishment for non individuals</b>
Knowingly violates any of the following: VSMA Regulations or order of the Board Local VSMP authority ordinance or order Department order Permit Order of a court	Imprisonment for 1-3 years, or in the discretion of the jury or the court, confinement in jail for up to 12 months and a fine between \$5,000 and \$50,000 for each violation  Each day of violation of each requirement constitutes a separate offense	Fine ≥ \$10,000  Each day of violation of each requirement constitutes a separate offense
Knowingly makes any false statement in any form required by VSMA		
Knowingly causes any required monitoring device or method to be inaccurate		
Knowingly violates a provision of VSMA and knows at the time that they are placing another person in imminent danger of death or serious bodily harm	Imprisonment for 2-15 years and/or a fine up to \$250,000  Maximum fine and imprisonment doubled for subsequent convictions of same person	Fine up to the greater of \$1 million or 3x the economic benefit realized by the defendant as a result of the offense  Maximum fine and imprisonment doubled for subsequent convictions of same non individual



## Knowledge Check

1. A \_\_\_\_\_ is a good example of a “Common Plan of Development”
  
2. With respect to stormwater runoff, the Code of Virginia requires the Board to:
  - a. Permit
  - b. Regulate
  - c. Control
  - d. All of the above
  
3. Which of the following statements is false with respect to technical criteria and administrative procedures for VSMPs?
  - a. Establish a permit fee schedule
  - b. Provide for the evaluation of innovative technologies
  - c. Discourage the use of LID design
  - d. Establish provisions for the long term maintenance of SWM control devices
  
4. True or False. Localities may adopt more stringent ordinances if they are necessary to address TMDL requirements or depleted ground water resources.
  - a. True
  - b. False
  
5. The VSMP authority must act on any permit application within what time frame?
  - a. 30 days after it has determined the final application is complete
  - b. Before the first snowfall
  - c. 45 days before the bond is posted
  - d. 60 days after it has determined the final application is complete
  
6. Absent an imminent threat, documentation of a problem is done throughout an onsite inspection and enforcement consists of the following steps?
  - a. Don't ask, don't tell
  - b. Stop, drop, and roll
  - c. Report, notice, stop work order

7. The Department may invoke civil penalties not to exceed
  - a. \$25,00/day
  - b. \$32,500/violation
  - c. \$100,000/annually
  
8. True or false. Professional engineers licensed in VA do not need to complete a Board administered training program to qualify for the initial certificate of competency?
  - a. True
  - b. False

## Virginia Stormwater Management Act Index

Table 3-3

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§ <a href="#">62.1-44.15:48</a>	Penalties, injunctions, and other legal actions
§ <a href="#">62.1-44.15:49</a>	Enforcement authority of MS4 localities
§ <a href="#">62.1-44.15:50</a>	Cooperation with federal and state agencies