

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY



CONSTRUCTION STORMWATER

FFY 2015 COMPLIANCE MONITORING STRATEGY

Prepared by:

**VADEQ Central Office
Office of Water Compliance
4/28/2015**



TABLE OF CONTENTS

I. PURPOSE PAGE 2

II. OBJECTIVE PAGE 3

 A. INCREASED SITE VISITS AND INSPECTIONS PAGE 3

 B. EMPOWERING OF LOCAL VSMP AUTHORITIES PAGE 4

 C. EDUCATION THROUGH COMPLIANCE ASSISTANCE PAGE 5

 D. COMPLIANCE THROUGH FORMAL ENFORCEMENT PAGE 6

III. FEDERAL REQUIREMENTS..... PAGE 6

IV. VIRGINIA’S RISK BASED INSPECTION STRATEGY..... PAGE 6

V. CONSTRUCTION STORMWATER INSPECTIONS..... PAGE 8

 A. LEVEL I PAGE 9

 B. LEVEL II PAGE 10

VI. CENTRAL OFFICE PROGRAM COORDINATION..... PAGE 11

I. PURPOSE

This Compliance Monitoring Strategy (CMS) provides compliance monitoring objectives for the Virginia Department of Environmental Quality’s (DEQ) Construction General Permit (CGP) program for federal fiscal year (FFY) 2015, beginning October 1, 2014 through September 30, 2015, and will allow for a consistent approach and plan for the six regional offices and respective staff to follow. The United States Environmental Protection Agency (EPA) has delegated its authority to administer the National Pollutant Discharge Elimination System (NPDES) Permit Program to Virginia. Virginia exercises this authority through implementation of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Program. In exercising this authority DEQ attempts to ensure that its Inspection program substantially meets the requirements of EPA’s NPDES Compliance Monitoring Strategy.

There are thousands of permitted as well as an undetermined number of unpermitted active construction sites across the Commonwealth to contend with so making the best choices as to when, how, and where to apply program resources is important to the success of the program and the agency mission to protect the environment in the coming and subsequent years.

Disclaimer: This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any alternative method. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

II. OBJECTIVE

There has historically been a high rate of non-compliance associated with land disturbing activity relative to the CGP so making a concerted effort to inspect as much of this universe as possible is paramount to changing attitudes, behaviors, and the culture of this sector and improving overall compliance. Increasing field presence will allow staff to engage more in the field and conduct frequent random checks of active sites to detect those that are poor performers as well as those that are unpermitted and will help to improve the compliance rate.

The increase in field presence involves the overall increase in field activity to proactively identify areas of concern at active construction sites and work expeditiously with the responsible party (e.g., owner or operator) to have it/them corrected. Inspectors will be expected to allocate a significant portion of their availability to field work (e.g., site inspections, complaints investigations, surveillance, etc.) during this Inspection cycle. The use of other media programs to report land disturbing activity that appear to have suspect operations or conditions during their commute to and from inspections will also serve as a resource in identifying sites, areas, and even contractors for inspectors to target.

In order to progress towards accomplishing our mission in FFY2015 it will take actions including, but not limited to the following:

- Increase in site visits and inspections,
- Empowerment of local VSMP authorities,
- Education through compliance assistance, and
- Compliance through formal enforcement.

A. INCREASE IN SITE VISITS AND INSPECTIONS

Increasing the number and frequency of inspections will help disseminate DEQ's message/position to the regulated community that historical and recalcitrant non-compliance along with irresponsible operational practices is unacceptable. The construction stormwater program does not require self reporting of any specific activity or overall compliance so essentially the only way to evaluate and assess compliance is to visit and inspect the construction site and its operations.

There are thousands of land disturbing activities in the Commonwealth which trigger permit thresholds of the Virginia Erosion and Sediment Control Program¹ (VESCP) and

¹ Permit threshold under the local Virginia Erosion and Sediment Control Program is 10,000 sq.ft. of land disturbance.

the Virginia Stormwater Management Program² (VSMP) with several areas of compliance that require inspectors to evaluate site operations in accordance with the CGP, VESCP, and VSMP regulations. This strategy recommends a tiered risk-based approach to inspections supporting an increase in the number of sites that are visited and a higher frequency of inspections at poorly operated construction sites subject to CGP requirements.

