



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

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STATE WATER CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO RIVER HOMES, INC. FOR COAN REACHES SUBDIVISION

Virginia Pollutant Discharge Elimination System Permit Registration No. VAR104958

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 62.1-44.15, 62.1-44.15:25, and 62.1-44.15:48, between the State Water Control Board and River Homes, Inc., regarding the Coan Reaches Subdivision, for the purpose of resolving certain violations of the 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. "2009 Permit" means the General Permit for Discharges of Stormwater from Construction Activities, No. VAR10, which was promulgated at 4 VAC 50-60-1170 and subsequently transferred to 9 VAC 25-880-70, issued under the Stormwater Management Act, the VSMP Regulations, and the General Permit Regulation on July 1, 2009 and which expired on June 30, 2014.
2. "2014 Permit" means the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law, the VSMP Regulations, and the General Permit Regulation on July 1, 2014 and which expires on June 30, 2019.

3. "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.
4. "Construction activity" means any clearing, grading or excavation resulting in land disturbance of equal to or greater than one acre, or disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre.
5. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
6. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
7. "Discharge" means the discharge of a pollutant.
8. "Discharge of a pollutant" means:
 - a. Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
 - b. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
9. "General Permit Regulation" means the General VPDES Permit for Discharges of Stormwater from Construction Activities, 9 VAC 25-880-1 et seq.
10. "Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation, except that the term shall not include those exemptions specified in Va. Code § 62.1-44.15:34.
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. "Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location. Va. Code § 62.1-44.15:24.
14. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand,

cellar dirt and industrial, municipal, and agricultural waste discharged into water. . . .” 9 VAC 25-870-10.

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 (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) 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; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are ‘pollution.’” Va. Code § 62.1-44.3.
16. “PRO” means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
17. “River Homes” means River Homes, Inc., a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. River Homes is a “person” within the meaning of Va. Code § 62.1-44.3.
18. “Runoff volume” means the volume of water that runs off the site from a prescribed design storm. 9 VAC 25-870-10.
19. “Site” means the Coan Reaches Subdivision located on Coan Stage Road in Northumberland County, Virginia, from which discharges of stormwater associated with construction activity occur.
20. “State Water Control Law” means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Va. Code.
21. “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.
22. “Stormwater” means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage. Va. Code § 62.1-44.15:24.
23. “Stormwater management plan” means a document or series of documents containing material describing methods for complying with the requirements of a VSMP or the VSMP Regulations. 9 VAC 25-870-10.

24. "SWPPP" means Stormwater Pollution Prevention Plan, which is a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP required under a VSMP for construction activities shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan. 9 VAC 25-870-10.
25. "Virginia Stormwater Management Act" means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Va. Code.
26. "Va. Code" means the Code of Virginia (1950), as amended.
27. "VAC" means the Virginia Administrative Code.
28. "VPDES" means Virginia Pollutant Discharge Elimination System.
29. "VSMP" means the Virginia Stormwater Management Program, which is a program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board on and after June 30, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, and evaluation consistent with the requirements of the Stormwater Management Act and associated regulations. Va. Code § 62.1-44.15:24.
30. "VSMP authority" means an authority approved by the Board after September 13, 2011, to operate a VSMP or, until such approval is given, the Department. An authority may include a locality; state entity, including the Department; federal entity; or for linear projects subject annual standards and specifications in accordance with subsection B of § 62.1-44.15-31, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102. Va. Code § 62.1-44.15:24.
31. "VSMP Regulations" means the Virginia Stormwater Management Program (VSMP) Regulations, 9 VAC 25-870-10 et seq.

SECTION C: Findings of Fact and Conclusions of Law

1. Coan Reaches, LLC owns the Coan Reaches Subdivision located in Northumberland County, Virginia, which discharges stormwater associated with construction activity.
2. The Department is the VSMP authority for Northumberland County.

