



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
PAR 3 DEVELOPMENT GROUP, LLC,
FOR
9 CONSTRUCTION SITES
Virginia Pollutant Discharge Elimination System Permit VAR10**

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 Par 3 Development Group, LLC regarding nine construction sites for the purpose of resolving certain violations of the State Water Control Law and the applicable permits and regulations.

SECTION B: Definitions

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

1. "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.
2. "2019 Permit" means the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, which is effective July 1, 2019 and which expires on June 30, 2024.

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. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Roanoke, Virginia.
5. "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.
6. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
7. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
8. "Discharge" means the discharge of a pollutant.
9. "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.
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. "Par 3" means Par 3 Development Group, LLC, a limited liability company authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Par 3 is a "person" within the meaning of Va. Code § 62.1-44.3.
14. "Registration Statement" means a registration statement for coverage under the State Permit.

15. "Site 1" means the construction activity located at latitude 37.0036 and longitude - 78.6069 on Saxkey Rd in Drakes Branch, Virginia, from which discharges of stormwater associated with construction activity occur. Par 3 received permit coverage for the site under the General Permit for Discharges of Stormwater from Construction Activities and was assigned registration number VAR10H205.
16. "Site 2" means the construction activity located at latitude 36.7605 and longitude - 78.9868 in Halifax, Virginia, from which discharges of stormwater associated with construction activity occur. Par 3 received permit coverage for the site under the General Permit for Discharges of Stormwater from Construction Activities and was assigned registration number VAR10I278.
17. "Site 3" means the construction activity located at latitude 36.6261 and longitude - 78.9164 in Halifax, Virginia, from which discharges of stormwater associated with construction activity occur. Par 3 received permit coverage for the site under the General Permit for Discharges of Stormwater from Construction Activities and was assigned registration number VAR10J475.
18. "Site 4" means the construction activity located at 3874 Stones Dairy Road in Bassett, Virginia, from which discharges of stormwater associated with construction activity occur. Par 3 received permit coverage for the site under the General Permit for Discharges of Stormwater from Construction Activities and was assigned registration number VAR10G225.
19. "Site 5" means the construction activity located at 11200 Chatham Road in Axton, Virginia, from which discharges of stormwater associated with construction activity occur. Par 3 received permit coverage for the site under the General Permit for Discharges of Stormwater from Construction Activities and was assigned registration number VAR10I409.
20. "Site 6" means the construction activity located at latitude 37.0792 and longitude - 77.3539 in Prince George, Virginia, from which discharges of stormwater associated with construction activity occur. Par 3 received permit coverage for the site under the General Permit for Discharges of Stormwater from Construction Activities and was assigned registration number VAR10H236.
21. "Site 7" means the construction activity located at 3736 Lewis B Puller Memorial Highway in Shackelfords, Virginia, from which discharges of stormwater associated with construction activity occur. Par 3 received permit coverage for the site under the General Permit for Discharges of Stormwater from Construction Activities and was assigned registration number VAR10I170.
22. "Site 8" means the construction activity located at latitude 38.0511 and longitude - 78.0756 in Louisa, Virginia, from which discharges of stormwater associated with construction activity occur. Par 3 received permit coverage for the site under the General

Permit for Discharges of Stormwater from Construction Activities and was assigned registration number VAR10I675.

23. "Site 9" means the construction activity located at latitude 37.7760 and longitude - 77.8978 at the intersection of Route 522 and 250 in Gum Spring, Virginia, from which discharges of stormwater associated with construction activity occur. Par 3 received permit coverage for the site under the General Permit for Discharges of Stormwater from Construction Activities and was assigned registration number VAR10J063.
24. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Va. Code.
25. "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.
26. "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.
27. "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.
28. "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.
29. "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.
30. "Va. Code" means the Code of Virginia (1950), as amended.
31. "VAC" means the Virginia Administrative Code.
32. "VPDES" means Virginia Pollutant Discharge Elimination System.
33. "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, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations. Va. Code § 62.1-44.15:24.

34. "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.
35. "VSMP Regulations" means the Virginia Stormwater Management Program (VSMP) Regulations, 9 VAC 25-870-10 et seq.
36. "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

Legal Requirements

1. 2014 Permit Part II.A.1 states: "The SWPPP shall contain the following items: a. A signed copy of the registration statement. b. Upon receipt, a copy of the notice of coverage under the general VPDES permit for discharges of stormwater from construction activities."
2. 2014 Permit Part II.A.2 states: "The SWPPP shall contain the following items: An erosion and sediment control plan approved by the VESCP authority..."
3. 2014 Permit Part II.A.3 states: "The SWPPP shall contain the following items: A stormwater management plan approved by the VSMP authority..."
4. 2014 Permit Part II.A.4 states: "The SWPPP shall contain the following items: "A pollution prevention plan that addresses potential pollutant-generating activities that may reasonably be expected to affect the quality of stormwater discharges from the construction activity, including any support activity..."
5. 2014 Permit Part II.A.6 states in part: "Stormwater pollution prevention plan contents. The SWPPP shall include the following items: 6. Qualified personnel. The name, phone number, and qualifications of the qualified personnel conducting inspections required by this general permit."

