



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

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Secretary of Natural Resources

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David K. Paylor
Director

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Regional Director

**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
BELVEDERE STATION LAND TRUST
FOR
BELVEDERE DEVELOPMENT
VWP General Permit No. WP4
VWP General Permit Authorization No. WP4-06-2581**

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 Belvedere Station Land Trust, regarding the Belvedere Development, for the purpose of resolving certain violations of State Water Control Law and the applicable permit and/or 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. "CAP" means corrective action plan.
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. "Excavate" or "excavation" means ditching, dredging, or mechanized removal of earth, soil, or rock.
8. "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.
9. "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.
10. "BSLT" means Belvedere Station Land Trust, a Virginia Land Trust authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. BSLT is a "person" within the meaning of Va. Code § 62.1-44.3.
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. "2010 Order" means the Consent Order issued to BSLT that became effective June 24, 2010.
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 206.68 acre mixed commercial and housing development tract of land adjacent to the South Fork Rivanna River, bordered to the east and south by the Dunlora Farm and Subdivision, and to the west by Rio Road, northeast of Charlottesville in Albemarle County, Virginia, owned by BSLT
17. "VRO" means the Valley Regional Office of DEQ, located in Harrisonburg, Virginia.
18. "VWP Permit" means Virginia Water Protection General Permit No. WP4, which was issued under the State Water Control Law and Regulations on March 28, 2007 and expired on March 27, 2014. BSLT applied for authorization under the Permit and was issued VWP General Permit Authorization Number WP4-06-2581 on March 28, 2007.
19. "Regulations" means the Virginia Water Protection Permit Program Regulations, 9 VAC 25-210 *et seq.*
20. "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.
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. "USACE" means the United States Army Corps of Engineers.
25. "Va. Code" means the Code of Virginia (1950), as amended.
26. "VAC" means the Virginia Administrative Code.

27. "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.
28. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

SECTION C: Findings of Fact and Conclusions of Law

1. BSLT owns the Property, a 206.68 acre mixed commercial and housing development, located northeast of Charlottesville in Albemarle County, Virginia.
2. On March 28, 2007, DEQ provided the VWP Permit to BSLT for the Property, authorizing permanent impacts to approximately 763 linear feet of stream channel, 0.01 acres of palustrine scrub shrub wetland, 0.02 acre of palustrine forested wetlands, and temporary impacts to 0.62 acres of open water, all associated with unnamed tributaries to the South Fork Rivanna River, each of which are considered State waters.
3. The VWP Permit required BSLT to begin plantings in the compensatory mitigation area(s) as defined in the Permit by January 28, 2008, to have the protective mechanism for the compensatory mitigation area(s) recorded and in place by August 21, 2008, and to submit semi-annual construction monitoring reports by April 10th and October 10th. BSLT failed to begin the plantings in the compensatory mitigation area(s), failed to perform the recordation of the protective mechanism as required by the Permit, and failed to consistently submit the semi-annual construction monitoring reports in a timely manner.
4. To remedy its non-compliance BSLT became subject to the 2010 Order which provided a schedule of compliance to complete the plantings in the compensatory mitigation areas as defined in the Permit by June 1, 2010, to have the protective mechanism for the compensatory mitigation sites recorded by August 30, 2010, and provide semi-annual construction monitoring reports.
5. In violation of the Permit and the 2010 Order, BSLT failed to complete compensatory mitigation requirements to record a protective mechanism and complete the plantings as required by the 2010 Order, and did not submit semi-annual Construction Monitoring Reports due October 10, 2011, April 10, 2012, October 10, 2012, and October 10, 2013.
6. Va. Code § 62.1-44.31 states that: "It shall be unlawful for any owner to fail to comply with any special order adopted by the Board, which has become final under the provisions of this chapter..."