B. EMPOWERMENT OF LOCAL VSMP AUTHORITY

There are currently ninety-three (93) local VSMP authorities which means primary oversight of compliance and enforcement with the construction stormwater program is the responsibility of those local programs. Fifty-eight (58) local VSMP authorities have Municipal Separate Storm Sewer System (MS4) permits and are required to administer VSMP programs while the other thirty-five (35) voluntarily opted into the program. All land disturbing site inspections and complaint investigations regulated under the CGP in these localities shall be conducted by local inspectors that are trained and certified through DEQ. Inspections conducted by the local VSMP authority will count toward DEQ's annual federal commitment for construction stormwater inspections. DEQ is the VSMP authority for opt out localities³, retains compliance oversight of all regulated land disturbing activities, and is responsible for state and federal projects and linear⁴ land disturbing projects operating under Annual Standards and Specifications.

Relative to local VSMP programs, the role of DEQ will be to conduct oversight inspections and provide compliance assistance in support of the local VSMP authority's responsibility to administer and enforce VSMP requirements through their local program and ordinance. Complaints received by DEQ relative to projects within a local VSMP authority and not within DEQ's direct oversight will be referred by cover letter to the respective locality. DEQ staff will investigate alleged violations of state statutory or regulatory requirements that are not addressed in the local VSMP authority's ordinance and enforce the state (CGP) permit if the locality fails to adequately respond to or address a referred complaint. DEQ staff will plan and conduct inspections within a local VSMP authority to support and assess operations of local programs. Inspections resulting in findings of non-compliance will be referred by cover letter to the local VSMP authority for follow-up and in those instances where compliance assistance is needed DEQ regional staff is encouraged to coordinate efforts with local stormwater inspectors. The amount of oversight required of a local VSMP authority will be based on Virginia's

² Permit threshold under the Virginia Stormwater Management Program is 1 acre of land disturbance or less than 1 acre when part of a common plan of development that disturbs 1 acre or more.

³ Opt out localities are localities not required to implement a local VSMP and did not chose to voluntarily participate.

⁴ Linear projects are land-disturbing activities by telephone, cable, electric, natural gas pipeline and railroad companies that have Annual Standards and Specifications approved and regulated by DEQ.

Risk Based Inspection Strategy for construction stormwater. See **Attachment A** of this document for the complaint referral letter and **Attachment B** for the inspection referral letter.

C. EDUCATION THROUGH COMPLIANCE ASSISTANCE

The rate of non-compliance in the construction stormwater program can be addressed through a number of methods but one that commonly surfaces in discussions relevant to improving compliance is outreach and education so permittees understand the program, their responsibilities as the owner or operator of the land disturbing activity, and the necessity (e.g., potential impacts to the environment) to comply. The recent re-issuance of the CGP and introduction of new laws and regulations germane to permitting and compliance have provided additional credibility for the need to further educate and inform the regulated community.

In light of DEQ's FFY 2015 compliance strategy objective, promoting an increase in field activity, it is recommended that DEQ staff provide compliance assistance but they are encouraged to schedule events apart from inspections to improve efficiency of resources unless the assistance can be routinely addressed within the inspection process. Compliance assistance is viewed as a voluntary means of helping a permittee understand and meet their statutory and regulatory requirements. If determined that permittees, local VSMP authorities, etc. require and/or request broader agency assistance DEQ staff should establish a time and place suitable for providing compliance assistance to several stakeholders at once and qualify it as an outreach event. DEQ's Office of Training Services offers a course specifically for permittees entitled *Stormwater Management for Contractors and Operators* that offers formal compliance assistance focused on meeting the requirements of the CGP. Resources will not permit for substantial one-on-one compliance assistance at each site inspection and allow for coverage oversight of the applicable universe this strategy advocates.

Inspections will have to serve primarily as the means of evaluating compliance with the CGP and VSMP regulations and limited compliance assistance can be offered at that time. DEQ staff is encouraged to have the permittee contact the DEQ regional office for compliance assistance if assistance required is substantial. These requests should be communicated to DEQ's Central Office to support the development of additional outreach efforts. If not feasible for DEQ, the permittee, or the local VSMP authority to prolong compliance assistance there are consultants in this field that can be contracted to assist the permittee. Inspectors may offer visiting the website of Virginia's Department of Business Assistance (DBA) at <http://dba.virginia.gov> or contacting DBA directly for assistance in locating consulting firms in the area able to help them. DEQ staff is not to recommend any specific consultant to the permittee.