3. River Homes applied for and, on April 15, 2010, was granted coverage under the 2009 Permit. The Virginia Department of Conservation and Recreation assigned River Homes registration number VAR10-10-104594 for the Site. After the stormwater program was transferred to DEQ on July 1, 2013, DEQ assigned River Homes registration number VAR104958. On June 30, 2014, River Homes applied for coverage under the 2014 Permit, and DEQ granted River Homes coverage under the 2014 Permit on September 19, 2014, again with registration number VAR104958.
4. From April 15, 2010 until June 30, 2014, the 2009 Permit allowed River Homes to discharge stormwater associated with construction activities from the Site, in compliance with the terms and conditions of the 2009 Permit.
5. Since September 19, 2014, the 2014 Permit has allowed River Homes to discharge stormwater associated with construction activities from the Site, in compliance with the terms and conditions of the 2014 Permit.
6. The Site discharges stormwater from land-disturbing activities to the Coan Mill Stream, which is a surface water located wholly within the Commonwealth and is a State Water under the State Water Control Law.
7. Coan Mill Stream is a tributary to the Coan River and is located in the Potomac River, Lower Virginia Basin, which is subject to a Total Maximum Daily Load for Total Suspended Solids.
8. DEQ staff conducted inspections of the Site on July 11 and 18, 2013; October 23 and 24, 2013; May 21, 2014; and March 25, 2015. DEQ staff also reviewed the Site's SWPPP dated February 19, 2013, as well as proposed plans submitted to DEQ dated November 28, 2013 and March 30, 2014.
9. There are two points of discharge from the Site primarily at issue. One is from a stormwater management pond in Drainage Area # 1 which discharges at the property line in the northeast portion of the Site. The second point of discharge is from an outfall ditch in Drainage Area # 2 in the southeast portion of the Site.
10. The SWPPP dated February 19, 2013, stated that the 10-year storm pre-development peak flow rate at the point of discharge from Drainage Area # 2 was 3.88 c.f.s., and the post-development 10-year storm peak flow rate was 18.73 c.f.s. The proposed plans dated November 28, 2013 also indicated that the post-development 10-year storm peak flow rate for Drainage Area # 2 exceeded the pre-development 10-year storm peak flow rate. Proposed plans dated March 30, 2014, which redirected the concentrated flow discharging from Drainage Area # 2 to an outfall from Drainage Area # 3, showed a post-development 10-year storm peak flow rate for Drainage Area # 3 exceeding the pre-development 10-year storm peak flow rate. Thus, the SWPPP failed to ensure compliance with the flooding criteria in the VSMP regulations. The calculations supporting these pre- and post-development flow rate figures were erroneous and, therefore, were not in accordance with good engineering practices and principles. The revised plans for the Site

dated May 8, 2015 demonstrated that the post-development peak flow rate is, in fact, less than the pre-development peak flow rate for the 2-year and 10-year storm events at each point of discharge from the Site.

The VSMP Regulations at 9 VAC 25-870-98(B) (flooding criteria) prohibit the 10-year post-developed peak rate of runoff from the Site from exceeding the 10-year pre-developed peak rate of runoff. For the 2009 Permit, this requirement was repeated in 9 VAC 25-880-88(B), which was repealed July 1, 2014.

9 VAC 25-870-55(B)(7) requires the stormwater management plan to include documentation and calculations verifying compliance with the water quality and quantity requirements of the VSMP regulations. The water quantity requirements include the flooding criteria at 9 VAC 25-870-98(B).

2009 Permit Section II(D)(2)(c)(1) required River Homes, in its SWPPP, to ensure compliance with the requirements of 9 VAC 25-880-80 through 9 VAC 25-880-90 (including the flooding criteria at 9 VAC 25-880-88(B)), and 2014 Permit Part II(A)(3)(b) requires River Homes to ensure compliance with the requirements of 9 VAC 25-870-93 through 9 VAC 25-870-99 (including the flooding criteria at 9 VAC 25-870-98(B)). 2009 Permit Section II(D)(2)(c)(1) and 2014 Permit Part II(A)(3)(b) also require the SWPPP to include all necessary calculations supporting all post-construction stormwater management measures that will be installed prior to the completion of the construction process to control pollutants in stormwater discharges after construction operations have been completed.