7. The VWP Permit, Va. Code § 62.1-44.15:20 and the Regulations at 9 VAC 25-210-90 require permittees to comply with all conditions of the VWP permit.
8. 9 VAC 25-210-50 states that except in compliance with a VWP permit no person shall dredge, fill or discharge any pollutant into or adjacent to surface waters, or excavate in wetlands.
9. 9 VAC 25-210-116 (A) states that compensatory mitigation for project impacts shall be sufficient to achieve no net loss of existing wetland acreage and no net loss of function in all surface waters.
10. VWP Permit Part II B.1. states that BSLT shall conduct site construction monitoring.
11. VWP Permit Part II E. states that BSLT shall submit site construction monitoring reports.
12. VWP Permit Part II.A.1. condition states that BSLT shall provide appropriate and practicable compensation for all impacts meeting the conditions outlined in this VWP general permit.
13. VWP Permit Part II.A.9. condition states BSLT shall record a protective mechanism for the compensatory mitigation sites and submit proof of recordation.
14. On May 29, 2012, VRO issued Warning Letter WL-12-05-VRO-002 to BSLT for the failure to submit the semi-annual Construction Monitoring Reports due October 10, 2011 and April 10, 2012.
15. On October 3, 2012, VRO issued NOV No. NOV-12-10-VRO-001 to BSLT for the violations cited in the May 29, 2012 Warning Letter as well as failure to complete the recordation of the protective mechanism for the compensatory mitigation sites due by August 30, 2010.
16. On November 1, 2012, DEQ met with representatives of BSLT to discuss the NOV. BSLT representatives confirmed that BSLT failed to conduct and submit the semi-annual Construction Monitoring Reports, and failed to complete the compensatory mitigation by failing to have the protective mechanism recorded and complete the plantings as required. During the November 1, 2012 meeting, DEQ requested BSLT to submit a plan and schedule of corrective actions to return to compliance, and to submit the outstanding construction monitoring reports. No plan and schedule or construction monitoring reports were received by DEQ.
17. On February 6, 2013, VRO issued NOV No. NOV-13-02-VRO-001 to BSLT for the failure to submit the semi-annual Construction Monitoring Report due October 10, 2012.
18. On March 25, 2013, VRO received a semi-annual Construction Monitoring Report.

19. On April 2, 2013, DEQ had a conference call with BSLT to discuss the status of any corrective actions that BSLT may have taken to address outstanding non-compliance issues. DEQ requested that BSLT provide a plan and schedule of corrective actions to return to compliance by April 30, 2013. An adequate plan and schedule was not received.
20. Since April 2, 2013, DEQ has sent BSLT numerous electronic messages in attempts to obtain a plan and schedule of actions to address the outstanding non-compliance issues.
21. The following legal requirements are noted in addition to those contained in C5 through C12 above:
 - a.) Appendix A, Paragraph 2 of the Consent Order effective June 24, 2010 states: "By June 1, 2010, BSLT shall complete the planting in the compensation areas as defined in the Permit";
 - b.) VWP Permit Part II.A.1. states: "The permittee shall provide appropriate and practicable compensation for all impacts meeting the conditions outlined in this VWP general permit";
 - c.) VWP Permit Part II.A.5. states: "The final compensation plan as approved by the board shall be an enforceable requirement of this VWP general permit authorization";
 - d.) VWP Permit Part II. A.9. states: "Proof of recordation shall be submitted within 120 days of final compensation plan approval";
 - e.) Appendix A, Paragraph 3 of the Consent Order effective June 24, 2010 states; "By August 30, 2010, BSLT shall complete the recording of the protective mechanism for the compensation sites and submit the recorded protective mechanism to DEQ";
 - f.) VWP Permit Part II.B.1. states: "Construction activities authorized by this permit that are within impact areas shall be monitored and documented. The monitoring shall document ... activities during construction. ... Photographs shall be taken during construction at the end of the first, second, and third months after commencing construction, and then every six months thereafter for the remainder of the construction project"; and,
 - g.) VWP Permit Part II.E.3. states: "Construction 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..."
22. On December 12, 2013, VRO issued NOV No. NOV-13-12-VRO-001 to BSLT for the following:
 - a.) failure to complete the final compensation plan, including the planting in compensation site(s) by June 1, 2010;
 - b.) failure to provide proof of recordation of the protective mechanism, that is part of the final compensation plan approved on April 24, 2007, due by August 30, 2010, and,
 - c.) failure to submit the semi-annual Construction Monitoring Report due October 10, 2013.

