



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
Richmond American Homes of Virginia, Inc.
FOR
Highpoint of Culpeper
VPDES Permit No. VAR10
Registration No. VAR101326**

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 Richmond American Homes of Virginia, Inc., regarding Highpoint of Culpeper, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and/or regulations.

SECTION B: Definitions

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

1. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.
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 expired on June 30, 2019.

3. "2019 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, 2019 and which expires on June 30, 2024.
4. "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.
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. "General Permit Regulation" means the General VPDES Permit for Discharges of Stormwater from Construction Activities, 9 VAC 25-880-1 et seq.
11. "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.
12. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
13. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
14. "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.

15. "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.
16. "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.
17. "Registration Statement" means a registration statement for coverage under the 2019 Permit.
18. "Richmond American" means Richmond American Homes of Virginia, Inc., a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Richmond American is a "person" within the meaning of Va. Code § 62.1-44.3.
19. "Runoff volume" means the volume of water that runs off the site from a prescribed design storm. 9 VAC 25-870-10.
20. "Site" means the area encompassing Phases 4, 6 and 7 Section 5 Pond, of the Highpoint of Culpeper Subdivision located near the intersection of Chestnut Drive and Main Street, in Culpeper County, Virginia, from which discharges of stormwater associated with construction activity occur.
21. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Va. Code.
22. "State Waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.

23. "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.
24. "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.
25. "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.
26. "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.
27. "Va. Code" means the Code of Virginia (1950), as amended.
28. "VAC" means the Virginia Administrative Code.
29. "VPDES" means Virginia Pollutant Discharge Elimination System.
30. "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.
31. "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.

32. "VSMP authority permit" means an approval to conduct a land-disturbing activity issued by the VSMP authority for the initiation of a land-disturbing activity after evidence of State Permit coverage has been provided where applicable. Va. Code § 62.1-44.15:24.
33. "VSMP Regulations" means the Virginia Stormwater Management Program (VSMP) Regulations, 9 VAC 25-870-10 et seq.
34. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

SECTION C: Findings of Fact and Conclusions of Law

1. Richmond American is the construction activity operator for the Site located in Culpeper County, Virginia, from which stormwater associated with construction activity is discharged.
2. DEQ is the VSMP authority for the Site.
3. K and M Properties LC, the former Site operator, applied for and, on September 5, 2014, was granted coverage under the 2014 Permit, VAR10 of the General Permit Regulation. K and M Properties LC was assigned registration number VAR101326.
4. Permit registration VAR101326 was transferred to Richmond American from K and M Properties LC on April 5, 2019.
5. While under coverage of the 2014 Permit, Richmond American submitted a modified registration statement on or about April 17, 2019, to DEQ, to apply for coverage under the 2019 Permit, at the Site. Richmond American's coverage under the 2014 Permit has been administratively continued while DEQ processes Richmond American's registration statement for coverage under the 2019 Permit.
6. The 2014 Permit allows Richmond American to discharge stormwater associated with construction activities from the Site to tributaries of Mountain Run, in strict compliance with the terms and conditions of each Permit.
7. The tributaries of Mountain Run are surface waters located wholly within the Commonwealth and are a "state water" under the State Water Control Law.
8. The Department has not issued, for the Site, coverage under any permit or certificate to Richmond American other than under the 2014 Permit.
9. On August 26, 2019, September 16, 2019, and September 30, 2019, DEQ staff conducted inspections of the Site to review Richmond American's compliance with the Permit and the VSMP Regulations. DEQ issued an inspection report for each of the inspections as follows: August 28, 2019, September 20, 2019, and October 4, 2019, respectively.

10. During the August 26, 2019, Site inspection, DEQ staff observed that several construction entrances at the Site had not been built with the stone size and to the length and width dimensions as specified in the approved Erosion and Sediment Control (ESC) Plan for the Site. During the September 16, 2019, Site inspection, DEQ staff observed that some corrective actions had been performed, but some construction entrances had not been fixed. During the September 30, 2019, Site inspection, DEQ staff observed that some construction entrances had not been extended or installed, and that some home lots were being accessed without the proper use of a construction entrance by over-topping or bypassing silt fencing used for perimeter controls.