6. 2014 Permit Part II.A.7 states: “The SWPPP shall contain the following items: 7. Delegation of authority. The individuals or positions with delegated authority, in accordance with Part III.K, to sign inspection reports or modify the SWPPP.”
7. 2014 Permit Part II.A.8 states: “The SWPPP shall be signed and dated in accordance with Part IIIK.”
8. 2014 Permit Part II.B.1 states: “The operator shall amend the SWPPP whenever there is a change in the design, construction, or maintenance that has a significant effect on the discharge of pollutants to surface waters...”
9. 2014 Permit Part II.B.2 states: “The SWPPP must be amended if, during inspections or investigations by the operator’s qualified personnel, or by local, state, or federal officials, it is determined that the existing control measures are ineffective in minimizing pollutants in discharges from construction activities...”
10. 2014 Permit Part II.B.3 states: “The SWPPP must clearly identify the contractor(s) that will implement and maintain each control measure identified in the SWPPP. The SWPPP shall be amended to identify any new contractor that will implement and maintain a control measure.”
11. 2014 Permit Part II.B.4 states in part: “The operator shall update the SWPPP no later than seven days following any modification to its implementation. All modifications or updates to the SWPPP shall be noted and shall include the following items: a. A record of dates when: (1) Major grading activities occur; (2) Construction activities temporarily or permanently cease on a portion of the site; and (3) Stabilization measures are initiated.”
12. 2014 Permit Part II.C states: “Upon commencement of land disturbance, the operator shall post conspicuously a copy of the notice of coverage letter near the main entrance of the construction activity...”
13. 2014 Permit Part II.D states in part: “The operator shall make the SWPPP and all amendments, modifications, and updates available upon request to the department, the VSMP authority...”
14. 2014 Permit Part II.E.1 states in part: “All control measures must be properly maintained in effective operating condition in accordance with good engineering practices and, where applicable, manufacturer specifications.”
15. 2014 Permit Part II.F.1 states: “Inspections required by this general permit shall be conducted by the qualified personnel identified by the operator in the SWPPP. The operator is responsible for insuring that the qualified personnel conduct the inspection.”

16. 2014 Permit Part II.F.3 states in part: "As part of the inspection, the qualified personnel shall: (1) Record the date and time of the inspection...."
17. 2014 Permit Part II.F.4 states in part: "The inspection report and any actions taken in accordance with Part II must be retained by the operator as part of the SWPPP for at least three years..."
18. 9 VAC 25-840-40(1) states: "Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 14 days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one year."
19. 9 VAC 25-850-40(3) states: "A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform, mature enough to survive and will inhibit erosion."
20. 9 VAC 25-840-40(7) states: "Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion..."
21. 9 VAC 25-840-40(8) states: "Concentrated runoff shall not flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or slope drain structure."
22. 9 VAC 25-840-40(11) states: "Before newly constructed stormwater conveyance channels or pipes are made operational, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and the receiving channel."
23. 9 VAC 25-840-40(18) states: "All temporary erosion and sediment control measures shall be removed within 30 days after final site stabilization or after the temporary measures are no longer needed..."
24. 9 VAC 25-840-60(A) states in part: "All erosion and sediment control structures and systems shall be maintained, inspected and repaired as needed to insure continued performance of their intended function..."
25. 9 VAC 25-870-54(B) states in part: "An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implanted during construction activities."
26. 9 VAC 25-870-54(C) states in part: "A stormwater management plan consistent with the requirements of the Virginia Stormwater Management Act and regulations must be designed and implemented during construction activities."

27. 9 VAC 25-870-54(G) states in part: "The SWPPP must be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site."

Site 1

28. Par 3 is the permitted operator for Site 1, located in Charlotte County, which discharges stormwater associated with construction activity.
29. DEQ is the VSMP authority for Charlotte County.
30. Par 3 applied for and, on April 19, 2016, was granted coverage under the 2014 Permit. The site was assigned registration number VAR10H205. Par 3's coverage under the 2014 Permit was administratively continued until Par 3 was granted coverage under the 2019 Permit on October 7, 2019. DEQ terminated Par 3's coverage under the 2019 Permit on January 24, 2020.
31. The 2014 Permit and 2019 Permit allowed Par 3 to discharge stormwater associated with construction activities from Site 1 to Twittys Creek UT in strict compliance with the terms and conditions of the 2014 and 2019 Permits.
32. Twittys Creek UT is a surface waters located wholly within the Commonwealth and is a "state water" under the State Water Control Law.
33. During an inspection on August 14, 2018, DEQ staff documented the following observations regarding the SWPPP:
- a. The SWPPP did not contain a signed copy of the registration statement or a copy of the 2014 Permit coverage letter as required by 2014 Permit Part II.A.1.
 - b. The qualified personnel was not identified in the SWPPP as required by 2014 Permit Part II.A.6.
 - c. The SWPPP was not signed and dated by the operator as required by 2014 Permit Part II.A.8.
 - d. The contractors assigned to maintain the control measures were not identified as required by 2014 Permit Part II.B.3.
 - e. The SWPPP was not updated when modifications to its implementation had occurred (i.e. dates of grading and stabilization) as required by 2014 Permit Part II.B.4.

