CHAPTER 7
Administrative Guidelines
## INDEX

**Administrative Guidelines**

### Local Programs

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Program Reviews</td>
<td>VII-2</td>
</tr>
<tr>
<td>Funding and Staffing Local Programs</td>
<td>VII-3</td>
</tr>
<tr>
<td>Certification Program</td>
<td>VII-4</td>
</tr>
<tr>
<td>Plan Submission</td>
<td>VII-4</td>
</tr>
<tr>
<td>Plan Review and Approval</td>
<td>VII-5</td>
</tr>
<tr>
<td>Activities Under State Jurisdiction</td>
<td>VII-7</td>
</tr>
<tr>
<td>Residential Subdivisions</td>
<td>VII-7</td>
</tr>
<tr>
<td>Agricultural Activities</td>
<td>VII-9</td>
</tr>
<tr>
<td>Issuing Permits</td>
<td>VII-9</td>
</tr>
<tr>
<td>Changing an Approved Plan</td>
<td>VII-10</td>
</tr>
<tr>
<td>Performance Guarantees</td>
<td>VII-10</td>
</tr>
<tr>
<td>Inspections</td>
<td>VII-12</td>
</tr>
<tr>
<td>Violations and Enforcement</td>
<td>VII-12</td>
</tr>
<tr>
<td>Projects Commenced Without an Approved Plan</td>
<td>VII-15</td>
</tr>
<tr>
<td>Erosion Impact Area</td>
<td>VII-16</td>
</tr>
<tr>
<td>Records and Files</td>
<td>VII-16</td>
</tr>
<tr>
<td>Citizen Complaints</td>
<td>VII-17</td>
</tr>
<tr>
<td>Education and Information</td>
<td>VII-17</td>
</tr>
<tr>
<td>Multijurisdictional Projects</td>
<td>VII-18</td>
</tr>
<tr>
<td>Conclusions</td>
<td>VII-20</td>
</tr>
</tbody>
</table>
State Agency Projects

Submission of Standards and Specifications .................... VII-22
Submission of Erosion and Sediment Control Plans ................ VII-22

Sample Administrative Forms ........................................ Appendix 7A

Enforcement Flow Chart ............................................ Appendix 7B

Directory .......................................................... Appendix 7C
CHAPTER 7

ADMINISTRATIVE GUIDELINES

The Virginia Erosion and Sediment Control Law (VESCL) provides the authority and administrative guidelines for the Virginia Erosion and Sediment Control Program. Counties, cities, and towns are authorized to administer a local erosion and sediment control (E&S) program which is consistent with the state program. These local E&S programs have jurisdiction over land-disturbing activities except for those activities which are otherwise provided for by the VESCL.

The VESCL contains several provisions which place certain land-disturbing activities under the jurisdiction of the Board or the Department of Conservation and Recreation’s Division of Soil and Water Conservation (DSWC). Generally, these activities include land-disturbing activities undertaken by state agencies and other activities which are multijurisdictional in nature. (Part II of this chapter contains a thorough presentation of these activities.)

A minimum level of consistency for state and local E&S programs is provided by state guidelines, regulations, and other publications such as the Virginia Erosion and Sediment Handbook. In addition, DSWC functions in an oversight capacity to insure the acceptability of state and local programs. DSWC is directly involved in individual project regulation only when such projects are undertaken by state agencies or other institutions specified in VESCL (Sec. 10.1-563), or if they are multijurisdictional in nature and the applicant requests DSWC involvement.

This chapter is divided into two parts in order to present the administrative guidelines which are applicable to local and state level programs:

PART I - Local Programs: Provides information concerning the minimum administrative criteria which must be met in all local programs, along with ideas and suggestions which may be used to improve local program effectiveness. Also, procedures for multijurisdictional land-disturbing activities are presented.

PART II - State Agency Projects: Provides basic information and administrative guidelines which apply to state agencies and institutions that propose to undertake land-disturbing activities.

The guidelines and standards contained in this chapter are based upon provisions of the VESCL as amended through 1991, including the Erosion and Sediment Control Regulations. Later amendments may affect the applicability of this chapter. Handbook users should therefore be aware of all subsequent amendments to the VESCL and Regulations.
PART I: LOCAL PROGRAMS

There are 170 separate local E&S programs which were adopted by 95 counties, 41 cities, 34 incorporated towns, and one Soil and Water Conservation District (district). Every county, city, and incorporated town in the state is covered by one of these programs. Before local adoption, each of these programs was reviewed by DSWC and deemed to be in compliance with the state program. Each program included a set of administrative procedures which outlined specific local implementation mechanisms.

Local administrative procedures are often subject to variation due to turnover in personnel, changes in governmental structure, amendments to the state program, and other factors. For these reasons, the local programs are reviewed periodically to ensure consistency with the state program and their relevance and effectiveness under current local conditions. Even if the original procedures are being implemented as originally adopted, local conditions may have changed to the degree that the program is no longer serving its intended purpose.

Local administrative procedures may be changed without the permission or approval of DSWC. However, such changes should be documented, and they must be consistent with the criteria set forth in the VESCL. Localities are therefore advised to keep DSWC informed of significant program changes and to seek advice when there is a question of compatibility with the state program.

Local Program Reviews

DSWC periodically reviews and evaluates each local program. These reviews provide assistance to localities in maintaining effective E&S programs which are consistent with the state program and to provide state oversight of the local programs. Program reviews are conducted by the DSWC regional E&S Specialists who visit localities and meet with the appropriate personnel involved with the erosion and sediment control program.