11. 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 implemented during construction activities.

STD & SPEC 3.02 of the Virginia Erosion and Sediment Control Handbook, as incorporated by reference into the approved Erosion and Sediment Control Plan for the Site, specifies aggregate size, entrances dimensions, and construction specifications for temporary stone constructions entrances.

12. During the August 26, 2019, Site inspection, DEQ staff observed that sediment was being tracked from individual home lots at the Site onto adjacent paved roads. During the September 16, 2019, Site inspection, DEQ staff observed corrective actions had been performed, and in the September 20, 2019 inspection report, no sediment tracking on roadways was noted. However, during the September 30, 2019, Site inspection, DEQ staff observed mud/sediment tracking present in adjacent roadways.

13. 9 VAC 25-840-40.17 states: “Where construction vehicle access routes intersect paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transporting to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner. This provision shall apply to individual development lots as well as to larger land-disturbing activities.”

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 implemented during construction activities.

STD & SPEC 3.02 of the Virginia Erosion and Sediment Control Handbook, as incorporated by reference into the approved Erosion and Sediment Control Plan for the Site, specifies that construction entrances “shall be maintained in a condition which will prevent tracking or flow of mud onto public rights-of-way,” and that “all material spilled, dropped, washed, or tracked from vehicles onto roadways or into storm drains must be removed immediately.”

14. During performance of the three Site inspections, DEQ staff observed that perimeter silt fence was damaged or had fallen above the curb lines throughout the areas of active development.
15. 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...”

Part II.E.1 of the 2014 Permit states: “All control measures must be properly maintained in effective operating condition in accordance with good engineering practices and, where applicable, manufacturer specifications. If a site inspection required by Part II F identifies a control measure that is not operating effectively, corrective action(s) shall be completed as soon as practicable, but no later than seven days after discovery or a longer period as established by the VSMP authority, to maintain the continued effectiveness of the control measures.”

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 implemented during construction activities.”

STD & SPEC 3.05 of the Virginia Erosion and Sediment Control Handbook, as incorporated by reference into the approved Erosion and Sediment Control Plan for the Site, describes the design, implementation, and maintenance requirements for using silt fence to control sediment.

16. During the Site inspections, DEQ staff observed the following issues related to pollution prevention practices at the Site:
 - a. During the August 26, 2019, Site inspection, DEQ staff observed concrete washout on home lots and above several curb inlets leading to the storm sewer system. During the September 16, 2019, Site inspection, DEQ staff observed large deposits of additional concrete washout on various home lots, and that the liner of the concrete washout had failed, allowing the discharge of concrete washout onto paved roadways near adjacent storm sewer inlets. During the September 30, 2019, Site inspection, DEQ staff observed that the concrete washout had been relocated and re-configured and the previously observed concrete waste had been removed; however, new hardened concrete waste deposits were observed on other denuded home lots without proper containment.
 - b. During the September 16, 2019, Site inspection, DEQ staff observed paint washout on a denuded home lot. During the September 30, 2019, Site inspection, DEQ staff observed paint on an additional home lot.
 - c. During the August 26, 2019 and September 16, 2019, Site inspections, DEQ staff observed oil spills on paved roadways adjacent to the Site and that spill kits were

not being maintained at the Site. Richmond American stated (in WL response) that a spill kit was placed at the Site on September 27, 2019; however, during the Site inspection conducted on September 30, 2019, a spill kit could not be located by on-site personnel.

17. Part I.D of the 2014 Permit describes the prohibition of non-stormwater discharges, which includes: (1) wastewater from washout of concrete; (2) wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials; (3) fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and (4) oils, toxic substances, or hazardous substances from spills or other releases.

Part II.B.4.e of the 2014 Permit states that a Stormwater Pollution Prevention Plan (SWPPP) developed for a construction site shall include 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." Specifically, "the pollution prevention plan shall:...e. Describe the pollution prevention practices and procedures that will be implemented to" prevent concrete washout, paint washout, and oil/fuel spills or leaks, and how to respond to such issues if they occur.