- f. No records of SWPPP self-inspections were available as required by 2014 Permit Part II.F.
34. During the inspection on August 14, 2018, DEQ staff observed denuded areas that were not stabilized as required by 9 VAC 25-840-40(1) and (3).
35. During the inspection on August 14, 2018, DEQ staff documented the following observations regarding the stormwater management facilities:
- a. The concrete gutter pan adjacent to the Filterra unit had not been installed as required by the approved stormwater management plan. See 2014 Permit Part II.E, 9 VAC 25-840-60(A), 9VAC25-870-54 B and 9 VAC25-870-54(C).
 - b. Core samples of the compost amended grass channel A indicated a compost depth of 4.5 and 7 inches. Sheet C8 of the stormwater management plan shows the compost amendments were to be installed to a depth of 12 inches. See 2014 Permit Part II.E, 9 VAC 25-840-60(A), and 9 VAC25-870-54(C).
 - c. The depth of the media for bio-retention basin A was measured at 18, 14, and 11.5 inches at three sample points. The approved stormwater management plan shows a depth of 24 inches. See 2014 Permit Part II.E, 9 VAC 25-840-60(A), and 9 VAC25-870-54(C).
 - d. The plants for both bio-retention basins indicated on the approved stormwater management plan had not survived. See 2014 Permit Part II.E, 9 VAC 25-840-60(A), and 9 VAC25-870-54(C).
36. 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 Municipal Separate Storm Sewer Systems or land disturbing activities.”
37. The VSMP Regulations, at 9 VAC 25-870-310(A), also states, “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 Municipal Separate Storm Sewer Systems or land-disturbing activities.”
38. Based on the results of the July 19, 2018 and August 14, 2018 inspections, the Board concludes that Par 3 violated Va. Code § 62.1-44.5, 9 VAC 25-870-310(A), 9 VAC 25-840-40(1), 9 VAC 25-840-40(3), 9 VAC 25-840-60(A), 9 VAC 25-870-54(B), 9 VAC 25-870-54(C), and the conditions of Sections II.A.1, II.A.6, II.A.8, II.B, II.E, and II.F of the 2014 Permit, by discharging stormwater from construction activities at Site 1 while concurrently failing to comply with the conditions of the State Permit, as described in paragraphs C(33)-(35) of this Order.

Site 2

39. Par 3 is the permitted operator for Site 2, located in Halifax County, which discharges stormwater associated with construction activity.
40. DEQ is the VSMP authority for Halifax County.
41. Par 3 applied for and, on June 8, 2016, was granted coverage under the 2014 Permit. The site was assigned registration number VAR10I278. Par 3's coverage under the 2014 Permit was administratively continued until 2019 Permit coverage was granted on November 25, 2019.
42. On September 10, 2019, Par 3 submitted a stormwater management plan modification to DEQ and DEQ approved the modification on October 24, 2019.
43. The 2014 Permit allowed and the 2019 Permit allows Par 3 to discharge stormwater associated with construction activities from Site 2 to Banister River UT and Little Polecat Creek UT in strict compliance with the terms and conditions of the 2014 and 2019 Permits.
44. Banister River UT and Little Pole Creek UT are surface waters located wholly within the Commonwealth and are "state waters" under the State Water Control Law.
45. DEQ conducted inspections at Site 2 on May 16, 2017, July 17, 2017, August 14, 2017, October 12, 2017 and August 14, 2018.
46. During the inspection on October 12, 2017 DEQ staff documented the following observations regarding posting requirements and the SWPPP:
 - a. A copy of the notice of coverage letter was not posted conspicuously near the main entrance of the construction activity as required by 2014 Permit Part II.C.
 - b. The SWPPP did not contain a signed copy of the registration statement as required by 2014 Permit Part II.A.1.
 - c. The SWPPP did not include a copy of the notice of coverage letter as required by 2014 Permit Part II.A.1.
 - d. The SWPPP did not contain a copy of the approved erosion and sediment control plan as required by 2014 Permit Part II.A.2.
 - e. The SWPPP did not contain a copy of the approved stormwater management plan as required by 2014 Permit Part II.A.3.