2009 Permit Section II(A)(1) and 2014 Permit Part II require SWPPPs to be prepared in accordance with good engineering principles.

9 VAC 25-870-95(F) requires pre-development and post-development runoff rates to be verified by calculations that are consistent with good engineering practices. For the 2009 Permit, this requirement was repeated in 9 VAC 25-880-82(F), which was repealed July 1, 2014.

11. The SWPPP, as well as the proposed plans dated November 28, 2013, did not provide calculations verifying the adequacy of the offsite channel at the point of discharge from Drainage Areas # 1 or # 2. Proposed plans dated March 30, 2014, which redirected the concentrated flow discharging from Drainage Area # 2 to an outfall from Drainage Area # 3, did not provide calculations verifying the adequacy of the offsite channel at the point of discharge from Drainage Areas # 1 or Drainage Area # 3.

9 VAC 25-840-40(19)(b) of the Virginia Erosion and Sediment Control Regulations requires that the adequacy of all channels be verified in one of the manners specified.

9 VAC 25-870-97(B) requires the VSMP authority (here, DEQ) to require compliance with subdivision 19 of 9 VAC 25-870-40.

9 VAC 25-870-54(B) requires that an erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations be designed and implemented during construction activities.

9 VAC 25-870-95(L) requires land-disturbing activities to comply with the Virginia Erosion and Sediment Control Law and regulations.

12. Concentrated stormwater from Drainage Area # 2 flows along an outfall ditch, which is not stabilized or lined downstream from the tree line and exists to a drainage area on the east side of the Site without adequate outlet protection (such as riprap or a level spreader). Although not depicted on the Site's original plan sheets, there is a trace of an abandoned road where the concentrated flow from the outfall ditch is discharged, causing the road trace to act as a channel. On May 21, 2014, DEQ staff observed scour along the flow path, which was displacing the natural leaf litter ground cover, exposing bare soil and indicating the beginnings of a persistent erosive condition. The concentrated stormwater originating from the Site eventually found its way to a steep natural gully, emptying into a pond. During a DEQ Site visit on March 25, 2015, DEQ staff observed that the outfall ditch in Drainage Area # 2 lacked lining and stabilization downstream from the tree line and lacked outlet protection at the point of discharge, which had contributed to the erosive condition previously documented in the receiving channel.

9 VAC 25-840-40(11) of the Virginia Erosion and Sediment Control Regulations requires that adequate outlet protection be installed in the conveyance channel and receiving channel before newly constructed stormwater conveyance channels are made operational.

9 VAC 25-870-54(B) requires an erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations to be designed and implemented during construction activities.

9 VAC 25-870-95(L) requires land-disturbing activities to comply with the Virginia Erosion and Sediment Control Law and regulations.

13. During the May 21, 2014 inspection, DEQ staff observed significant maintenance issues at the stormwater basin constructed at the Site. Gullies had developed in two places on the interior slopes, depositing sediment on the basin floor and in the receiving channel below the basin. A section of silt fence on the north side of the basin was down and may have contributed to the erosion of the basin wall on that side. The level of water in the basin was below the dewatering orifice on the riser due to a leak in the barrel pipe. At the July 30, 2014 inspection, DEQ staff observed that the outlet structure for the basin was continuing to leak, with the water level in the pond approximately sixteen inches below the orifice. During a March 25, 2015 Site visit, DEQ staff confirmed that the outlet structure for the basin was leaking and observed signs of erosion along the banks of the basin.

2009 Permit Section II(D)(3)(a) and 2014 Permit Part II(E)(1) require all control measures to be properly maintained in effective operating condition in accordance with good engineering practices.