D. COMPLIANCE THROUGH FORMAL ENFORCEMENT

Compliance is routinely achieved through the inspection process and accomplished by Requests for Corrective Action and issuance of Warning Letters. Formal enforcement is a measure taken by DEQ against the land disturber, owner or operator, when a violation or violations detected accumulate enough points, in accordance with DEQ's points guidance, at a construction site for referral to the enforcement division (e.g., by issuing a Notice of Violation) to correct the non-compliance. The points guidance was developed to provide consistency and transparency relative to inspections and any necessary action. As an added review, currently, agency protocol requires a regional recommendation with subsequent agreement by regional and central office management to issue Warning Letters and Notices of Violation.

Requirements necessary to return to compliance along with any injunctive relief and associated civil penalty will be outlined and clearly stated for the permittee to understand in any consent order or unilateral order. All efforts to return the construction site to compliance, formal or informal, need to be documented and enforced as expeditiously as possible and practicable.

III. FEDERAL REQUIREMENTS

The EPA's Office of Enforcement and Compliance Assurance (OECA) recommend a joint EPA and state goal to inspect at a minimum 10% of the regulated construction sites annually with priority given to sites located near Section 303(d) or 305(b) listed waters that are impaired for construction-associated pollutants, and at sites located near high quality waters that the state has designated for higher levels of protection to prevent degradation.

To determine the applicable universe at the Inspection planning stage, the 10% goal should be applied to the estimated number of active regulated construction sites in the state in the coming year. As part of this goal, EPA and the states should follow-up on tips and complaints about potentially unpermitted construction sites. Inspections of unpermitted construction sites will count toward the annual construction stormwater coverage goal of 10%.

IV. VIRGINIA'S RISK BASED INSPECTION STRATEGY (RBIS)

The DEQ utilizes a risk based protocol to identify construction sites in need of increased inspections or decreased compliance oversight in order to use resources most effectively.

DEQ's Risk Based Inspection Strategy is designed, but not limited to:

- Provide a framework for compliance and to assure optimum coverage and thoroughness during inspection activities of the regulated community,
- Assure that obligations under the State Water Control Law and federal grant agreements are met,
- Provide guidance and assistance for operating plan commitments, budgeting, and resource requirements, and
- Ensure inspections are conducted in a consistent and timely manner.

DEQ's risk based protocol attempts to direct our resources away from operators with well operated construction sites and good compliance histories to operators with poor performance records or those considered higher risk construction sites⁵. Qualifiers for risk based inspection planning are:

1. **Compliance History and Activity Size (CH)** – The compliance history of the operator or their contractor is the major consideration for risk based inspection scheduling. Use this factor in consideration of how to prioritize which active construction sites require more or less compliance oversight or whether increased inspections are necessary for construction sites with on-going issues. Consider compliance history of the operator or their contractor with activity size and complexity of BMPs (ie. sensitivity to grade or soils, number of discharge points, etc.) to insure the value added for conducting the inspection is equivalent to the resources expended.
2. **Environmental Sensitivity (ES)** – Increased inspection frequency may be necessary for construction sites located in areas of particular environmental or public health concern. Examples include, but are not limited to, proximity to residential areas, schools, daycares, interstates, major highways, wetlands, waterways, park systems, drinking water reservoirs, 303(d) listed waters that are impaired for construction-associated pollutants (e.g., sediment), and at sites located near high quality waters that the state has designated for higher levels of protection to prevent degradation.
3. **Multi-media Applicability (MM)** – Evaluate risk based plans to include potential multi-media opportunities ranging from single inspectors covering simple multiple program areas to a team approach for larger more complex construction sites and facilities. For instance, Virginia Water Protection (VWP) inspectors cross training with construction stormwater inspectors so that the

⁵ Higher risk sites are those that illustrate a higher risk of non-compliance with their permit, state and federal regulations or could have a greater adverse impact on the surrounding environment if operations were not in compliance with permit conditions, state and federal regulations.

same inspector can evaluate a site for both programs. Other options would include construction stormwater inspectors attending an inspection with inspectors from another media to a smaller or minor type facility (cross-training), or going to a larger facility with multi-media programs as part of an Inspection team.

4. **Agency Exposure/Sectors (AES)** – Evaluate agency obligations relative to legislative mandates and sector initiatives (i.e., identification of particular groups or categories) relative to risk. If there is a lack of resources to complete everything then base what cannot be accomplished on an evaluation of risk to the agency. These risks may include consideration of concerns by staff or public regarding a particular facility, construction sites, contractors, or identification of particular sectors for any number of considerations including any newly regulated/permitted construction sites or facilities, particular pollutant concerns, minimal agency resources applied historically, etc.

5. **Oversight (OS)** – Evaluate risk based plans to consider the need for oversight within a given locality. Risk based planning should consider the qualifiers identified within this section as well as the complaint history and ESC/SWM experience of the locality, the SWM criteria applicable to the construction site and when construction commenced when planning inspections. Regional offices may assess the appropriate frequency of these oversight opportunities considering their overall responsibility for projects within the regional service area, the need to conduct inspections of active construction sites for which they have direct oversight and their remaining available resources to meet the objectives of this Strategy when targeting inspections within local VSMP authorities.

V. Construction Stormwater Inspections (Categories)

Land disturbing activity of 1 acre or greater and less than 1 acre when part of a common plan of development that disturbs 1 acre or more, unless specifically exempted in the Virginia Stormwater Management Program regulations (Chapter 870) and the Virginia Stormwater Management Act (§62.1-44.15:34), require CGP coverage to discharge to surface waters of the Commonwealth. The universe of permitted and unpermitted construction sites is large, but the agency resources to regulate these operations are limited. Therefore, a system of inspections is necessary to provide adequate coverage in hopes of improving the rate of compliance.

In an effort to increase field presence, the number of inspections conducted, and frequency of inspections to improve compliance, the agency needs to explore

implementation of an inspection strategy that will allow for coverage and a comprehensive overview of compliance using a risk based approach to planning as well as the actual inspections. In order to achieve this objective the construction stormwater compliance program will deploy a trial approach to inspections for FFY2015 and evaluate its effectiveness at the end of the fiscal year. The approach will primarily involve two levels of inspection which are explained below. As an additional tool, DEQ regional staff will continue to compare local land disturbance reports to the DEQ's construction stormwater permit database to assist in targeting potentially unpermitted sites. Regional offices are encouraged to provide local VESCP authorities a standard format to submit their Local Monthly Land Disturbance Report for consistency, efficiency, and accuracy of interpreting their data. A template for the Local Monthly Land Disturbance Report is included with this document as **Attachment C**.

A. LEVEL 1 INSPECTION (FOCUSED)

The Level 1 Inspection is designed to account for five focused areas of compliance required by the statutory and regulatory requirements applicable to the CGP for construction sites with land disturbance activity of 1 acre or greater and less than 1 acre when part of a common plan of development that disturbs 1 acre or more. Inspectors must evaluate compliance with the following areas:

- i. Construction general permit coverage,
- ii. Approved and implemented erosion and sediment control plan,
- iii. Approved and implemented stormwater management plan
- iv. Pollution prevention plan including implementation, and
- v. Any pollution control measures necessary to address a required TMDL.

The Level 1 Inspection allows for a focused evaluation of the construction site to assess efforts of the owner or operator to comply with erosion and sediment control as well as the VSMP and CGP regulations (including permit coverage, plans and implementation). A recommendation to conduct a comprehensive inspection in accordance with RBIS is included in the Level 1 Inspection review along with an assessment and recommendation for enforcement. A Level 1 Inspection is primarily to determine whether a construction site has coverage and is in compliance with the minimum plan requirements but also allows inspectors opportunity to observe plan implementation and whether actual or potential impacts are occurring and evaluate necessary next steps while on site. As a rule of thumb for this compliance strategy, if an active construction site does not have a 2014 CGP it wouldn't be necessary to proceed beyond the Level 1 Inspection (e.g., conducting a Level 2 Inspection) at that time and a Warning Letter would be issued to the appropriate party requiring the submittal of an application

for permit coverage and corrective action for any plan requirements and unauthorized impacts within a timeframe established by DEQ staff.

For DEQ regions with local VSMP authorities, the Level 1 Inspection can also serve as a site assessment oversight tool for DEQ staff to determine whether operator compliance with the five focused areas of CGP requirements has been met and afford an opportunity to provide compliance assistance on VSMP implementation to local programs. The approved local programs are required to ensure compliance and should be the primary administrator relative to conducting comprehensive evaluation inspections of construction activity in their localities. If the Level 1 Inspection determines noncompliance or areas of concern the local VSMP authority should be made aware of the results through the use of the inspection referral process and given an opportunity to investigate and address issues documented in the Level 1 Inspection. See **Attachment D** to this document for the check sheet of the Level 1 Inspection.

B. LEVEL 2 INSPECTION (COMPREHENSIVE)

The Level 2 Inspection is a comprehensive review to determine if the construction site complies with the statutory and regulatory requirements applicable to the CGP. The five broad components of the Level 2 Inspection include:

- i. Coverage and posting requirements,
- ii. SWPPP requirements,
- iii. SWPPP administration,
- iv. Adverse impacts and prohibited discharges, and
- v. Agency recommendations.

The inspector verifies permit coverage, adequate posting of coverage and availability of the SWPPP. If available, the inspector reviews the SWPPP and determines whether the SWPPP meets the requirements set forth in the permit. The inspector reviews records, such as self-inspection reports, contractor lists identifying responsibilities for each BMP, and dates of major grading activities to verify that the facility is complying with its permit and the SWPPP and walks the site to verify that the SWPPP and updated site map are accurate and BMPs are in place and functioning properly. Level 2 Inspections are designed to evaluate all areas of the construction site including good housekeeping procedures for documentation, updates, amendments, modifications and reports as well as best management practices for erosion and sediment control, stormwater pollution control, and pollution prevention. Generally, a Level 2 Inspection should be conducted at sites with CGP coverage when significant compliance issues are apparent with respect to on-site conditions or operations. For sites without CGP coverage, a Level 2 Inspection typically is not warranted.

Any areas requiring corrective action can be noted in the Level 2 Inspection report and the check sheet. The Level 2 Inspection check sheet is included as **Attachment E** to this document.

VI. CENTRAL OFFICE PROGRAM COORDINATION

Central Office's "Office of Water Compliance" (OWC) is responsible for, but not limited to, coordination of regional compliance, enforcement, planning, and technical support of the construction stormwater compliance program. OWC is also responsible for tracking and reporting of inspections and enforcement actions that must be reported to EPA in the mid year and end of year reports. Notifications, questions, and requests (e.g., complaints, information request (IRs), EPA inspections) from EPA regarding the construction stormwater compliance program are received and coordinated through the OWC.

For inspection planning OWC notifies EPA region 3 of the number of active permitted construction sites 1 acre or greater in Virginia at the beginning of each federal fiscal year, between October 1st and October 15th, in order to establish Virginia's federal Inspection commitment. OWC will provide each DEQ regional office with the same information and a breakdown of active sites by project category (e.g., private, public, state, and federal) for oversight and inspection planning purposes. OWC will establish a Construction Stormwater Inspection Tracking Log to store inspection and enforcement information until DEQ's Comprehensive Environmental Database System (CEDS) can be used to store and track this data and regional staff will be instructed to update their data weekly. The end of year report to EPA will include inspections and associated enforcement actions of DEQ staff and local VSMP authority inspectors, so accuracy of recording and tracking this information is vital. The Construction Stormwater Inspection Tracking Log is included as **Attachment F**.

If you have questions regarding any areas of this strategy please contact Matthew Stafford, OWC Construction Stormwater Compliance Coordinator, at (804) 698-4097 or Jerome Brooks, OWC Program Manager, at (804) 698-4403.

ATTACHMENT A

Regional Office Letterhead

Date

[Local VSMP Authority Contact]

Address

Locality, State, Zip

Re: Complaint Referral

Dear ***[VSMP Authority Contact]***:

DEQ has received a complaint regarding a land-disturbing activity being conducted in ***[Locality]***. This information is being referred to you as the local VSMP authority. Please see the attached information for details.

DEQ is requesting that ***[Locality]*** investigate this complaint and provide a written response within 10 days detailing the findings and, if necessary, the actions that have been taken or will be taken to bring the site into compliance. Please advise DEQ if there is other information of which DEQ should be aware.

Responses can be directed to me at ***[Staff Email]***@deq.virginia.gov. If you have questions you may contact me by email or by phone at ***[(xxx) xxx-xxxx]***.

Sincerely,

RO Staff Name

Stormwater Compliance Specialist

Copy to: Regional Stormwater Manager

Enclosure

ATTACHMENT B

Regional Office Letterhead

Date

[Local VSMP Authority Contact]

Address

Locality, State, Zip

Re: Inspection Referral

Dear ***[VSMP Authority Contact]***:

The DEQ recently conducted VSMP inspections in ***[Locality]***. Findings of non-compliance are being referred to you as the local VSMP authority. Please see the attached inspection report(s) for details.

DEQ is providing this information so that ***[Locality]*** may conduct their own investigation(s). Additionally, we are requesting that ***[Locality]*** provides a written response within 10 days detailing the actions that will be taken to bring the site(s) into compliance. This may require ***[Locality]*** to have the operator of the site(s) obtain permit coverage. Please advise DEQ if there is other information of which DEQ should be aware.

Responses can be directed to me at ***[Staff Email]***@deq.virginia.gov. If you have questions or require compliance assistance you may contact me by email or by phone at ***[(xxx) xxx-xxxx]***.

Sincerely,

RO Staff Name

Stormwater Compliance Specialist

Copy to: Regional Stormwater Manager
 Operator/Person conducting unpermitted activity

Enclosure

ATTACHMENT C

Local Monthly Land Disturbance Report

VESCP Monthly Land Disturbance Report		Month/Year											
		Jun-15											
Name of Construction Activity	Site Address	Latitude (Decimal Degree) (e.g. 37.1234)	Longitude (Decimal Degree) (e.g. -78.1234)	Type of Development (commercial, residential, industrial etc.)	Total Site Area (Acres)	Total Disturbed Area (Acres)	Date Plan Approved	Anticipated Start Date	Common Plan of Development?	Owner Name	Owner Phone	Owner Mailing Address	Owner Email

ATTACHMENT D



CONSTRUCTION GENERAL PERMIT SITE INSPECTION

LEVEL 1 (FOCUSED)

Project Name:		Permit Number:	
Project Address:		County/City:	
Project Operator:		Operator Telephone:	
Project Contact:		Contact Telephone:	
Contact E-Mail:		Qualified Personnel (QP):	
Inspector:		Weather (Wet/Dry/Rain):	
Disturbed Acreage:		Inspection Date & Time:	

STAGE OF CONSTRUCTION:

- Building Construction
 Construction of SWM Facilities
 Clearing & Grading
 Final Grading
 Rough Grading
 Final Stabilization
 Other: _____

NATURE OF PROJECT:

- Public
 Private
 State
 Federal
 Other: _____

		Yes	No	N/A	Comments/Description
COVERAGE AND PLAN REQUIREMENTS					
1	Construction site is exempt from permit coverage? (Va. Code §62.1-44.15:34.C)				
2	Construction site has permit coverage? (Va. Code §62.1-44.15:34.A)(9VAC25-870-310)				
3	Construction site has an approved erosion and sediment control plan? (9VAC25-870-54.B)(CGP Part II.A.2)				
4	New construction site has an approved stormwater management plan or existing construction site has a stormwater management plan? (9VAC25-870-54.C)(CGP Part II.A.3)				
5	Construction site has a pollution prevention plan? (9VAC25-870-54.D)(CGP Part II.A.4)				
6	SWPPP identifies controls necessary under the TMDL WLA? (9VAC 25-870-54.E)(CGP Part IIA.5 (a-b))				

ATTACHMENT D

SITE OBSERVATIONS					
7	Implementation of approved erosion and sediment control plan? (9VAC25-870-54.B)(CGP Part II.E)				
8	Implementation of stormwater management plan? (9VAC25-870-54.C)(CGP Part II.E)				
9	Implementation of pollution prevention plan? (9VAC25-870-56.A)(CGP Part II.E)				
10	Implementation of controls necessary under the TMDL WLA? (9VAC 25-870-54.E)(CGP Part IIA.5 (a-b))				
11	Are there actual or potential impacts occurring at the site?				
COMPLIANCE EVALUATION					
12	Construction site requires a more comprehensive evaluation Inspection or re-Inspection (Level 2) under VA DEQ's Risk Based Inspection Strategy?				
AGENCY RECOMMENDATION					
13	Site Inspection results in immediate or subsequent recommendation for issuance of Request for Corrective Action, Warning Letter, or Notice of Violation?				

ATTACHMENT D



**CONSTRUCTION GENERAL PERMIT SITE INSPECTION REPORT
REQUEST FOR CORRECTIVE ACTION**

Project Name: _____ Permit Number (if applicable): _____

Checklist #	Regulatory Citation/Legal requirement ⁶	Occurrence	Observation/Legal Requirement/Recommended Corrective Action
			Observation/Legal Requirement: <u>Recommended Corrective Action:</u>

Targeted Re-Inspection Date: ____/____/____

Recommended Corrective Action Deadline: ____/____/____

The recommended corrective action deadline date applies to all conditions noted on this report unless otherwise noted. If listed condition(s) currently constitute non-compliance and/or corrective actions are not completed by the deadline, other enforcement actions may be issued to the entity responsible for ensuring compliance on the above project.

Inspector Signature: _____ Date: _____

⁶ Refers to applicable regulation found in the most recent publication of the State Water Control Law (Va. Code § 62.1-44.2 et seq.), Virginia Erosion and Sediment Control Regulations (9VAC25-840), the Virginia Stormwater Management Program (VSMP) Regulations (9VAC25-870), or the General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880).

ATTACHMENT D

Construction General Permit Site Inspection Photo Log



Project Name:

Date:

ATTACHMENT E



**CONSTRUCTION GENERAL PERMIT SITE INSPECTION
LEVEL 2 (COMPREHENSIVE)**

Project Name:		Permit Number:	
Project Address:		County/City:	
Project Operator:		Operator Telephone:	
Project Contact:		Contact Telephone:	
Contact E-Mail:		Qualified Personnel (QP):	
Inspector:		Weather (Wet/Dry/Rain):	
Disturbed Acreage:		Inspection Date & Time:	

STAGE OF CONSTRUCTION:

- Building Construction
 Construction of SWM Facilities
 Clearing & Grading
 Final Grading
 Rough Grading
 Final Stabilization
 Other: _____

NATURE OF PROJECT:

- Public
 Private
 State
 Federal
 Other: _____

Yes No N/A Comments/Description

COVERAGE AND POSTING REQUIREMENTS					
1	Project has permit coverage? (9VAC 25-870-310)(Va. Code § 62.1-44.15:34.A)				
2	Project's coverage letter posted near the site's entrance? (CGP Part II. C)				
3	Notice of location of the SWPPP posted near the site's entrance, if applicable, and information for public access is provided? (9VAC25-870-54.G)(CGP Part II D.2 & 3)				
SWPPP REQUIREMENTS					
4	SWPPP on-site or made available during the inspection? (CGP Part II D.1 & 2)(9VAC25-870-54.G)				
5	SWPPP has been prepared? (9VAC25-880-50.B.10)				
6	SWPPP contains a signed copy of the registration statement? (CGP Part II A.1.a)				
7	SWPPP contains, upon receipt, a copy of the notice of coverage letter and the CGP? (CGP Part II A.1.b & c)				

ATTACHMENT E

8	A narrative description and site plan are included? (CGP Part II A.1(d-e))				
9	Is the ESC plan approved and properly implemented? (CGP Part II A.2. (a-c)) (9VAC25-870-54.B)				
10	Is the SWM plan consistent with the CGP requirements for new and existing construction activities? (CGP Part II A.3(a-b))(9VAC25-870-55)				
11	Is the pollution prevention plan consistent with the requirements of the CGP and VSMP Regulations? (CGP Part II A.4(a-f))(9VAC25-870-56)				
12	Discharges to impaired waters, surface waters with an applicable TMDL wasteload allocation established and exceptional waters are addressed as required in the SWPPP? (CGP Part II A.5(a-b))(9VAC25-870-54E)				
13	Name, phone number and qualifications of "Qualified Personnel" conducting inspections? (CGP Part II A.6)				
14	Delegation of Authority is provided and signed in accordance with Part III K? (CGP Part II A.7)				
15	The SWPPP is signed and dated in accordance with Part III K? (CGP Part II A.8)				
SWPPP ADMINISTRATION					
16	SWPPP is being amended, modified and updated appropriately? (CGP Part II B (1, 2, 4 and 5))(9VAC25-870-54.G)				
17	Contractor(s) that will implement and maintain each control measure are identified? (CGP Part II B.3)				
18	Control measures implemented in accordance with the SWPPP? (CGP II E(1-2)) (9VAC25-870-54)				
19	Inspections conducted appropriately and at required frequency? (CGP Part II F(1-4))				
20	Corrective actions are taken consistent with the requirements of the CGP? (CGP Part II G(1-2))				
ADVERSE IMPACTS AND PROHIBITED DISCHARGES					
21	Adverse impact(s) to receiving waters? (CGP Part I B.6)(Part I G.1)(Part II G.2)(Part II A.4.e(1-6))				
22	Potential or actual unusual or extraordinary discharge, bypass, or upset? (CGP Part III H, U, V)				
23	Prohibited Non-Stormwater Discharges? (CGP Part I B.2)(CGP Part I D)				
AGENCY RECOMMENDATION					
24	Site Inspection results in immediate or subsequent recommendation for issuance of Request for Corrective Action, Warning Letter, or Notice of Violation?				

ATTACHMENT E



**CONSTRUCTION GENERAL PERMIT SITE INSPECTION REPORT
REQUEST FOR CORRECTIVE ACTION**

Project Name: _____ Permit Number (if applicable): _____

Checklist #	Regulatory Citation/Legal requirement ⁷	Occurrence	Observation/Legal Requirement/Recommended Corrective Action
			Observation/Legal Requirement: <u>Recommended Corrective Action:</u>

Targeted Re-Inspection Date: ____/____/____

Recommended Corrective Action Deadline: ____/____/____

The recommended corrective action deadline date applies to all conditions noted on this report unless otherwise noted. If listed condition(s) currently constitute non-compliance and/or corrective actions are not completed by the deadline, other enforcement actions may be issued to the entity responsible for ensuring compliance on the above project.

Inspector Signature: _____ Date: _____

⁷ Refers to applicable regulation found in the most recent publication of the State Water Control Law (Va. Code § 62.1-44.2 et seq.), Virginia Erosion and Sediment Control Regulations (9VAC25-840), the Virginia Stormwater Management Program (VSMP) Regulations (9VAC25-870), or the General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880).

ATTACHMENT E

Construction General Permit Site Inspection Photo Log



Project Name:

Date:

ATTACHMENT F

Draft Construction Stormwater Inspection Tracking Log

DRAFT Summary - RO Construction Stormwater Inspections - FFY 2015

Site Category	<i>Assigned</i>	Completed
1 acre or greater	<i>0</i>	0
<1 acre		0
Sites Visited		0

Inspection Type	Completed
Initial	0
Re-Inspection	0
All Inspections Conducted	0

Notice of Alleged Violations	Issued	NOAVS RTC
Warning Letter	0	0
Notice of Violation	0	0
Total Notifications	0	0

Total Returned to Compliance	0
Total Requests for Corrective Action	0

Nature of Project	Total
Private	0
Public	0
State	0
Federal	0
Other	0
Sites Visited	0

Locality Status	Total Inspections	Due to Complaint	Sent Referral
Opt-out	0	0	0
Opt-in	0	0	0
All Inspections Conducted	0	0	0

Type of Inspection	Total
Level 1	0
Level 2	0
Notice of Termination	0
All Inspections Conducted	0

ATTACHMENT F

Draft Construction Stormwater Inspection Tracking Log

Name: _____

*Optional

Site Category	Assigned*	Completed
1 acre or greater		0
<1 acre		0
Total		0

Stormwater Compliance Specialist

Inspection Type	Completed
Initial	0
Re-Inspection	0
Total	0

Total Returned to Compliance	0
Total Requests for Corrective Action	0

Notice of Alleged Violations	Total	NOAVs RTC	Locality Status	Total Inspections	Due to Complaint	Sent a referral
Warning Letter	0	0	Opt-out	0	0	0
Notice of Violation	0	0	Opt-in	0	0	0
Total	0	0				

Nature of Project	Total
Private	0
Public	0
State	0
Federal	0
Other	0
Total	0

Type of Inspection	Total
Level 1	0
Level 2	0
Notice of Termination	0
Total	0

Operator Name	Project Name	Permit No.	Site Category	Nature of Project	Inspection Type	Inspection Date	Report Date	Non-Compliance	Assigned Points Total	Notice of Alleged Violations	Requested RTC Date	RTC	Anticipated Reinspection Date	Inspection Form Used	Locality Name	Locality Status	Inspection Due to Complaint	Sent a Referral	Comments
---------------	--------------	------------	---------------	-------------------	-----------------	-----------------	-------------	----------------	-----------------------	------------------------------	--------------------	-----	-------------------------------	----------------------	---------------	-----------------	-----------------------------	-----------------	----------