- f. The SWPPP did not contain an adequate pollution prevention plan as required by 2014 Permit Part II.A.4.
 - g. The SWPPP did not contain information for the qualified personnel conducting inspections as required by 2014 Permit Part II.A.6.
 - h. The SWPPP did not contain a delegation of authority in as required by 2014 Permit Part II.A.7.
 - i. The SWPPP was not signed and dated in accordance with Part III.K as required by 2014 Permit Part II.A.8.
 - j. The SWPPP did not contain any modifications, updates, or amendments as required by 2014 Permit Part II.B(1-4).
 - k. The SWPPP did not contain SWPPP self-inspection reports as required by 2014 Permit Part II.F.
47. During the inspection on October 12, 2017, DEQ staff documented the following observations regarding erosion and sediment controls:
- a. Denuded areas requiring temporary or permanent stabilization had not been stabilized in accordance with 9 VAC 840-40(3).
 - b. Cut slopes were not adequately stabilized to prevent erosion as required by 9VAC25-840-40(7).
 - c. Stormwater conveyance channels were not stabilized with channel lining as required by 9VAC25-840-40(11).
 - d. Control measures were not properly installed and maintained in effective operating condition as required by 2014 Permit Part II.E.1 and 9VAC25-840-60(A).
 - i. The bio-retention facility was not maintained and was coated with sediment deposits.
 - ii. The sediment forebay and the area upstream of the rock check dams were overwhelmed with sediment.
 - e. Permanent control measures were not installed as required by the approved plans and 9VAC25-870-54.B and C.
 - i. The gravel level spreaders installed at the end of the paved channels downstream of the curb cuts were not installed in accordance with the approved plan.

- ii. The level spreader downstream of the outfall of the discharge pipe from the bio-retention basin had not been installed.
 - iii. Black plastic corrugated pipes were connected to the roof downspouts and were not on the approved plans.
48. On January 10, 2018, DEQ's BRRO issued NOV No. 17-10-BRRO-003 to Par 3 for the observations documented in C(45-46) above.
49. During the inspection on August 14, 2018, DEQ staff documented the following observations regarding the SWPPP:
- a. The SWPPP did not contain an adequate pollution prevention plan as required by 2014 Permit Part II.A.4.
 - b. The SWPPP did not contain information for the qualified personnel conducting inspections as required by 2014 Permit Part II.A.6.
 - c. The SWPPP did not contain any modifications, updates, or amendments as required by 2014 Permit Part II.B(1-4).
 - d. The SWPPP self-inspections were not conducted at the frequency required by 2014 Permit Part II.F.
 - e. The SWPPP self-inspection reports were not completed and signed in accordance with 2014 Permit Part II.F.
50. During the inspection on August 14, 2018, DEQ staff documented the following observations regarding erosion and sediment controls:
- a. Denuded areas requiring temporary or permanent stabilization had not been stabilized in accordance with 9 VAC 840-40(1) and (3).
 - b. Cut slopes were not adequately stabilized to prevent erosion as required by 9VAC25-840-40(7).
 - c. Stormwater conveyance channels were not stabilized with channel lining as required by 9VAC25-840-40(11).
 - d. Control measures were not properly installed and maintained in effective operating condition as required by 2014 Permit Part II.E.1 and 9VAC25-840-60(A).

- e. Permanent control measures were not installed as required by the approved plans and 9VAC25-870-54.B and C.

- 51. 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 Municipal Separate Storm Sewer Systems or land disturbing activities.”
- 52. The VSMP Regulations, at 9 VAC 25-870-310(A), also states, “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 Municipal Separate Storm Sewer Systems or land-disturbing activities.”
- 53. Based on the results of the October 12, 2017 and August 14, 2018 inspections, the Board concludes that Par 3 violated Va. Code § 62.1-44.5, 9 VAC 25-870-310(A), 9 VAC 25-840-40(1), 9 VAC 25-840-40(3), 9 VAC 25-840-40(7), 9 VAC 25-840-40(11), 9 VAC 25-840-60(A), 9 VAC 25-870-54(B), 9 VAC 25-870-54(C), and the conditions of Sections II.A.1, II.A.2, II.A.3, II.A.4, II.A.6, II.A.7., II.A.8, II.B, II.C., II.E, and II.F of the 2014 Permit, by discharging stormwater from construction activities at Site 2 while concurrently failing to comply with the conditions of the State Permit, as described in paragraphs C(46)-(50) of this Order.

Site 3

- 54. Par 3 is the permitted operator for Site 3, located in Halifax County, which discharges stormwater associated with construction activity.
- 55. DEQ is the VSMP authority for Halifax County.
- 56. Par 3 applied for and, on July 24, 2017, was granted coverage under the 2014 Permit. The site was assigned registration number VAR10J475. Par 3’s coverage under the 2014 Permit was administratively continued until 2019 Permit coverage was granted on September 4, 2019.
- 57. The 2014 Permit allowed and the 2019 Permit allows Par 3 to discharge stormwater associated with construction activities from Site 3 to Lawsons Creek UT in strict compliance with the terms and conditions of the 2014 and 2019 Permits.
- 58. Lawsons Creek UT is a surface water located wholly within the Commonwealth and is a “state water” under the State Water Control Law.
- 59. During an inspection on August 14, 2018, DEQ staff documented the following observations:

- a. The SWPPP did not include a copy of the notice of coverage letter as required by 2014 Permit Part II.A.1.
 - b. The SWPPP did not contain an adequate pollution prevention plan as required by 2014 Permit Part II.A.4.
 - c. The SWPPP did not contain information for the qualified personnel conducting inspections as required by 2014 Permit Part II.A.6.
 - d. The SWPPP was not being amended as required by 2014 Permit Part II.B(1-4).
 - e. SWPPP inspections were not conducted at the frequency required by 2014 Permit Part II.F.
 - f. Denuded areas requiring temporary or permanent stabilization were not stabilized in accordance with 9 VAC 25-840-40(1) and (3).
 - g. Cut slopes were not adequately stabilized to prevent erosion as required by 9 VAC 25-840-40(7).
 - h. The stormwater conveyance channel located adjacent to Huell Matthews Highway had not been adequately stabilized as required by 9 VAC 25-840-40(11).
 - i. Control measures were not installed and maintained in effective operating condition as required by 2014 Permit Part II.E.1 and 9 VAC 25-840-60(A).
60. 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 Municipal Separate Storm Sewer Systems or land disturbing activities."
61. The VSMP Regulations, at 9 VAC 25-870-310(A), also states, "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 Municipal Separate Storm Sewer Systems or land-disturbing activities."
62. Based on the results of the August 14, 2018 inspection, the Board concludes that Par 3 violated Va. Code § 62.1-44.5, 9 VAC 25-870-310(A), 9 VAC 25-840-40(1), 9 VAC 25-840-40(3), 9 VAC 25-840-40(7), 9 VAC 25-840-40(11), 9 VAC 25-840-60(A), 9 VAC 25-870-54(B), 9 VAC 25-870-54(C), and the conditions of Sections II.A.1, II.A.4, II.A.6, II.E, and II.F of the 2014 Permit, by discharging stormwater from construction activities at Site 3 while concurrently failing to comply with the conditions of the State Permit, as described in paragraph C(59) of this Order.

Site 4

63. Par 3 is the permitted operator for Site 4, located in Henry County, which discharges stormwater associated with construction activity.
64. DEQ is the VSMP authority for Henry County.
65. Par 3 applied for and, on December 1, 2014, was granted coverage under the 2014 Permit. The site was assigned registration number VAR10G225. Par 3's coverage under the 2014 Permit was administratively continued until coverage under the 2019 Permit was granted on October 7, 2019.
66. The 2014 Permit allowed and the 2019 Permit allows Par 3 to discharge stormwater associated with construction activities from Site 4 to Blackberry Creek UT in strict compliance with the terms and conditions of the 2014 and 2019 Permits.
67. Blackberry Creek UT is a surface waters located wholly within the Commonwealth and is a "state water" under the State Water Control Law.
68. During an inspection on July 25, 2018, DEQ staff documented the following observations:
 - a. A copy of the notice of coverage letter was not posted conspicuously near the main entrance of the construction activity as required by Permit Part II.C.
 - b. The SWPPP did not contain a signed copy of the registration statement as required by 2014 Permit Part II.A.1.
 - c. The SWPPP did not include a copy of the notice of coverage letter and the permit as required by 2014 Permit Part II.A.1.
 - d. The SWPPP did not contain information for the qualified personnel conducting inspections as required by 2014 Permit Part II.A.6.
 - e. Denuded areas requiring temporary or permanent stabilization had not been stabilized in accordance with 9 VAC 25-840-40(1) or (3).
 - f. Erosion and sediment controls were not installed and maintained in accordance with the approved plan and 2014 Permit Part II.E.1 and 9VAC25-840-60(A).
 - g. Permanent control measures were not installed in accordance with the approved plan and 9VAC25-870-54.C.
69. 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 Municipal Separate Storm Sewer Systems or land disturbing activities.”

70. The VSMP Regulations, at 9 VAC 25-870-310(A), also states, “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 Municipal Separate Storm Sewer Systems or land-disturbing activities.”
71. Based on the results of the July 25, 2018 inspection, the Board concludes that Par 3 violated Va. Code § 62.1-44.5, 9 VAC 25-870-310(A), 9 VAC 25-840-40(1), 9 VAC 25-840-40(3), 9 VAC 25-840-60(A), 9 VAC 25-870-54(B), 9 VAC 25-870-54(C), and the conditions of Sections II.A.1, II.A.6, and II.E of the 2014 Permit, by discharging stormwater from a construction activities at Site 4 while concurrently failing to comply with the conditions of the State Permit, as described in paragraph C(68) of this Order.

Site 5

72. Par 3 is the permitted operator for Site 5, located in Henry County, which discharges stormwater associated with construction activity.
73. DEQ is the VSMP authority for Henry County.
74. Par 3 applied for and, on October 27, 2016, was granted coverage under the 2014 Permit. The site was assigned registration number VAR10I409. Par 3’s coverage under the 2014 Permit was administratively continued until coverage under the 2019 Permit was granted on January 27, 2020.
75. Par 3 submitted a stormwater management plan modification to DEQ and DEQ approved the modification on November 26, 2019.
76. The 2014 allowed and the 2019 Permit allows Par 3 to discharge stormwater associated with construction activities from Site 5 to Turkeycock Creek in strict compliance with the terms and conditions of the 2014 and 2019 Permits.
77. Turkeycock Creek is a surface waters located wholly within the Commonwealth and is a “state water” under the State Water Control Law.
78. During an inspection on June 20, 2018, DEQ staff observed the following:
 - a. A copy of the notice of coverage activity was not posted conspicuously near the main entrance of the construction activity as required by 2014 Permit Part II.C.

- b. Denuded areas requiring temporary or permanent stabilization were not stabilized in accordance with 9VAC25-840-40(1) or (3).
 - c. Concentrated runoff was causing rill erosion at the end of a pipe that did not have outlet protection. 9VAC25-840-40(8) and (11).
 - d. Control measures were not installed in accordance with the approved erosion and sediment control and stormwater management plans as required by 2014 Permit Part I.F.1 and 9VAC25-870-54.B and C.
79. 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 Municipal Separate Storm Sewer Systems or land disturbing activities.”
80. The VSMP Regulations, at 9 VAC 25-870-310(A), also states, “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 Municipal Separate Storm Sewer Systems or land-disturbing activities.”
81. Based on the results of the June 20, 2018 inspection, the Board concludes that Par 3 violated Va. Code § 62.1-44.5, 9 VAC 25-870-310(A), 9 VAC 25-840-40(1), 9 VAC 25-840-40(3), 9 VAC 25-840-40(8), 9 VAC 25-840-40(11), 9 VAC 25-870-54(B), 9 VAC 25-870-54(C), and the conditions of Section II.C of the 2014 Permit, by discharging stormwater from a construction activities at Site 5 while concurrently failing to comply with the conditions of the State Permit, as described in paragraph C(78) of this Order.

Site 6

82. Par 3 is the permitted operator for Site 6, located in Prince George County, which discharges stormwater associated with construction activity.
83. DEQ is the VSMP authority for Prince George County.
84. Par 3 applied for and, on October 20, 2017, was granted coverage under the 2014 Permit. The site was assigned registration number VAR10H236. Par 3’s coverage under the 2014 Permit was administratively continued until coverage under the 2019 Permit was granted on August 15, 2019.
85. The 2014 Permit allowed and the 2019 Permit allows Par 3 to discharge stormwater associated with construction activities from Site 6 to Jones Hole Swamp and Jones Hole Swamp UT in strict compliance with the terms and conditions of the 2014 and 2019 Permits.

86. Jones Hole Swamp and Jones Hole Swamp UT are surface waters located wholly within the Commonwealth and are “state waters” under the State Water Control Law.
87. During inspections on July 25 and October 4, 2018, DEQ staff documented that the bioretention basin was not installed per the approved plan and was not functioning properly as required by 2014 Permit Part II.E.1 and 9VAC25-870-54.C. There was standing water in the bioretention basin and the plantings were not consistent with the approved plan.
88. 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 Municipal Separate Storm Sewer Systems or land disturbing activities.”
89. The VSMP Regulations, at 9 VAC 25-870-310(A), also states, “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 Municipal Separate Storm Sewer Systems or land-disturbing activities.”
90. Based on the results of the July 25, 2018 and October 4, 2018 inspections, the Board concludes that Par 3 violated Va. Code § 62.1-44.5, 9 VAC 25-870-310(A), 9 VAC 25-840-60(A), 9 VAC 25-870-54(B), 9 VAC 25-870-54(C), and the conditions of Section II.E of the 2014 Permit, by discharging stormwater from a construction activities at Site 6 while concurrently failing to comply with the conditions of the State Permit, as described in paragraph C(87) of this Order.

Site 7

91. Par 3 is the permitted operator for Site 7, located in King and Queen County, which discharges stormwater associated with construction activity.
92. DEQ is the VSMP authority for King and Queen County.
93. Par 3 applied for and, on August 10, 2018, was granted coverage under the 2014 Permit. The site was assigned registration number VAR10I170. DEQ terminated Par 3’s coverage under the 2014 Permit on March 3, 2019.
94. The 2014 Permit allowed Par 3 to discharge stormwater associated with construction activities from Site 7 to Goalders Creek UT in strict compliance with the terms and conditions of the 2014 Permit.
95. Goalders Creek UT is a surface water located wholly within the Commonwealth and is a “state water” under the State Water Control Law.

96. During inspections on June 6, 2018 and October 9, 2018, DEQ staff documented the following:
- a. On June 6 and October 9, 2018 the bioretention basin and level spreader were not properly maintained as required by 2014 Permit Part II.E.1.
 - b. On June 6 and October 9, 2018 the silt fence was down and needed to be removed if no longer in use as required by 9 VAC 25-840-40(18).
 - c. On October 9, 2018, areas on the side slope next to Route 30 were denuded and did not have permanent soil stabilization as required by 9 VAC 25-840-40(1) and (3).
97. 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 Municipal Separate Storm Sewer Systems or land disturbing activities.”
98. The VSMP Regulations, at 9 VAC 25-870-310(A), also states, “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 Municipal Separate Storm Sewer Systems or land-disturbing activities.”
99. Based on the results of the June 6, 2018 and October 9, 2018 inspections, the Board concludes that Par 3 violated Va. Code § 62.1-44.5, 9 VAC 25-870-310(A), 9 VAC 25-840-40(1), 9 VAC 25-840-40(3), 9 VAC 25-840-40(18) 9 VAC 25-870-54(B), 9 VAC 25-870-54(C), and the conditions of Section II.E of the 2014 Permit, by discharging stormwater from a construction activities at Site 7 while concurrently failing to comply with the conditions of the State Permit, as described in paragraph C(96) of this Order.

Site 8

100. Par 3 is the operator for Site 8, located in Louisa County, which discharges stormwater associated with construction activity.
101. DEQ is the VSMP authority for Louisa County.
102. Par 3 applied for and, on August 3, 2017, was granted coverage under the 2014 Permit. The site was assigned registration number VAR10I675. Par 3’s coverage under the 2014 Permit was administratively continued until coverage was granted under the 2019 Permit on October 24, 2019. DEQ terminated Par 3’s coverage under the 2019 Permit on November 18, 2019.

103. The 2014 Permit and 2019 Permit allowed Par 3 to discharge stormwater associated with construction activities from Site 8 to Harris Creek and Roundabout Creek in strict compliance with the terms and conditions of the 2014 and 2019 Permits.
104. Harris Creek and Roundabout Creek are surface waters located wholly within the Commonwealth and are “state waters” under the State Water Control Law.
105. During inspections on April 4 and October 2, 2018, DEQ staff documented the following:
- a. On April 4 and October 2, 2018 the notice of coverage letter was not posted conspicuously near the main entrance of the construction activity as required by 2014 Permit Part II.C.
 - b. On April 4 and October 2, 2018, denuded areas requiring stabilization, including areas eroding above the detention basin, were not stabilized as required by 9 VAC 25-840-40(1) and (3).
 - c. On April 4 and October 2, 2018, conveyance channels were not adequately stabilized with channel lining as required by 9 VAC 25-840-40(11).
 - d. On October 2, 2018, the SWPPP was not on-site and was not made available during the inspection as required by 2014 Permit Part II.D and 9VAC25-870-54.G.
106. 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 Municipal Separate Storm Sewer Systems or land disturbing activities.”
107. The VSMP Regulations, at 9 VAC 25-870-310(A), also states, “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 Municipal Separate Storm Sewer Systems or land-disturbing activities.”
108. Based on the results of the April 4, 2018 and October 2, 2018 inspections, the Board concludes that Par 3 violated Va. Code § 62.1-44.5, 9 VAC 25-870-310(A), 9 VAC 25-840-40(1), 9 VAC 25-840-40(3), 9 VAC 25-840-40(11), 9 VAC 25-870-54(B), 9 VAC 25-870-54(G), and the conditions of Section II.C of the 2014 Permit, by discharging stormwater from a construction activities at Site 8 while concurrently failing to comply with the conditions of the State Permit, as described in paragraph C(105) of this Order.

