



Division of Enforcement Guidance Memorandum

Subject: Civil Enforcement Manual
Chapter 4 – Civil Charges and Civil Penalties – Revision 3

To: Regional Enforcement Managers and Specialists, Regional Compliance Auditors,
Regional Stormwater Managers, Central Office Compliance Managers, Central
Office Enforcement Managers (electronic distribution)

From: Jefferson D. Reynolds, Director
Division of Enforcement 

Date: December 29, 2014

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Summary:

This guidance updates and supersedes two guidance documents: “*Civil Charges and Civil Penalties*,” CEM 07A (Revision 2, September 6, 2012); and “*Guidelines for Assessing Civil Charges*,” CEM 07B (December 2, 2013). This guidance revises the penalty criteria for the Construction Stormwater Program in DEQ-administered actions, and consolidates those criteria with others. The guidance also includes penalty criteria for violations of Remedy Consent Orders, clarifies penalties for failing to report oil spills, and makes other minor changes to existing guidance.

This revision has been extensively coordinated within DEQ. This revision was subject to a public comment period from August 22, 2014 through September 22, 2014, in accordance with 2005 Acts cc. 133 and 706. The guidance has been revised accordingly.

Electronic Copy:

An electronic copy of this guidance is available on the Department’s website at: [Virginia DEQ - Enforcement – Laws, Regulations, and Guidance](#).

Contact Information:

Please contact your Central Office Enforcement Manager or contact John Ely at (804) 698-4249 or John.Ely@deq.virginia.gov with any questions regarding the application of this guidance.

Disclaimer:

Guidance documents set forth presumptive operating procedures. They do not establish or affect legal rights or obligations, do not establish a binding norm, and are not determinative of the issues addressed. Decisions in individual cases will be made by applying the laws, regulations, and policies of the Commonwealth to case-specific facts. *See* Va. Code § 2.2-4001.