23. On January 28, 2014, DEQ met with representatives of BSLT to discuss the NOV. BSLT representatives confirmed that BSLT failed to conduct and submit the semi-annual Construction Monitoring Reports, failed to have the protective mechanism recorded, and failed to complete the compensatory mitigation plantings as required by the Permit and/or the 2010 Order. BSLT attributed its non-compliance issues to financial difficulties after the recent housing downturn. DEQ also apprised BSLT of the upcoming permit expiration on March 27, 2014. DEQ also requested BSLT submit a plan and schedule of corrective actions to address all the outstanding non-compliance issues within 30 days of the meeting for inclusion in this Order. No plan and schedule was received.
24. On February 19, 2014, VRO received a semi-annual Construction Monitoring Report.
25. On March 10, 2014, DEQ staff and the US Army Corp of Engineers conducted a site inspection to evaluate compliance with the VWP permit. Primarily, the site inspection focused on the final impact area (Impact 5) and making a jurisdiction determination to include a small section of stream channel. Thereafter, DEQ reminded BSLT of the need for a plan and schedule of corrective actions to address the outstanding permit and Consent Order non-compliance issues.
26. On March 12, 2014, BSLT indicated that it intended to perform compensatory mitigation (recordation of the protective mechanism and execution of the planting work), but it provided no schedule.
27. On March 27, 2014, the VWP Permit expired.
28. By email dated April 15, 2014, BSLT provided a plan and schedule of corrective actions to address the outstanding non-compliance issues.
29. After a follow-up file review there were no records to indicate that BSLT completed that portion of the compensatory mitigation that involves plantings.
30. Based on the November 1, 2012 and January 28, 2014 meetings, the March 10, 2014 site inspection, the NOVs and Warning Letters, various communications and file reviews, the Board concludes that BSLT has violated Va. Code § 62.1-44.31, Va. Code § 62.1-44.15:20, 9 VAC 25-210-50, 9 VAC 25-210-90, 9 VAC 25-210-116, the 2010 Order, and VWP Permit conditions- Part II.A.1., Part II.A.5., Permit Part II.A.9, Permit Part II.B.1., Part II.E., and Permit Part II.E.3. as described above.
31. In order for BSLT to return to compliance, DEQ staff and representatives of BSLT have agreed to a 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 BSLT, and BSLT agrees to:

1. Perform the actions described in Appendix A of this Order which supersedes and cancels Appendix A of the 2010 Order; and
2. Pay a civil charge of **\$46,935** in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

Due Date	Amount
October 10, 2014	\$3,911.25 or balance
January 10, 2015	\$3,911.25 or balance
April 10, 2015	\$3,911.25 or balance
July 10, 2015	\$3,911.25 or balance
October 10, 2015	\$3,911.25 or balance
January 10, 2016	\$3,911.25 or balance
April 10, 2016	\$3,911.25 or balance
July 10, 2016	\$3,911.25 or balance
October 10, 2016	\$3,911.25 or balance
January 10, 2017	\$3,911.25 or balance
April 10, 2017	\$3,911.25 or balance
July 10, 2017	\$3,911.25 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 BSLT. Within 15 days of receipt of such letter, BSLT 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. BSLT shall include its Federal Employer Identification Number (FEIN) (03-0447132) 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). If the Department has to refer collection of moneys due under this Order to the Department of Law, BSLT shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of BSLT for good cause shown by BSLT, 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 Property; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, BSLT admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. BSLT 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. BSLT declares it 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 BSLT 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.

8. BSLT 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 unforeseen occurrence beyond its control and not due to a lack of good faith or diligence on its part. BSLT shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. BSLT 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 BSLT intends 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, 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 BSLT. Nevertheless, BSLT 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 BSLT has completed all of the requirements of the Order;
 - b. BSLT petitions the Director or his designee to terminate the Order after it 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 BSLT.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve BSLT from its 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 BSLT 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. The undersigned representative of BSLT certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind BSLT to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of BSLT.
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 its signature below, BSLT voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 2014.

Amy T. Owens, Regional Director
Department of Environmental Quality

Belvedere Station Land Trust voluntarily agrees to the issuance of this Amendment.

Date: 7-3-14 By: [Signature], Trustee
(Person) (Title)
Belvedere Station Land Trust

Commonwealth of Virginia

City/County of ALBEMARLE

The foregoing document was signed and acknowledged before me this 3rd day of JULY, 2014, by ROBERT HAUSER who is

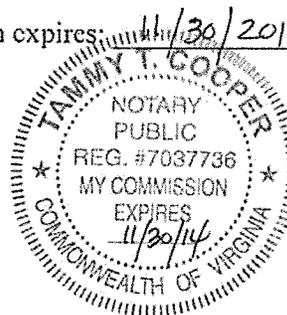
TRUSTEE of Belvedere Station Land Trust on behalf of the Belvedere Station Land Trust.

[Signature]
Notary Public

7037736
Registration No.

My commission expires: 11/30/2014

Notary seal:



APPENDIX A
SCHEDULE OF COMPLIANCE

1. BSLT shall immediately cease impacts to state waters and shall not resume such impacts unless authorized by a VWP Permit.
2. **By August 1, 2014**, BSLT shall have the protective mechanism for the compensation sites recorded and submit proof of the recordation to DEQ.
 - a. The protective mechanism shall provide for protection in perpetuity of the compensation sites(s) to include all state waters within the compensation site boundary or boundaries. The restrictions, protections, or preservations, or similar instrument, shall state that no activity will be performed on the property in any area designated as a compensation area with the exception of maintenance or corrective action measures authorized by the board. Unless specifically authorized by a VWP individual or general permit, or waiver thereof, this restriction applies to ditching, land clearing or the discharge of dredge or fill material. Such instrument shall contain the specific phrase "ditching, land clearing or discharge of dredge or fill material" in the limitations placed on the use of these areas. The protective instrument shall be recorded in the chain of title to the property, or an equivalent instrument for government-owned lands.
3. **By December 15, 2014**, BSLT shall complete the Final Compensatory Mitigation Plan, as approved by DEQ on April 24, 2007, including the planting in the compensation sites(s) in accordance with the Permit No. WP4-06-2581, except as specified in this Order. Any changes to the approved Final Compensatory Mitigation Plan shall not be initiated without advanced notice to and approval by DEQ.
 - a. The compensation shall meet the requirements of 9 VAC 25-210-116 to be sufficient to achieve no net loss of existing wetland acreage and no net loss of functions in all surface waters.
 - b. The success of the compensation shall be based on meeting the success criteria established in the approved Final Compensatory Mitigation Plan.
 - c. DEQ shall be notified in writing at least 10 days prior to the initiation of construction activities at the compensation site(s).
 - d. Planting of woody plants shall occur when vegetation is normally dormant unless otherwise approved in the Final Compensatory Mitigation Plan.
 - e. Herbicides or algaecides shall not be used in or immediately adjacent to the wetlands or

stream compensation site or sites without prior authorization by DEQ. All vegetation removal shall be done by manual means, unless authorized by DEQ in advance.

- f. If the performance criteria specified in the Final Compensatory Mitigation Plan are not achieved at the end of the applicable monitoring period, then BSLT shall so advise DEQ in the applicable monitoring report for that monitoring period and shall describe why it appears the criteria could not be achieved. If DEQ thereafter so directs, BSLT shall submit to DEQ for review and approval an alternative Final Compensatory Mitigation Plan within 60 days of DEQ's letter requiring the same. The DEQ-approved alternative Final Compensatory Mitigation Plan shall then be implemented by BSLT in accordance with the schedule set forth in the alternative Final Compensatory Mitigation Plan.
 - g. If the performance criteria specified in the Final Compensatory Mitigation Plan or any alternative Final Compensatory Mitigation Plan are not achieved by the end of the last monitoring period and DEQ determines that additional corrective action cannot sufficiently address the reasons for such failures, then BSLT shall submit to DEQ for review and approval, within 30 days of such determination, a proposal to purchase mitigation bank credits or make contributions to an in-lieu fee fund to address any remaining corrective action required in the Final Compensatory Mitigation Plan or, as applicable, any previously submitted alternate Final Compensatory Mitigation Plan. BSLT shall respond to any DEQ notice of deficiency to the proposal in accordance with the terms of the notice. BSLT shall purchase mitigation bank credits or make contributions to an in-lieu fund, as approved by DEQ in accordance with this paragraph, within 30 days of DEQ approval.
 - h. An as-built ground survey, or an aerial survey provided by a firm specializing in aerial surveys, shall be conducted for the entire compensation site or sites. Aerial surveys shall include the variation from actual ground conditions, such as +/- 0.2 feet. The survey shall be certified by the licensed surveyor or by a registered, professional engineer to conform to the design plans. The survey shall be submitted within 60 days of completing compensation site construction. Changes or deviations from the final compensation plans in the as-built survey or aerial survey shall be shown on the survey and explained in writing.
4. Unless otherwise specified in this Order, BSLT shall submit all requirements of Appendix A of this Order to:

Eric Millard
Environmental Specialist II
VA DEQ –Valley Regional Office
P.O. Box 3000
Harrisonburg, VA 22801
(540) 574-7813 Phone
(540) 574-7878 Fax

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