109. Par 3 is the permitted operator for Site 9, located in Louisa County, which discharges stormwater associated with construction activity.
110. DEQ is the VSMP authority for Louisa County.
111. Par 3 applied for and, on May 17, 2018, was granted coverage under the 2014 Permit. The site was assigned registration number VAR10J063. DEQ terminated Par 3's coverage under the 2014 Permit on November 18, 2019.
112. The 2014 Permit allowed Par 3 to discharge stormwater associated with construction activities from Site 9 to Taylors Creek in strict compliance with the terms and conditions of the 2014 Permit.
113. Taylors Creek is a surface water located wholly within the Commonwealth and is a "state water" under the State Water Control Law.
114. During inspections on April 4 and October 2, 2018, DEQ staff documented the following:
 - a. On April 4 and October 2, 2018 the notice of coverage letter was not posted conspicuously near the main entrance of the construction activity as required by 2014 Permit Part II.C.
 - b. On April 4, 2018, denuded areas requiring stabilization were not stabilized as required by 9 VAC 25-840-40(1) and (3).
 - c. On April 4, 2018, stormwater conveyance channels were not adequately stabilized with channel lining as required by 9 VAC 25-840-40(11).
 - d. On April 4, 2018, silt fence was not properly maintained in effective operating condition as required by 2014 Permit Part II.E.1 and 9 VAC 25-840-60(A).
 - e. On April 4, 2018, the check dams had not been installed in accordance with the approved plans as required by 9 VAC 25-870-54(B) and (C).
 - f. On October 2, 2018, the SWPPP was not on-site and was not made available during the inspection as required by 2014 Permit Part II.D and 9VAC25-870-54.G.
115. 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 Municipal Separate Storm Sewer Systems or land disturbing activities."

116. The VSMP Regulations, at 9 VAC 25-870-310(A), also states, "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 Municipal Separate Storm Sewer Systems or land-disturbing activities."
117. Based on the results of the April 4, 2018 and October 2, 2018 inspections, the Board concludes that Par 3 violated Va. Code § 62.1-44.5, 9 VAC 25-870-310(A), 9 VAC 25-840-40(1), 9 VAC 25-840-40(3), 9 VAC 25-840-40(11), 9 VAC 25-840-60(A), 9 VAC 25-870-54(B), 9 VAC 25-870-54(C), 9 VAC 25-870-54(G) and the conditions of Section II.D of the 2014 Permit, by discharging stormwater from a construction activities at Site 9 while concurrently failing to comply with the conditions of the State Permit, as described in paragraph C(114) of this Order.

All Sites

118. On September 6, 2018, Department staff met with representatives of Par 3 to discuss the company's compliance with the 2014 Permit and steps Par 3 could take to achieve compliance.
119. On November 27-28, 2018, staff from Par 3 participated in a DEQ erosion and sediment control inspector class.
120. On December 18, 2018, DEQ issued Par 3 NOV No. 2018-CO-0002 for the violations listed above.
121. On January 8, 2019, Par 3 staff met with DEQ to discuss the NOV and necessary corrective actions.
122. DEQ staff have verified that the violations described above for Sites 1 through 4 and 6 through 9 have been corrected. DEQ staff have also verified that the violations described above for Site 5 in paragraph 78(a)-(c) have also been corrected. In order for Par 3 to complete its return to compliance, DEQ staff and Par 3 have agreed to the Schedule of Compliance for Site 5 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 Par 3 and Par 3 agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$26,264 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

Par 3 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, Par 3 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 Par 3 for good cause shown by Par 3, 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. 2018-CO-0002 dated December 18, 2018, NOV No. 17-10-BRRO-003 dated January 10, 2018 and Warning Letter No. WL-17-09-BRRO-005 dated, October 11, 2017. 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, Par 3 admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Par 3 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. Par 3 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 Par 3 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. Par 3 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 their part. Par 3 shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Par 3 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 Par 3 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 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 Par 3. Nevertheless, Par 3 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 Par 3 has completed all of the requirements of the Order;

- b. Par 3 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 Par 3.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Par 3 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 Par 3 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 Par 3 certify that he is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Par 3 to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Par 3.
- 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, Par 3 voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 5th day of May, 2020.

Tiffany R. Severs 
Jeffrey A. Steers, Enforcement Director
Department of Environmental Quality

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Par 3 Development Group, LLC voluntarily agrees to the issuance of this Order.

Date: 2/24/20 By: [Signature], MANAGER
(Person) (Title)
Par 3 Development Group, LLC

State of North Carolina
Commonwealth of Virginia
City/County of MOORE

The foregoing document was signed and acknowledged before me this 24th day of
February, 2020, by Brian Clodfelter who is
manager of Par 3 Development Group, LLC on behalf of the
company.

[Signature]
Notary Public

201420400033
Registration No.

My commission expires: 7-22-2024

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

Erosion and Sediment Controls and Stormwater Management Controls for Site 5

By June 1, 2020, Par 3 shall ensure that control measures are installed in accordance with the approved erosion and sediment control plan, the approved stormwater management plan (including the modification approved November 26, 2019), 9VAC25-870-54(B) and 9VAC25-870-54(C). Par 3 shall notify DEQ within 48 hours of completing this item.

DEQ Contact

Unless otherwise specified in this Order, Par 3 shall submit all requirements of Appendix A of this Order to:

**Kristen Sadtler
Water Enforcement Manager
VA DEQ –Central Office
P.O. Box 1105
Richmond, VA 23218
804-698-4149
Kristen.sadtler@deq.virginia.gov**

