

Module 6: Administering a VSMP: Reports and Record Keeping

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Objectives

- List the information that must be reported to DEQ on a fiscal basis.
- Recall what documentation must be retained at the end of a project and how long the document must be retained.

6a. Reports and Record Keeping



FISCAL YEAR REPORTING TO DEQ

(9VAC 25-870-126)

By October 1 of each year, VSMP authorities must submit the following information from the previous fiscal year (July 1 to June 30) to DEQ:

- Information on each permanent management facility completed
 - Type of stormwater management facility
 - Geographic coordinates
 - Acres treated
 - Surface waters or karst features into which the facility will discharge
- Number and type of enforcement actions taken
- Number of exceptions granted



RECORD KEEPING

(9VAC 25-870-126)

A VSMP authority must keep records in accordance with the following:

- Project records, including approved stormwater management plans, shall be kept for **three** years after state permit termination or project completion;
- Stormwater management facility inspection records shall be documented and retained for at least **five** years from the date of inspection;
- Construction record drawings shall be maintained ***in perpetuity*** or until a stormwater management **facility is removed**; and
- All registration statements submitted in accordance with 9VAC25-870-59 shall be documented and retained for **at least three years** from the date of project completion or state permit termination.

6b. Program Reviews

REQUIREMENTS

(§ 62.1-44.15:38, 9VAC25-870-144)

DEQ is required to conduct a program review once every five years. The review must be coordinated with the entity's other program reviews.

The review will consist of the following:

- Consultation with the VSMP administrator or designee;
- Review of the local ordinance(s) and other applicable documents;
- Review of a subset of the plans approved by the VSMP authority for consistency of application including exceptions granted and calculations or other documentation that demonstrates that required nutrient reductions are achieved using appropriate onsite and off-site compliance options;
- Review of the funding and staffing plan developed in accordance with 9VAC25-870-148;
- Review of inspection of regulated activities; and
- Review of enforcement actions and an accounting of amounts recovered through enforcement actions where applicable.

If deficiencies are found, the Department shall provide results and compliance recommendations to the Board in the form a corrective action plan and schedule within 120 days of the completion of a review. The VSMP authority has either 30 days from receiving the corrective action agreement or an additional period that has been granted to complete implementation of the corrective action.

If the VSMP has not implemented the necessary compliance actions identified by the Board within 30 days following receipt of the corrective action agreement, or such additional period as is granted to complete the implementation of the corrective action, then the Board shall have the authority to:

1. Issue a special order to any VSMP imposing a civil penalty not to exceed \$5,000 per day with the maximum amount not to exceed \$20,000 per violation for noncompliance with the requirements of this article and its regulations, to be paid into the state treasury and deposited in the Virginia Stormwater Management Fund established by § 62.1-44.15:29 or
2. Revoke its approval of the VSMP. The Administrative Process Act (§ 2.2-4000 et seq.) shall govern the activities and proceedings of the Board under this article and the judicial review thereof.