Additionally, 9 VAC 25-870-56. States in part: "Pollution Prevention Plans. A. A plan for implementing pollution prevention measures during construction activities shall be developed, implemented, and updated as necessary. The pollution prevention plan shall detail the design, installation, implementation, and maintenance of effective pollution prevention measures as specified in 40 CFR 450.21(d) to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to: 1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge; 2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and 3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures. B. The pollution prevention plan shall include effective best management practices to prohibit the following discharges in accordance with 40 CFR 450.21(e): 1. Wastewater from washout of concrete, unless managed by an appropriate control; 2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials; 3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and 4. Soaps or solvents used in vehicle and equipment washing."

18. Va. Code § 62.1-44.5 states that: "[E]xcept in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances."

19. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
20. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.
21. The Department has issued no permits or certificates to Richmond American for the Site other than VPDES Permit Registration No. VAR101326.
22. On September 23, 2019, DEQ issued Warning Letter (WL) No. SW2019-09-NRO-0001 to Richmond American based on the results of the Site inspections performed on August 26, 2109, and September 16, 2019.
23. On September 27, 2019, Richmond American submitted a written response to the WL, which described the performance of several corrective actions from September 18 through September 27, 2019, by Richmond American to address the cited issues.
24. On October 20, 2019, DEQ issued Notice of Violation No. SW2019-10-NRO-0001 to Richmond American based on the results of the Site inspection performed on September 30, 2019.
25. On November 5, 2019, DEQ received a written response to the NOV, and on December 9, 2019, Department staff met with representatives of Richmond American to discuss the violations, the written NOV response that was submitted to DEQ, and enforcement proceedings.
26. Based on the results of the inspections performed on August 26, September 16, and September 30, 2019, the WL response and NOV responses submitted to DEQ, the meeting between DEQ and representatives of Richmond American on December 9, 2019, and related correspondence and documentation submitted to DEQ, the Board concludes that Richmond American violated 2014 Permit Part I.D, 2014 Permit Part II.B.4.e, 2014 Permit Part II.E.1., 9 VAC 25-840-40.17, 9 VAC 25-840-60.A, 9 VAC 25-870-54.B, and 9 VAC 25-870-56, as described above in paragraphs C(1) through C(25).
27. DEQ performed a follow-up inspection of the Site on January 6, 2020 and observed that corrective actions had been performed to address the violations, as evidenced by DEQ’s inspection reported, dated January 7, 2020, which did not include a request for corrective actions.

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 Richmond American, and Richmond American agrees to pay a civil charge of **\$16,250** 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

Richmond American 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, Richmond American 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 Richmond American for good cause shown by Richmond American, 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. SW2019-10-NRO-0001 dated October 20, 2019 and WL No. SW2019-09-N-0001 dated September 23, 2019. 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, Richmond American admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Richmond American 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. Richmond American 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 Richmond American 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. Richmond American 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. Richmond American shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Richmond American 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 Richmond American. Nevertheless, Richmond American 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 Richmond American has completed all of the requirements of the Order;

- b. Richmond American 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 Richmond American.

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

And it is so ORDERED this 24th day of August, 2020.


Thomas A. Faha, Regional Director
Department of Environmental Quality

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Consent Order

Richmond American Homes of Virginia, Inc.; VPDES Permit Registration No. VAR101326

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Richmond American Homes of Virginia Inc voluntarily agrees to the issuance of this Order.

Date: 6/8/20 By: [Signature], Division President
(Person) (Title)
Richmond American Homes of Virginia Inc

Commonwealth of Virginia

City/County of Fairfax

The foregoing document was signed and acknowledged before me this 8th day of

June, 2020, by Jocelyn Gallagher who is

Division President of Richmond American Homes of Virginia Inc, on behalf of the corporation.

[Signature]
Notary Public

7721369
Registration No.

My commission expires: March 31, 2021

Notary seal:

