COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
PIEDMONT REGIONAL OFFICE
4949-A Cox Road, Glen Allen, Virginia 23060
(804) 527-5020 Fax (804) 527-5106
www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Michael P. Murphy
Regional Director

STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
MR. DOUGLAS R. SOWERS
FOR
ROUNTREY RESIDENTIAL SUBDIVISION, PHASES III & IV, CHESTERFIELD, VIRGINIA
Permit No. WP4-08-0411

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and Mr. Douglas R. Sowers, regarding Rountrey Residential Subdivision, Phases III & IV, Chesterfield, Virginia, for the purpose of resolving certain violations of State Water Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.

2. "DCR" means the Department of Conservation and Recreation, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-101 -104.

3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

5. "Discharge" means, when used without qualification, a discharge of a pollutant, or any addition of a pollutant or combination of pollutants, to state waters or waters of the contiguous zone or ocean other than a discharge from a vessel or other floating craft when being used as a means of transportation.

6. "Dredging" means a form of excavation in which material is removed or relocated from beneath surface waters.

7. "E&S" means erosion and sedimentation.

8. "Excavate" or "excavation" means ditching, dredging, or mechanized removal of earth, soil, or rock.

9. "Fill" means replacing portions of surface water with upland, or changing the bottom elevation of surface water for any purpose, by placement of any pollutant or material including but not limited to rock, sand, earth, and man-made materials and debris. 9 VAC 25-210-10.

10. "Fill Material" means any pollutant which replaces portions of surface water with dry land or which changes the bottom elevation of a surface water for any purpose. 9 VAC 25-210-10.

11. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

12. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.

13. "Permit" means general permit WP4-08-0411 issued by DEQ to Sowers on August 21, 2008 under Va. Code § 62.1-44.15:20 that authorizes activities otherwise unlawful under Va. Code § 62.1-44.5 or otherwise serves as the Commonwealth's certification under § 401 of the federal Clean Water Act (33 United States Code ("USC") § 1344.

14. "Pollutant" means any substance, radioactive material, or heat which causes or contributes to, or may cause or contribute to pollution. 9 VAC 25-210-10.

15. "Pollution" means such alteration of the physical, chemical or biological properties of any state waters as will or is likely to create a nuisance or render such waters: (i) harmful or detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or aquatic life; (ii) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (iii) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses; provided that (a) an alteration of the physical, chemical, or biological property of state waters, or a discharge

or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners is sufficient to cause pollution; (b) the discharge of untreated sewage by any owner into state waters; and (c) contributing to the contravention of standards of water quality duly established by the board, are "pollution." Va. Code § 62.1-44.3; 9 VAC 25-210-10.

16. "Property" or "Parcel" means the tract of land at Rountrey Residential Subdivision, Phases III & IV, Deed Book 9390 page 631 (plat book 209, plate page 17) located at the intersection of Woolridge Road and Watermill Road in Chesterfield County owned by Rountrey Dev. Corp.

17. "PRO" means the Piedmont Regional Office of DEQ, located in Glenn Allen, Virginia.

18. "Regulations" means the Virginia Water Protection Permit Program Regulations, 9 VAC 25-210 *et seq.*

19. "Significant alteration or degradation of existing wetland acreage or function" means human-induced activities that cause either a diminution of the areal extent of the existing wetland or cause a change in wetland community type resulting in the loss or more than minimal degradation of its existing ecological functions. 9 VAC 25-210-10.

20. "Sowers" means Mr. Douglas R. Sowers, currently a resident of Powhatan Virginia. Sowers is a "person" within the meaning of Va. Code §62.1-44.3. Sowers is the President of Rountrey Dev. Corp.

21. "State Water Control Law" means Chapter 3.1(§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code. Article 2.2 (Va. Code §§ 62.1-44.15:20 through 62.1-44.15:23) of the State Water Control Law addresses the Virginia Water Resources and Wetlands Protection Program.

22. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3 and 9 VAC 25-210-10.

23. "Surface water" means all state waters that are not ground waters as defined in Va. Code § 62.1-255.

24. "SWMP" means storm water management pond.

25. "USACE" means the United States Army Corps of Engineers.

26. "Va. Code" means the Code of Virginia (1950), as amended.

27. "VAC" means the Virginia Administrative Code.

28. "VWPP" or "Virginia Water Protection Permit" means an individual or general permit issued under Va. Code § 62.1-44.15:20 that authorizes activities otherwise unlawful under Va. Code § 62.1-44.5 or otherwise serves as the Commonwealth's certification under § 401 of the federal Clean Water Act (33 United States Code ("USC") § 1344.

29. "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. 9 VAC 25-210-10.

SECTION C: Findings of Fact and Conclusions of Law

1. Sowers developed the Property in Chesterfield County, Virginia.

2. On August 21, 2008, DEQ issued Permit WP4-08-0411 to Sowers for wetland and stream impacts associated with the development of Rountrey Phase II and IV subdivision. The Permit authorized permanent impacts to no more than 0.73 acres of forested wetlands, permanent conversion of no more than 0.02 acres of forested to emergent wetlands and permanent impacts to no more than 390 linear feet of stream bed of an unnamed tributary to Tomahawk Creek, and an unnamed tributary to Swift Creek Reservoir. The Permit required the purchase of 1.48 acres of wetland credits from the James River Mitigation Landbank located in Goochland County, Virginia. The Permit also required the purchase of 445 stream mitigation credits from the Byrd Creek Wetlands Mitigation Bank located in Goochland County, Virginia.

3. The USACE authorized Sowers under Individual Permit 05-V1227.

4. In November, 2010, construction activities commenced on the Property for Phase III and IV.

5. On July 5, 2011, Sowers submitted a construction monitoring report.

6. On July 15, 2011, after reviewing the July 5, 2011, construction monitoring report, and conducting a file review, DEQ staff conducted an inspection at the Property. DEQ staff inspected the Property for compliance with the requirements of the State Water Control Law, the Regulations and compliance with the Permit. The DEQ inspectors observed the following:

   a) Construction in the permitted impact areas appeared to be nearing completion, however, no record of documentation that wetland or stream mitigation bank credits were purchased was found.

      WP4-08-0411, Permit Cover Page states, "Permanent and conversion impacts to forested wetlands will be compensated at a replacement to impact ratio of 2:1 and 1:1 through the purchase of 1.48 acre of wetland mitigation credits from the James River

Mitigation Landbank located in Goochland County, Virginia. Compensation for stream bed impacts will be obtained through the purchase of 445 stream mitigation credits as determined by the Unified Stream Methodology from the Byrd Creek Wetlands Mitigation Bank located in Goochland County, Virginia."

WP4-08-0411, Part II. A.4 states, "the permittee shall not initiate work in permitted impact areas until documentation of the mitigation bank credit purchase or usage of the fund contribution has been submitted to and received by DEQ."

b) Construction in the permitted wetland and stream impact areas was nearly complete, however, no record of receiving a 10-day notification letter prior to commencement of construction activities in permitted impact areas was found.

WP4-08-0411, Part II. E.2 states "DEQ shall be notified in writing at least 10 days prior to the start of construction activities at the first permitted site authorized by this VWP general permit authorization so that inspections of the project can be planned, if deemed necessary by DEQ. The notification shall include a projected schedule for initiation and completion of work at each permitted impact area."

c) Construction in the permitted wetland and stream impact areas was nearly complete, however, only one construction monitoring report submitted in association with the permitted activities was found.

WP4-08-0411, Part II. E.3 states, that, "[c]onstruction monitoring reports shall be submitted to DEQ no later than the 10th day of the month following the month in which the monitoring event specified in Part II. B takes place," and describes the required contents of the reports.

WP4-08-0411, Part II. B.1 states, "[c]onstruction activities authorized by this permit that are within impact areas shall be monitored and documented." Part II.B. 1-3 describes the methods and schedule of photographic monitoring that should be included in the reports.

d) Little to no attempt had been made to stabilize disturbed areas, silt fence needed to be set and reset, and sediment had migrated from multiple permitted impact areas into avoided wetlands and streams, resulting in secondary impacts to the wetlands and streams.

WP4-08-0411, Part I. C.5 states, "[e]rosion and sedimentation controls shall be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992 . . .. These controls shall be placed prior to clearing and grading

and maintained in good working order to minimize impacts to state waters. These controls shall remain in place until the area is stabilized and shall then be removed."

WP4-08-0411, Part I. C.6 states, "Exposed slopes and streambanks shall be stabilized immediately upon completion of work in each permitted impact area. All denuded areas shall be properly stabilized in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992."

WP4-08-0411, Part I. C.11 states, "Temporary disturbances to surface waters during construction shall be avoided and minimized to the maximum extent practicable. All temporarily disturbed wetland areas shall be restored to preexisting conditions within 30 days of completing work at each respective temporary impact area, which shall include reestablishing preconstruction contours, and planting or seeding with appropriate wetland vegetation according to cover type (emergent, scrub/shrub, or forested). The permittee shall take all appropriate measures to promote and maintain revegetation of temporarily disturbed wetland areas with wetland vegetation through the second year post-disturbance. All temporarily impacted streams and streambanks shall be restored to their original contours within 30 days following the construction at that stream segment, and the banks seeded or planted with the same vegetation cover type originally present along the streams banks, including supplemental erosion control grasses if necessary, except for invasive species identified on DCR's Invasive Alien Plant Species of Virginia list."

e) A drainage easement was constructed through a small avoided wetland resulting in 216 square feet (0.005 acre) of impact to forested wetlands on the Property. This impact was not included in the permitted impact areas authorized by the Permit.

WP4-08-0411, Part III. A. Duty to comply states, "The permittee shall comply with all conditions of the VWP general permit. Nothing in this VWP general permit shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations, and toxic standards and prohibitions."

WP4-08-0411, Part III. B. Duty to Mitigate states, "The permittee shall take all reasonable steps to minimize or prevent impacts in violation of the VWPP general permit which may have a reasonable likelihood of adversely affecting human health or the environment."

7. Va. Code § 62.1-44.15:20(A) and 9 VAC 25-210-50(A) of the VWPP Permit Regulations state that except in compliance with a permit no person shall dredge, fill or discharge any pollutant into or adjacent to surface waters, excavate in wetlands or on or after October 1, 2001, conduct the following activities in a wetland: filling or dumping.

8. 9 VAC 25-690-100 states that "any applicant whose application has been accepted by the Board shall be subject to the following requirements [of the permit]."

9. On July 18, 2011, as a result of the July 15, 2011 inspection, DEQ staff received a message from Sowers, indicating that correction of the erosion and sedimentation control structures and removal of sediment from avoided wetland areas would begin immediately.

10. On July 21, 2011, DEQ staff spoke with Sowers and confirmed that wetland and stream mitigation bank credits had not been purchased.

11. On July 21, 2011, DEQ received notification from Sowers' contractor that correction of the erosion and sedimentation control structures and removal of sediment from avoided wetland areas on the Property was completed.

12. On August 4, 2011, DEQ staff and USACE staff met with Sowers' contractor on the Property to conduct a site visit and review the corrective action that was to be completed. During the site visit DEQ staff was informed construction began on the Property in November 2010. DEQ staff created a corrective action list for the Property and emailed the list to Sowers on August 8, 2011.

13. On August 9, 2011, DEQ issued NOV No.11-08-PRO-700 for the violation of permit WP4-08-0411, Part I.C.5, Part I.C.6, Part I.C.11, Part II.A.4, Part II.B. 1-3, Part II.E.2, Part II.E.3, Part III, B, Va. Code § 62.1-44.15:20(A) and 9 VAC 25-210-50(A).

14. On August 11, 2011, Sowers' contractor indicated to DEQ staff that all of the repairs on the corrective action list would be completed by August 12, 2011, and that the wetland seeds would be placed in the appropriate areas as soon as possible.

15. On August 15, 2011, wetland seeds were dispersed at the Property in accordance with the list of corrective actions.

16. On August 22, 2011, DEQ staff inspected the Property and determined that some of the corrective actions listed in the August 8, 2011 email had been done.

17. On August 24, 2011, DEQ staff met with Sowers, the USACE and DCR to discuss the NOV.

18. On August 29, 2011, DEQ staff performed a site visit to the Property and observed that sediment loads were still flowing and depositing into wetland areas and into the receiving stream downstream from the SWMP on the Property.

19. On September 2, 2011, DEQ staff performed a site visit to the Property again, with Sowers' contractors and consultants. Representatives of DCR and Chesterfield County were at the inspection as well. DEQ staff created a second corrective actions list, which was emailed to Sowers and Sowers' contractors and consultants on September 7, 2011.

The corrective action list included replacing and adding silt fencing, removing sediment from wetlands and streams, seeding with wetland seed mix and required compliance with DCR's inspection report for E&S issues at the Property which was given to Sowers and Sowers' contractors and consultants on September 7, 2011.

20. On September 16, 2011, Sowers contacted DEQ staff, and inquired as to what DEQ needed done at the Property in order to return to compliance.

21. On September 23, 2011, Sowers' contractor indicated all the DCR requested repairs from the September 2, 2011 site visit were completed, and the rest of the corrective action list was finished, or in the final stages of completion.

22. On September 29, 2011, Sowers purchased 1.48 wetland credits and 445 stream credits from Ragland Farm, LLC.

23. On November 9, 2011, DEQ staff performed a site visit to the Property and observed that silt fence needed resetting and repairing, and sediment was still flowing and depositing into wetlands and a stream on the Property.

24. On November 10, 2011, DEQ staff informed Sowers of the corrective actions needed as a result of the DEQ site visit on November 9, 2011.

25. On November 18, 2011, DEQ staff, met Sowers, DCR, and representatives of Chesterfield County at the Property to review the corrective actions list given to Sowers on November 10, 2011.

26. On November 29, 2011, Sowers informed DEQ staff of the corrective actions taken as discussed at the meeting on the Property on November 18, 2011.

27. On November 29, 2011, Sowers' contractor informed DEQ staff of its final plan to control sediment deposits to the receiving stream from the SWMP. The plan was implemented on December 29, 2011.

28. On January 12, 2012, DEQ staff performed a site visit to the Property and observed the discharge structure of the SWMP had been overtopped, significant erosion to the slope above the SWMP and evidence of sediment deposit to the receiving stream from the Property SWMP.

29. On February 10, 2012, Sowers' contractor informed DEQ staff that the area above the SWMP had been restabilized.

30. On February 13, 2012, Sowers' contractor informed DEQ staff that additional measures would be taken to control the sediment deposits resulting from the SWMP.

31. On March 7, 2012, DCR staff performed a site visit to the Property and observed that the slope above the SWMP was not stabilized, sheet and rill erosion was actively occurring, sedimentation was clearly seen along the edge of the SWMP and suspension of fine soil particles was seen as turbid water was observed in the SWMP and in its discharge.

32. Based on the results of the multiple site inspections, review of the permit file, and the August 24, 2011, meeting, the Board concludes that Sowers has violated permit WP4-08-0411, the State Water Control Law and the Regulations, as described above.

33. In order for Sowers to complete his return to compliance, DEQ staff and Sowers have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Sowers, and Sowers agrees to:

1. Perform the actions described in Appendix A of this Order; and

2. Pay a civil charge of $47,522.00 in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

Due Date	Amount
November 1, 2012	$5,940.25 or balance
February 1, 2013	$5,940.25 or balance
May 1, 2013	$5,940.25 or balance
August 1, 2013	$5,940.25 or balance
November 1, 2013	$5,940.25 or balance
February 1, 2014	$5,940.25 or balance
May 1, 2014	$5,940.25 or balance
August 1, 2014	$5,940.25 or balance

3. If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Order, and the Department may demand in writing full payment by Sowers. Within 15 days of receipt of such letter, Sowers shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the acceleration of the remaining balance under this Order.

4. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

5. Sowers shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF).

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Sowers for good cause shown by Sowers, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.

2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, Sowers admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. Sowers consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.

5. Sowers declares he has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.

6. Failure by Sowers to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.

APPENDIX A
SCHEDULE OF COMPLIANCE

1. No later than October 1, 2012, Sowers shall submit to DEQ and the USACE for approval, a design for the SWMP, including the SWMP outfall structure, to prevent sediment from escaping the SWMP and depositing into the receiving stream. Such design shall be certified by a licensed professional engineer, and shall be designed in accordance with the most recent Virginia Erosion & Sediment Control Handbook. The design will be completed and installed no later than four months from the date of approval by DEQ and the USACE.

2. Sowers shall monitor the receiving stream for sediment deposits from the SWMP, bi-monthly, and after storm events for three months after the completed installation of the design. After each monitoring inspection, Sowers shall submit to DEQ a monitoring report with photographic documentation indicating the installed sediment control structure is operating as designed.

3. In the event that the monitoring reports indicate that the installed sediment control structure is inadequate, Sowers shall submit an alternate plan to DEQ for approval, 45 days after DEQ notification that the installed structure is insufficient.

4. Unless otherwise specified in this Order, Sowers shall submit all requirements of Appendix A of this Order to:

   Gina Pisoni
   Enforcement Specialist
   VA DEQ – Piedmont Regional Office
   4949-A Cox Road
   Glen Allen, Virginia 23060
   804-527-5156
   804-527-5106 (fax)
   Gina.Pisoni@deq.virginia.gov

8. Sowers shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Sowers shall demonstrate that such circumstances were beyond his control and not due to a lack of good faith or diligence on his part. Sowers shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

    a. the reasons for the delay or noncompliance;

    b. the projected duration of any such delay or noncompliance;

    c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and

    d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

    Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and Sowers. Nevertheless, Sowers agrees to be bound by any compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until:

    a. The Director or his designee terminates the Order after Sowers has completed all of the requirements of the Order;

    b. Sowers petitions the Director or his designee to terminate the Order after he has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or

    c. The Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Sowers.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Sowers from his obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Sowers and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

13. Any documents to be submitted pursuant to this Order shall be submitted by Sowers or an authorized representative of Sowers.

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By his signature below, Sowers voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 2012.

_____
Michael P. Murphy, Regional Director
Department of Environmental Quality

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Mr. Douglas R. Sowers voluntarily agrees to the issuance of this Order.

Date: 7/12/12 By: DRSowers, _____
(Person) (Title)
Mr. Douglas R. Sowers

Commonwealth of Virginia
City/County of Powhatan

The foregoing document was signed and acknowledged before me this 12th day of July, 2012, by Douglas R. Sowers.

Brenda M. Carmichael
Notary Public

114819
Registration No.

My commission expires: January 31, 2016

Notary seal:

APPENDIX A
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1. No later than October 1, 2012, Sowers shall submit to DEQ and the USACE for approval, a design for the SWMP, including the SWMP outfall structure, to prevent sediment from escaping the SWMP and depositing into the receiving stream. Such design shall be certified by a licensed professional engineer, and shall be designed in accordance with the most recent Virginia Erosion & Sediment Control Handbook or as approved by DEQ and the USACE. The design will be completed and installed no later than four months from the date of approval by DEQ and the USACE.

2. Sowers shall monitor the receiving stream for sediment deposits from the SWMP, bi-monthly, and after storm events for three months after the completed installation of the design. After each monitoring inspection, Sowers shall submit to DEQ a monitoring report with photographic documentation indicating the installed sediment control structure is operating as designed.

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   Gina Pisoni
   Enforcement Specialist
   VA DEQ – Piedmont Regional Office
   4949-A Cox Road
   Glen Allen, Virginia 23060
   804-527-5156
   804-527-5106 (fax)
   Gina.Pisoni@deq.virginia.gov