14. Va. Code § 62.1-44.5 states in part, “Except in compliance with a certificate or permit issued by the Board or other entity authorized by the Board to issue a certificate or permit pursuant to this chapter, it shall be unlawful for any person to . . . Discharge stormwater into state waters from . . . land disturbing activities.” Likewise, 9 VAC 25-870-310(A) provides, “Except in compliance with a state permit issued by the board pursuant to the Virginia Stormwater Management Act, it shall be unlawful for any person to discharge stormwater into state waters from . . . land-disturbing activities.” *See also* 2009 Permit Section III(F); 2014 Permit Part III(F).
15. Based on the results of the May 21, 2014, July 30, 2014, and March 25, 2015 inspections and the review of the Site’s SWPPP, the Board concludes that River Homes violated Va. Code § 62.1-44.5; 9 VAC 25-840-40(11) and (19); 9 VAC 25-870-54(B); 9 VAC 25-870-55(B)(7); 9 VAC 25-870-95(F) and (L); 9 VAC 25-870-310(A); the conditions of 2009 Permit Sections II(A)(1), II(D)(2)(c)(1), and II(D)(3)(a); and the conditions of 2014 Permit Part II, II(A)(3)(b), and II(E)(1); as described in paragraphs C(10), (11), (12), and (13) of this Order.
16. PRO issued Notice of Violation No. 2014-07-PRO-202 on July 10, 2014 for the violations noted in paragraphs C(10) through C(13).
17. On July 28, 2014 Department staff met with representatives of River Homes to discuss the violations and potential corrective actions.
18. DEQ staff inspected the Site on July 30, 2014 and verified that the violations involving the erosion and sedimentation of the basin and the silt fence being down, observed during the May 21, 2014 inspection and described in paragraph C(13), above, were corrected.
19. By letter dated May 8, 2015, River Homes submitted revised plans dated May 8, 2015 and hydrological reports dated May 12, 2015 and May 14, 2015 for the Coan Reaches subdivision. By letter dated October 2, 2015, River Homes submitted revised plans dated October 2, 2015 for the Coan Reaches subdivision. Based on the revised plans and hydrological reports, DEQ staff verified that the violations described in paragraphs C(10) and (11) have been corrected.
20. In order for River Homes to complete its return to compliance, DEQ staff and River Homes 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, 62.1-44.15:25, and 62.1-44.15:48, the Board orders River Homes, and River Homes agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$6,863 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

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

River Homes 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 Stormwater Management Fund. If the Department has to refer collection of moneys due under this Order to the Department of Law, River Homes 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 River Homes for good cause shown by River Homes, 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 and in NOV No. 2014-07-PRO-202 dated July 10, 2014. 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, River Homes admits to the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.
4. River Homes 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. River Homes 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 River Homes 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. River Homes 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. River Homes shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. River Homes 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.

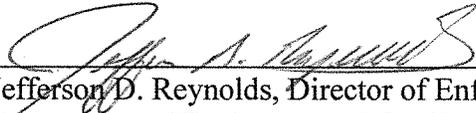
9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and River Homes.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after River Homes has completed all of the requirements of the Order;

- b. River Homes 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 River Homes.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve River Homes 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 River Homes 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 River Homes certifies that he or she is a responsible officer authorized to enter into the terms and conditions of this Order and to execute and legally bind River Homes to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible officer of River Homes.
- 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, River Homes voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 11th day of December, 2015.


Jefferson D. Reynolds, Director of Enforcement
Department of Environmental Quality

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River Homes, Inc. voluntarily agrees to the issuance of this Order.

Date: 13 October 2015 By: Nancy Lee Self, President
(Person) (Title)
River Homes, Inc.

Commonwealth of Virginia
City/County of Essex

The foregoing document was signed and acknowledged before me this 13th day of October, 2015, by Nancy Lee Self who is President of River Homes, Inc., on behalf of the corporation.

Belinda A. Reynolds
Notary Public

347103
Registration No.

My commission expires: 11/30/2016

Notary seal:



**APPENDIX A
SCHEDULE OF COMPLIANCE**

1. **SWPPP**

- a. River Homes shall immediately incorporate into its SWPPP the revised plans dated October 2, 2015 that were received by DEQ on October 5, 2015, as well as the hydrological reports dated May 12, 2015 and May 14, 2015 that were submitted to DEQ under a cover letter dated May 8, 2015, signed by Jeffrey L. Howeth, P.E., L.S.

River Homes shall implement the revised plans dated October 2, 2015 in accordance with the schedule set forth below and in accordance with the SWPPP.

- b. During the term of this Order, should any amendment to the SWPPP be required under 2014 Permit Part II(B), River Homes shall submit such amendment to DEQ within seven days of the date of the signed revision for review and approval.

River Homes shall respond to any DEQ comments regarding any SWPPP amendment within fourteen days from the date of the DEQ comments.

Upon DEQ approval, River Homes shall immediately implement any approved SWPPP amendment.

2. **Erosion and Sediment Control and Stormwater BMPs**

- a. Within 7 days from the effective date of this Order, River Homes shall apply stabilization to all denuded areas in the channel along the common property line of Lots 9 and 10, any denuded areas on the embankment or side slopes of the existing basin, and any denuded areas at the Site that will remain dormant for longer than 14 days.
- b. Within 14 days from the effective date of this Order, River Homes shall submit a detailed Basin Repair Plan to DEQ, for review and approval, addressing how River Homes will correct leakage from the barrel of the existing basin at the Site. Said Basin Repair Plan shall also include a schedule of implementation.

River Homes shall respond to any DEQ comments regarding its Basin Repair Plan within 14 days from the date of the DEQ comments.

Upon DEQ approval, River Homes shall immediately implement the approved Basin Repair Plan in accordance with the schedule contained therein.

- c. Within 30 days from the effective date of this Order, River Homes shall install the following in accordance with the specifications in the revised plans dated October 2, 2015 and in the cover letter dated May 8, 2015, signed by Jeffrey L. Howeth, P.E., L.S.:
- i) A riprap berm at the lower side of the outlet protection for the existing basin;
 - ii) A riprap channel at the inlet side of the existing basin from the outfall ditch; and

- iii) An inline infiltration basin along the common property line of Lots 9 and 10.
- d. Within 30 days from the effective date of this Order, River Homes shall install a stabilized outfall ditch on the southwest side of the Site, and a level spreader at the end of such outfall ditch. Such outfall ditch and level spreader shall be installed in accordance with the location and specifications in the revised plans dated October 2, 2015. Concentrated stormwater draining to such outfall ditch must be conveyed in a stabilized channel.
- e. Upon completion of the requirements set forth in subparagraphs 2(b), (c), and (d) above, River Homes shall apply stabilization to denuded areas and earthen structures in accordance with 9 VAC 25-840-40(1), (3), and (5).

3. **Construction Record Drawings and Long Term Maintenance Agreement**

- a. After completing repairs to the existing basin in accordance with the Basin Repair Plan and completing construction on the exiting basin and new inline infiltration basin to permanent post-construction stormwater BMP design, and prior to submitting a notice of termination of 2014 Permit coverage, River Homes shall submit construction record drawings (as-builts) of the basins to the Department for review.
- b. Prior to submitting a notice of termination of 2014 Permit coverage, River Homes shall ensure that all permanent control measures included in the SWPPP are in place and functioning effectively and final stabilization has been achieved on all portions of the site for which River Homes is responsible.
- c. Prior to submitting a notice of termination of 2014 Permit coverage, River Homes shall submit to the Department for review and approval a draft long-term maintenance agreement for the stormwater facilities at the Site, consistent with the requirements of 9 VAC 25-870-112.
- d. Within 30 days of DEQ approval of the long-term maintenance agreement, River Homes shall record the long-term maintenance agreement in the land records for Northumberland County.

4. **DEQ Contact**

Unless otherwise specified in this Order, River Homes shall submit all requirements of Appendix A of this Order to:

Carla Pool
Stormwater Enforcement Manager
VA DEQ – Central Office
629 East Main Street
Richmond, Virginia 23219
(804) 698-4150
Carla.Pool@deq.virginia.gov