The first part of a program review consists of a meeting with local program officials. Administrative aspects of the program are reviewed and discussed. Discussion topics include the local ordinance, plan review, inspection, and enforcement procedures. Also, revisions in the state program and available options which may be beneficial to the locality are discussed.

The second part consists of a field tour to assess the implementation of the program in the field. Sample plans are reviewed and, if possible, current construction sites are inspected.

Finally, DSWC prepares a program review letter that documents the findings of the program review. This letter outlines the local program and makes recommendations in order to
achieve consistency with the state program and to improve local program effectiveness. DSWC intends to review all local programs on a periodic basis.

**Funding and Staffing Local Programs**

The problem of funding local E&S programs has been brought to the attention of the General Assembly a number of times since the passage of the VESCL in 1973. The Assembly's response has been to adopt amendments to the VESCL allowing localities to charge plan review or permit fees to cover the cost of program administration. A 1976 amendment, Section 21-89.5(e), allowed localities to charge applicants a fee of up to $25.00. This section was amended again in 1978 to allow a maximum $150.00 fee. The most recent amendment in 1988, Section 10.1-562(e), allows localities to charge a fee up to $1000.00. However, these fees must not exceed the actual costs of the services provided. It is apparent by these amendments that the local programs are intended to be funded by revenues from fees charged to persons who undertake land-disturbing activities.

Many rural localities have difficulty funding and staffing their programs. The small number of plans reviewed each year does not usually generate sufficient revenue to support a separate position to run the program. Consequently, most rural localities have given this responsibility to an existing local official such as the building inspector. Many of these local officials do not feel qualified or do not have the time to carry out the additional responsibilities of the E&S program.

Fortunately, there are sources of assistance available. Many localities utilize the expertise of Soil and Water Conservation Districts. The role of the districts in the local E&S programs varies according to mutual agreements between the district and the locality. Frequently, the districts are involved with plan review and inspection. Oftentimes, this arrangement also includes the technical expertise of the Soil Conservation Service (SCS).

Enforcement of a local program is, at least, partially the responsibility of the local Commonwealth's Attorney. According to Section 10.1-569(g) of the VESCL, the local Commonwealth's Attorney shall take legal action against violators upon request of the locality. If the services of the districts and the Commonwealth's Attorney are fully utilized, the burden of administering the E&S program will be greatly reduced.

Local officials can learn to perform inspections adequately with proper training. Such training is made available periodically by DSWC through statewide seminars. Oftentimes, a local training seminar can be arranged through the cooperative efforts of the local government, the DSWC regional E&S Specialist and the district. Training may also be available through local community colleges which can offer erosion and sediment control courses if sufficient local interest is shown.

The following suggestions are made to rural localities which are attempting to carry out local E&S programs on limited budgets:
1. Send local program officials to statewide training seminars or to any applicable courses available through the community college system.

2. Increase plan review or permit fees to cover a greater portion of administrative costs.

3. Fully utilize the services of districts for plan review and/or inspection assistance where available.

Certification Program

DSWC offers a program for certification of Erosion and Sediment Control Inspectors, Stormwater Management Inspectors, and Program Administrators. The objectives of this program are to encourage a higher standard of performance of duties, to promote updated education and training, to promote employer and public awareness of necessary skills, and to establish a code of consistency and competency among administrators and inspectors. Specific requirements for certification include experience and/or education in addition to a passing score on the examination. DSWC recommends that at least one E&S official in each local program be certified.

LOCAL PROGRAM ADMINISTRATION

The remainder of Part I is devoted to discussion of various elements of local program administration. The requirements of the VESCL and the Virginia Erosion and Sediment Control Regulations are outlined and referenced. Also, there are suggestions which may improve local program effectiveness. Appendix 7A contains sample forms which may be modified for use in the local E&S program.

Plan Submission

Requirements
VESCL Sec. 10.1-563(A): ... no person may engage in any land-disturbing activity until he has submitted to the district or locality an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved by the plan-approving authority.

VESCL Sec. 10.1-563(F): ... the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

Discussion
The following items are recommended:
1. The public should be informed of the requirements for plan submission. It is advisable to prepare a brochure or handout sheet which lists the procedures necessary for land development. Include names, addresses and telephone numbers
of local government bodies involved, number of plans to be submitted, time required for review, and schedules of fees. (See Appendix 7A-1.)

2. Provide information on how to obtain copies of the appropriate handbooks or other technical information such as the Virginia E&S Handbook or local E&S handbook. Include a "Checklist for Plan Preparation" (Appendix 7A-2).

3. When the applicant first contacts the locality concerning a proposed development, a screening form may be used to determine whether an E&S plan is required for the project site (Appendix 7A-3).

4. At the time of plan submission, the applicant should fill out an application for a land-disturbing permit or for plan approval, if the locality does not issue such a permit. This application will eventually constitute an agreement between the applicant and the locality. The following items should be included:
   a. Identification of the landowner of record and the person responsible for carrying out the plan.
   b. Certification that the plan will be carried out as approved.
   c. A statement granting right-of-entry to the locality's inspectors or other personnel concerned with the plan (Appendix 7A-4).

5. At the time of plan submission, the E&S plan should be dated, stamped or marked with the date received to establish the 45-day deadline date.

**Plan Review and Approval**

**Requirements**
VESCL Sec. 10.1-563(B): ... *The plan-approving authority shall review the conservation plans submitted to it and grant written approval within forty-five days of the receipt of the plan if it determines that the plan meets the requirements of the Board's regulations. ...*

When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within forty-five days. The notice shall specify such modifications, terms, and conditions that will permit approval of the plan. If no action is taken by the plan-approving authority within the time specified above, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

E&S Regulations Sec. 50: *The plan approving authority may waive or modify any of the regulations that are deemed inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:*

VII - 5
1. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan approving authority shall be documented in the plan.

2. During construction ... the plan approving authority shall respond in writing either approving or disapproving such a request. If the plan approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved....

3. The plan approving authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

Note: The minimum standards contained in the E&S Regulations (or other more stringent regulations adopted by the locality) should be satisfied on all E&S plans. These regulations also apply to any land-disturbing activity which might evolve from a construction project (e.g., borrow site, disposal areas, etc.).

Discussion
1. When reviewing a plan, use the "Checklist for Plan Preparation" (Appendix 7A-2) to be sure that no items are overlooked. Variances must be requested in writing with reasons to support the variance.

Note: A site plan without a narrative is usually unacceptable. The narrative may be on separate sheets or may be included as notes on the site plan. Construction specifications usually are not acceptable substitutes for the E&S Narrative.

2. Plan review by more than one reviewer is encouraged. Utilize the expertise and knowledge of other departments or staff. Make plans available to other reviewers quickly and streamline procedures to facilitate meeting the 45-day deadline.

3. On-site inspection of the project location (pre-approval site visit) should be an integral part of the review process.

4. If the plan is adequate, the plan sheet should be stamped or marked "APPROVED," signed and dated.

5. If the plan is inadequate, the applicant must be notified in writing within 45 days of what changes should be made to render the plan acceptable. To expedite the review and any subsequent revisions, the plan reviewer may prefer to discuss the plan with the applicant. However, the law requires a written communication either approving or disapproving the plan with reasons for disapproval within 45 days.
6. Consider developing a procedure to abbreviate the re-submitting process so that the plan can reach the reviewer quickly and not delay the applicant for an undue period of time.

Note: At the time of re-submission, another 45-day review period is begun.

7. Appropriate fees may be charged to cover the costs of permit issuance, plan review and inspection. The VESCL limits the total fee to a maximum of $1000 (Sec. 10.1-562(e), 1990). Many localities charge a fee amount based on the size of the project.

Activities Under State Jurisdiction

Requirements
VESCL Sec. 10.1-563 (D): Electric and telephone utility companies and railroad companies shall file general erosion and sediment control specifications annually with the Board for review and written comments. The specifications shall apply to:

1. Construction, installation and maintenance of electric and telephone utility lines; and
2. Construction of the tracks, rights-of-ways, bridges, communication facilities and other related structures and facilities of the railroad company. ...

VESCL Sec. 10.1-564: Any state agency that undertakes a project involving a land-disturbing activity shall file specifications annually or a conservation plan for each project with the Department for review and written comments. ...

Discussion
These agencies/institutions submit either annual E&S specifications or individual plans to DSWC. Approval of individual projects is not necessary when the approved annual specifications are followed. The activities listed above are not subject to the requirements of local E&S programs. Projects not included in subsections 1 and 2 (above) must comply with the local program requirements.

DSWC staff oversees the implementation of the E&S program on state agency projects.

Residential Subdivisions

VESCL Sec. 10.1-560: Definitions

"Land-Disturbing Activity" means any land change ... except that the term shall not include: ... Preparation for single-family residences separately built, unless in conjunction with multiple construction in subdivision development; however, the governing body of any county which has adopted the urban county executive form of government, any city adjacent to such county, and any county contiguous to such county with the county
executive form of government or any town within the contiguous county, and any city completely surrounded by such county, and portions of the Counties of Bedford, Franklin, and Pittsylvania which lie in the Smith Mountain Lake drainage area may regulate land-disturbing activities related to single-family residences separately built whether or not they are developed in conjunction with multiple construction in subdivision development. ...

Discussion
Preparation for single-family residences NOT IN A SUBDIVISION are exempt from E&S law, except as provided for above. [To date, the County of Fairfax is the only county in Virginia with the urban executive form of government.] The portions of the counties of Bedford, Franklin and Pittsylvania that drain into Smith Mountain Lake may regulate single-family residences which are not in a subdivision.

Requirements
E&S Regulations Sec. 1.8:

B. If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an "Agreement in Lieu of a Plan" signed by the property owner.

C. Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the act and these regulations.

D. The construction of permanent roads or driveways that disturb in excess of 10,000 square feet and that serve more than one single-family residence separately built is not exempt. ...

Discussion
Land-disturbing activities on individual lots of a residential development (subdivision) must have an erosion control plan or an agreement in lieu of a plan signed by the lot owner and the locality.

Usually, E&S plans are developed in two phases. The first plan addresses the initial construction of the infrastructure for the development. This plan would include the construction of roads, storm sewers, utilities, and any grading activity that involves more than one lot. The plan would also include stormwater runoff considerations based on the expected final development.

The second phase of construction begins with the construction of houses or buildings on individual lots. Individual E&S plans are required for land-disturbing activities on individual lots; however, many times an "agreement in lieu of an E&S plan" is acceptable. (See Appendix 7A-5.) This agreement reduces the burden on the homeowner of having to prepare an individual plan. The agreement states the conditions to be maintained during construction, such as keeping public streets clean, maintaining perimeter controls, and establishing permanent stabilization.
This requirement applies to land-disturbing activities of less than 10,000 square feet when the activity occurs in a residential development. The intent is to regulate activities which would be considered a part of the development process such as construction of individual houses, outbuildings, garages, driveways, etc.

**Agricultural Activities**

**Requirement**

VESCL Sec. 10.1-560(7): *Tilling, planting, harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.*

**Discussion**

The definition of land-disturbing activities specifies which agricultural activities are exempted. The construction of agricultural buildings is not included. Therefore, the agricultural exemption does not apply to the construction of farm buildings, such as barns, livestock houses, etc. The reference to ponds applies to ponds that are used primarily for agricultural purposes such as irrigating crops, watering livestock, etc.

**Requirement**

E&S Regulations Sec. 1.9:

A. *A property owner who disturbs 10,000 square feet, or more, of land and claims that the activity is exempted from the requirements ... shall have one year from the date of commencement of the activity to demonstrate to the erosion and sediment control enforcement authority that the activity is exempt. As soon as a nonexempt status is determined, the requirements of the Act shall be immediately enforced.*

**Discussion**

Many agricultural and forestry activities require a reasonable period of time to clearly establish the intent of the activity. Therefore, the one year period was provided.

Claims that an activity is exempt should be consistent with landuse regulations, zoning or other regulations. Several of the exemptions from the E&S program are regulated by another program. For example, surface mining and oil and gas operations are regulated by programs administered by the Department of Mines, Minerals, and Energy. Projects claiming an exemption such as surface mining should be able to substantiate the claim with documentation from the appropriate agency.

**Issuing Permits**

**Requirements**

VESCL Sec. 10.1-565: *Agencies authorized ... to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant*
submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

Discussion
It is strongly recommended that a land-disturbing permit be issued. The permit clearly defines the land disturbance as a separate activity from building construction. By issuing a separate permit for the land-disturbing activity, the agency prevents any misunderstanding that the land-disturbing activity was permitted under another permit. Performance guarantees (e.g., bonds, credit, etc.) and certification should be made specifically for the land-disturbing activity, or at least a specified portion of the overall guarantee should be for the land-disturbing activity.

Changing An Approved Plan

Requirements
VESCL Sec. 10.1-563(C): An approved plan may be changed by the authority that approved the plan in the following cases:

1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations; or
2. Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article, are agreed to by the plan-approving authority and the person responsible for carrying out the plan.

Discussion
Even though these procedures allow plans to be changed after initial approval, it is often difficult and troublesome to make changes in the field. Change orders are usually costly and time-consuming. Therefore, the original plan should be as thorough as possible.

Performance Guarantees

Requirements
VESCL Sec. 10.1-565: ... Prior to issuance of any permit, the agency may also require an applicant to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the agency, to ensure that measures could be taken by the agency at the applicant's expense should he fail, after proper notice, ... to initiate or maintain appropriate conservation action. ... If the agency takes such conservation action upon such failure by the permittee, the agency may collect from the permittee for the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within sixty days of the achievement of adequate stabilization of the land-disturbing activity, such bond, ... shall be refunded to the applicant or terminated.
Discussion
The amount of coverage required as a guarantee for a project should be based on what it would cost the locality to implement the plan, should the applicant fail to do so. If the cost of the unfinished work is more than the amount of the performance guarantee, the locality may collect the additional cost from the permittee. A performance guarantee may be required for issuance of building, grading, land disturbing, or other permits. It is recommended that an E&S performance guarantee be collected separately from other guarantees.

Chapter Two of this handbook contains cost figures which may be used to help determine the amount of performance guarantee needed. At a minimum, the guarantee should be sufficient provide permanent stabilization for the entire disturbance in the event that the proposed development is not completed. The locality is responsible for determining the bond, escrow, etc. and administering these requirements unless stated otherwise in the local E&S ordinance.

Following are brief descriptions of various types of performance guarantees:

a. **Bonding** - If a bond is used, the bonding company agrees to complete the erosion and sediment control requirements of the plan, should the applicant fail to do so.

b. **Escrow Accounts** - Under an escrow arrangement, the applicant would pay funds into a bank under an agreement among the applicants, the permit issuing authority, and the bank. If the E&S plan was properly carried out, the applicant and the authority would sign a joint letter to the bank directing the bank to pay the money back to the applicant as specified in the agreement. Otherwise, the money would go to the permit issuing authority to pay for completing the unfinished portion of the plan, with any excess money being returned to the applicant.

c. **Letters of Credit** - A letter of credit is an agreement by a bank to pay a fixed sum of money upon the happening of a specified contingency. While a letter of credit is sometimes used alone, it is frequently used where a bonding company refuses to issue a bond unless it is provided with a letter of credit. The advantage of having a letter of credit in favor of a bonding company instead of the permit issuing authority is that if the work is not done, the bonding company will undertake to have it finished.

Localities should keep in mind the risk involved in accepting personal checks as performance guarantees. Checks should be deposited into escrow as soon as possible.

The performance guarantee must be returned to the applicant within 60 days of the achievement of adequate stabilization of the land-disturbing activity. Adequate stabilization should be determined by the Program Administrator or his designated agent. Localities should have a means of tracking the expiration dates of bonds and letters of credit. Extensions should be obtained when needed.
Inspections

Requirements
VESCL Sec. 10.1-566(A): The plan-approving authority or, ... the permit-issuing authority (i) shall provide for periodic inspections of land-disturbing activity and (ii) may require monitoring and reports from the person responsible for carrying out the plan, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sediment. The owner, occupier or operator shall be given notice of the inspection and an opportunity to accompany the inspectors.

E&S Regulations Sec. 1.7:
A. All erosion and sediment control structures and systems shall be maintained, inspected and repaired as needed to insure continued performance of their intended function. A statement describing the maintenance responsibilities of the permittee shall be included in the approved erosion and sediment control plan.
B. Periodic inspections are required on all projects by the enforcement authority. An inspection shall be made during or immediately following initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff producing storm event, and at the completion of the project prior to the release of any performance bonds.

Discussion
1. Pre-construction conferences are recommended, especially for large projects. During this meeting, the plan should be discussed, any problems or misconceptions resolved, and a basis for clear communication and good working relations established. Installation and maintenance of E&S control measures should be discussed.

2. All inspections should be documented by a written report or log. (See Appendix 7A-6 and 7A-7.) These reports should contain the date and time of inspection, comments concerning compliance or non-compliance, and notes on any verbal communications concerning the project. Localities may require the contractor to maintain an inspection log that can be reviewed by the local staff.

Violations And Enforcement

Requirements
VESCL Sec. 10.1-562(F): The governing body of any [locality which has adopted its own local program] may adopt an ordinance establishing a uniform schedule of civil penalties for violations. ... [T]he civil penalty for any one violation shall not exceed $100. [I]n no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten-day period, and in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $3,000. ...

VESCL Sec. 10.1-566(A): ... If the permit issuing authority or plan-approving authority determines that there is a failure to comply with the plan, notice shall be served upon the
permittee. ... The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall by completed. Upon failure to comply within the time specified, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this article and shall be subject to the penalties provided in Sec. 10.1-569.

VESCL Sec. 10.1-569:
(A): Violators ... shall be guilty of a misdemeanor and subject to a fine not exceeding $1,000 or thirty days imprisonment for each violation or both.

(B): If a locality has adopted an ordinance establishing a uniform schedule of civil penalties ... any [violator] shall, upon a finding of an appropriate general district court, be assessed a civil penalty in accordance with the schedule. ...

(C): The appropriate permit-issuing authority ... may apply to the circuit court in any jurisdiction wherein the land lies to enjoin a violation or a threatened violation ... without the necessity of showing that an adequate remedy at law does not exist.

(D): In addition to any criminal or civil penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the locality, or the Board, as appropriate, in a civil action for damages.

(E): Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation. ...

(F): With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the Board, or any condition of a permit or any provision of this article, the ... authority may provide ... for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection D of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection E. ...

Discussion
Violations include, but are not limited to, failure to comply with an approved plan or undertaking a land-disturbing activity without an approved plan. When a violation is noted, the following steps should be considered to secure compliance: (Also see "Enforcement Flow Chart" in Appendix 7B.)

1. Informal Contact/Verbal Warning - The inspector should complete a standard inspection report form detailing the observed violation and circumstances pertaining to it. (See Appendix 7A-7.) The report should specify the measures needed for compliance and a time frame for completion. The on-site job superintendent should be notified verbally, if possible, and asked to sign the inspection report to verify that
verbal notification has been given. Copies of the inspection report should be given or sent to the permittee and other concerned parties.

2. **Notice to Comply** - If the informal contact is unsuccessful, the plan approving or permit issuing authority should issue a "Notice to Comply" as required by Sec. 10.1-566(a). This notice should specify the measures required for compliance and the deadline for completion. The notice must be sent to the permittee by registered or certified mail (return receipt requested) to the address specified by the permittee in his application (Appendix 7A-8) or the notice can be delivered to the person supervising the activity.

3. **Enforcement Options** - If the permittee fails to respond adequately to the "Notice to Comply," the locality should consider the following actions:

   a. **Utilize Performance Guarantee (where applicable)** - The local authorities may utilize the performance guarantee to complete the required work according to the terms specified in the guarantee. Many times, a letter of intent to utilize the guarantee, sent by certified mail to the permittee, is sufficient to prompt the desired results. Such a letter should be cleared by the locality's attorney. If the cost of the unfinished work is more than the amount of the performance guarantee, the locality may also collect the additional amount from the permittee.

   b. **Permit Revocation** - Upon failure to complete the measures within the deadlines specified in the notice to comply, the land-disturbing permit can be revoked and the permittee can be considered in violation of the law.

   c. **Stop Work Order** - This highly recommended enforcement option allows the chief administrative officer of the locality to issue an order requiring all or part of the land-disturbing activities on the site be stopped until the specified corrective measures have been taken. (See Appendix 7A-9.) This order is issued either with or after a "Notice to Comply." The order shall be in effect for seven days allowing the locality time to pursue other means of legal action if problems are not corrected. A notice or card may be posted at the site notifying the public that a Stop Work Order has been issued for the project.

   d. **Legal Action** - Legal action against the violator is recommended when other enforcement options have failed or if a land disturbance poses a serious threat of damage to downstream or downslope property owners or the environment. There are four types of legal action which may be considered by the locality:

   1) **Criminal Penalties** - A misdemeanor charge subject to a fine up to $1000 or thirty days imprisonment for each violation;
2) Civil Penalties - (1) Civil penalties in accordance with the schedule of penalties up to $3,000; (2) Civil action charge subject to a fine up to $2000 for each violation;

3) Administrative Fines - With the consent of the violator, the payment of a civil charge for violations instead of the civil penalty;

4) Injunctive Relief - A suit for an injunction is a civil action, but it is possible to ask for an injunction and for penalties in the same action. Because of the length of time needed to decide the penalty question, it is advisable to always file for an injunction as well as a penalty unless the land-disturbing activity has already been completed.

There are principally three types of injunctions, depending upon the amount of speed required:

a) **Temporary Restraining Order** - This is the quickest form of injunction, usually issued for a limited time. It is issued to prevent irreparable harm to the plaintiff by preserving the status quo until the defendant can be notified and a preliminary hearing held.

b) **Preliminary or Temporary Injunction** - This injunction provides a short period of notice to the defendant and is issued on a temporary basis until a full hearing and decision can be made.

c) **Permanent Injunction** - This finally disposes of the matter at issue. It is issued only after a full hearing of the evidence and argument has occurred.

An injunction will not be issued automatically. The court will probably weigh the damage to the environment against the damage to the builder. If it is just a question of enforcing the law with no great danger of sediment damage, the court might refuse the injunction and leave the enforcement to the penalty provisions of the law.

**Projects Commenced Without an Approved Plan**

**Requirement**
VESCL Sec 10.1-563(E): ... [No] person may engage in any land-disturbing activity until he has submitted to ... [the] locality an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved by the plan-approving authority.
Discussion
If a land-disturbing activity is detected for which no E&S plan has been approved, an attempt should be made to contact the owner and advise him that he is in violation of the VESCL. He should be asked to stop all land disturbance until an approved plan is obtained, unless he agrees to perform work toward satisfactorily controlling erosion and sedimentation. A "Notice of Permit Requirement" should be sent to the owner by certified mail to establish that a warning was given. (See Appendix 7A-10.) Since there may be no permits issued or performance guarantees for the project at this early stage of development, the only enforcement options may be a stop work order or legal action. It is advisable to seek an injunction in accordance with Sec. 10.1-569(c) so that the problem will be addressed quickly.

Erosion Impact Area

Requirements
VESCL Sec. 10.1-560: "Erosion Impact Area" means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of one acre or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

VESCL Sec. 10.1-563(E): In order to prevent further erosion a local program may require approval of a conservation plan for any land identified in the local program as an erosion impact area.

Discussion
A locality may declare a site to be an Erosion Impact Area and require the property owner to submit an E&S plan. A formal notice should be sent to the owner informing him of this requirement with a deadline for compliance. (See Appendix 7A-11.) Upon failure to comply with this notice, appropriate legal actions should be taken.

Records And Files

Discussion
1. For each project requiring an E&S plan, there should be a project file containing the following:
   a. permit application
   b. records of performance guarantee (bond, etc.)
   c. approved plan
   d. reviewer's comments
   e. inspection reports
   f. any photos taken
   g. any correspondence
2. Assign a project number to each plan, record the project number on each item in the file and cross-reference to other departments. The project number might also be the permit number (if permits are issued). This procedure will prevent confusion caused by changes in the name of the project or other projects with similar names.

Citizen Complaints

Discussion
Being involved in controlling a highly visible form of pollution, local program personnel will be recipients of many complaints and comments concerning drainage, erosion, stormwater, flooding, and sediment problems.

Develop procedures or steps to handle these inquiries efficiently. If the problem is related to a project under the jurisdiction of the local program, keep a record of all activity pertaining to the problem in the project file or provide a cross-reference to the appropriate file. If the problem pertains to some other program or agency, refer it to that organization. If the problem is not regulated, make that clear to the citizen and suggest legal alternatives or some means by which the citizen can obtain more information. (See Appendix 7A-12.)

The DSWC and districts are also available for technical assistance on E&S complaints.

Education And Information

Discussion
Local programs should consider the following steps:

1. Inform developers and other land disturbers of the requirements of the local program and develop printed material for this purpose. (See Appendix 7A-1 and 2.) Some localities hold annual meetings that address local development concerns and requirements for developers, consultants, contractors, etc.

2. Prepare training sessions or workshops for developers, engineers, landscape architects, consultants, contractors, excavators and others involved in the technical aspects of the program. Community college courses may be available for this purpose. Check with your local college for more information.

3. Conduct periodic workshops for local government and district personnel having responsibilities in the program, such as inspection, plan review or administrative duties. Inspectors and administrators should be certified by the state E&S certification program.

4. Prepare an orientation program for new employees and for cross-training inspectors in other departments. Assistance in training programs is available from the DSWC,
districts, SCS, other state agencies and other sources. These programs may be conducted on a regional or local basis.

Multijurisdictional Projects

Requirements
VESCL Sec. 10.1-563(A): Where land-disturbing activities involve lands under the jurisdiction of more than one local control program an erosion and sediment control plan may, at the option of the applicant, be submitted to the Board for review and approval rather than to each jurisdiction concerned.

Discussion
When a land-disturbing activity involves two or more local programs, the person responsible for plan submission has the option of submitting the plan for review and approval to: (1) each local program in which the project lies; or, (2) to DSWC.

1. Submission of Plans to Localities for Review - If this option is chosen, the applicant must contact each locality in which the project lies and comply with each set of local administrative procedures separately.

2. Submission of Plans to DSWC for Review - Under this option, the following procedures will apply:

   a. Plan Submission and Review

   Plans shall be submitted to the DSWC Central Office in Richmond or to the appropriate Regional Office. (See Appendix 7C.) Four copies of the plan must be provided. After the plan is approved, additional copies of the approved plan, if necessary, will be requested by DSWC (one for each locality). The plan should include the name, address and phone number of the landowner, the person responsible for implementing the plan, and the person preparing the plan.

   The plan should be prepared according to the guidelines in Chapter 6 of this handbook. The plan should include a precise location of the project and a listing of all localities in which it lies.

   DSWC shall review the plan within 45 days of submission. Localities will have the opportunity to review the plan and comment. Where localities have adopted more stringent standards in accordance with Section 10.1-570, DSWC will consider and apply those standards where deemed appropriate for local conditions.

   If the plan is not approved, the applicant will be notified in writing of the modifications needed to gain approval. If DSWC takes no action to approve
or disapprove the plan within 45 days, the plan is automatically approved as submitted.

DSWC will notify all localities in which the project lies of any action it takes for approval or disapproval of the plan. If the plan is finally approved, each locality will receive a copy of the approved plan. Upon receipt of the approved plan, each locality may issue applicable permits, collect appropriate fees for permits, and obtain performance guarantees as provided under local administrative procedures.

Approved plans may be changed under the following conditions:

1) Where inspection (by the locality or localities) has revealed the inadequacy of the plan to accomplish the erosion and sediment control objectives of the plan, and proposed amendments are agreed to by the locality or DSWC;

or,

2) Where the person responsible for carrying out the approved plan finds that, because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of the VESCL, are agreed to by the locality or DSWC.

b. Inspections

Inspections shall be the responsibility of the locality (or localities). The person responsible for implementing the plan shall notify the localities when land disturbing commences. DSWC may also periodically monitor the project to ensure that the plan is properly implemented. Before making any on-site visits, DSWC will notify the locality involved.

c. Enforcement

Responsibility for enforcement of the approved plan rests with the locality (or localities). The locality may require performance bonds, cash escrow accounts, letters of credit or other appropriate guarantees to ensure that the plan is properly carried out.

d. Appeals

Appeals shall be carried out in the following manner:

1) Appeals on acts or decisions of a locality shall be filed in accordance with the E&S ordinance of that locality.
2) Appeals on the requirements of the plan or other action or proposed action by DSWC shall be subject to the review of the Board, provided an appeal is filed within thirty days from the date of the written decision.

3) Final decisions of the Board shall be subject to judicial review in accordance with the provisions of the Administrative Process Act (Sec. 9-6.14:1 et seq.).

Discussion

Some localities have agreements with adjacent localities regarding multijurisdictional projects. Frequently, the locality which contains the greater portion of the project area will handle all or part of the E&S administrative procedures (plan review, permit issuance, fee collection, inspection and enforcement).

Conclusions

To help localities reduce erosion and sedimentation from urban construction, DSWC recommends the following measures*:

1. Ensure that no land-disturbing activity is allowed to commence grading or receive any other permits for construction prior to the approval of the project's E&S plan.

2. Provide the necessary staff and resources, including adequate education and training for program personnel, to effectively implement the local E&S Program.

3. Conduct periodic inspections of all active construction projects to ensure that the Law, program regulations and approved E&S plans are being followed.

4. Establish a clear, efficient enforcement procedure to ensure that E&S violations and other problems are corrected quickly. Enlist the support of the Commonwealth and municipal attorneys and local judges in enforcing the program.

5. Periodically conduct information programs for the general public as well as for those in the land-development industry to explain program requirements and promote compliance.

6. Ensure that all local government-funded construction (schools, fire stations, industrial parks, landfills, etc.) have approved E&S plans that are effectively implemented. Generally conduct E&S activities in an exemplary manner to provide a model of compliance for private sector projects.

7. Ensure that at least one, preferably all, local E&S officials become certified under the DSWC's certification program.
8. Identify all "erosion impact areas" (as defined in the VESCL) and require them to be stabilized.

* From Nonpoint Source Pollution Management Program, Revised 1989
PART II: STATE AGENCY PROJECTS

The VESCL requires that DSWC must review E&S plans or specifications for all state-sponsored land-disturbing activities. This may be accomplished in one of two ways: (1) annual E&S specifications, or (2) E&S plans for each project.

Submission of Annual E&S Specifications

State agencies may prepare their own standards and specifications for erosion and sediment control. These standards and specifications must be reviewed and approved annually by DSWC. The agency is then responsible for the preparation of plans for individual projects and the inspection and enforcement of the plans.

State agencies which choose this option must submit standards and specifications at least annually for review by DSWC. The standards and specifications should be submitted by November 1 of each year. DSWC will promptly review the standards and specifications and notify the agency within 60 days of its approval or disapproval.

To use this option, the agency must have sufficient capabilities to prepare E&S plans for each land-disturbing activity and to properly inspect and enforce the plans. DSWC will periodically inspect active construction sites to ensure that the program is effective and administered adequately.

Submission of Erosion and Sediment Control Plans

State agencies which have not submitted annual standards and specifications must submit an E&S plan for each land-disturbing activity to DSWC for approval. This E&S plan requirement applies to capital improvement projects as well as other land-disturbing activities as defined by VESCL (Sec. 10.1-560).

Note: When determining the amount of land disturbance for a project, the agency should include the project site, staging areas and any off-site areas such as borrow sites and surplus material disposal areas. In the event that off-site areas were not included in the original site plan, contact the appropriate DSWC regional office for approval before commencing the off-site activity.

The E&S plan should be prepared in accordance with the guidelines in Chapter 6 of this handbook. Plans should be sent to the appropriate regional office. (See Appendix 7C.) Four copies of the plan must be submitted by the agency or by its designated representative, such as an engineer or architect. All replies will be made to the person submitting the plan.

To facilitate planning, preliminary plans may also be submitted to DSWC. Comments will be made concerning erosion and sediment controls on the plan; however, the comments will not be binding and final approval will be granted only on final working drawings.
Minimum Standards - When determining plan adequacy, DSWC will generally apply the Minimum Standards contained in the E&S Regulations. The standards and specifications in Chapter 3 of this handbook (with standard symbols and abbreviations) should be used in the design of the E&S plan.

Note: State agency projects must comply with the Virginia Stormwater Management Program (SWM). With regard to stormwater runoff, the plan shall comply with the more stringent regulation of either the E&S or SWM program as determined by DSWC.

Approval or Disapproval - DSWC will promptly review all E&S plans submitted. Reviews will be conducted expeditiously, and, in all cases, the review will be completed within 60 days. The person submitting the plan will be notified in writing of its approval or disapproval. If the project is disapproved, the applicant will be notified of the modifications necessary to obtain approval. DSWC will provide copies of all final correspondence concerning each project to the Department of General Services' Division of Engineering and Buildings and the local E&S program administrator.

Modifications to an Approved Plan - An approved E&S plan may be changed under the following circumstances:

a. Where inspection has revealed the inadequacy of the plan to accomplish the erosion and sediment control objectives of the plan;

or

b. Where the agency responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of the E&S program, are agreed to by DSWC.

Inspection - A state agency which engages in a land-disturbing activity is responsible for inspection and enforcement of each E&S plan. This task may be delegated to someone such as an engineer or architect, but the agency retains the ultimate responsibility. The DSWC's Regional E&S Specialists will monitor state-sponsored construction sites to ensure that the plans are being properly carried out.

DSWC Assistance - DSWC will assist state agencies in formulating E&S plans on both capital and non-capital improvement projects upon request. As time and manpower permit, DSWC will also make its personnel and other resources available for inspections, workshops, research, and other activities to improve the effectiveness of erosion and sediment control on state construction projects.

Appeals - Appeals of any final decisions of DSWC shall be reviewed by the Soil and Water Conservation Board (Board). Appeals must be filed with the Board within 30 days from the date of the written decision. Decisions by the Board are subject to the appeals process provided by VESCL (Sec. 10.1-568 (c)).
APPENDIX 7A

SAMPLE ADMINISTRATIVE FORMS

The following sample forms are intended to streamline and improve efficiency of program administration. They are intended as suggestions, not requirements. Most localities have already developed forms for some of these procedures. We suggest that you review these and incorporate them into your program. Each one may be modified to fit your local program.

1. Brochure - "Obtaining a Land-Disturbing Permit" (for land developers/general public).

2. Checklist for Erosion and Sediment Control Plans (to assist with plan preparation and review).

3. Screening Form for Land-Disturbing Permit (for determining whether or not an E&S plan is required).

4. Application for Land-Disturbing Permit (or E&S Plan Approval) (for those submitting E&S plans).

5. Agreement in Lieu of an E&S Plan (option for those disturbing individual lots in residential subdivision development).


8. Notice to Comply (to be sent to violators).

9. Stop Work Order (to be sent to violators).

10. Notice of Permit Requirement (to be sent to violators).

11. Erosion Impact Area (to officially declare property such).

12. Citizen Request for Assistance (to record pertinent information).
OBTAINING A LAND-DISTURBING PERMIT

Before you grade, excavate, fill, or clear land, you may have to obtain a Land-Disturbing Permit. To find out if you need one, contact:

(Local Program Administrator)
(Address)
(Phone Number)

You will be asked what type of project you plan, location, and the total area of the property and number of square feet to be disturbed.

If Your Project Requires an Erosion and Sediment Control Plan:

You must:  
 a. Fill out an application;
 b. Submit a plan, consisting of a narrative and site plan. (Obtain a copy of the E&S Handbook; it will tell you how to prepare a plan);
 c. Pay a plan review fee of _____________.

Your plan will be reviewed and evaluated. If changes are required, you will be notified and advised of them. A revised plan may be required.

Upon final approval of the plan, you will be required to post a bond (surety bond, cash escrow, letter of credit) and sign certain agreements connected with the permit.

Your land-disturbing permit will then be issued. Building permits can be issued and the approved construction may commence.
CHECKLIST

FOR EROSION AND SEDIMENT CONTROL PLANS

Minimum Standards - All applicable Minimum Standards must be addressed.

NARRATIVE

Project description - Briefly describes the nature and purpose of the land-disturbing activity, and the area (acres) to be disturbed.

Existing site conditions - A description of the existing topography, vegetation and drainage.

Adjacent areas - A description of neighboring areas such as streams, lakes, residential areas, roads, etc., which might be affected by the land disturbance.

Off-site areas - Describe any off-site land-disturbing activities that will occur (including borrow sites, waste or surplus areas, etc.). Will any other areas be disturbed?

Soils - A brief description of the soils on the site giving such information as soil name, mapping unit, erodibility, permeability, depth, texture and soil structure.

Critical areas - A description of areas on the site which have potentially serious erosion problems (e.g., steep slopes, channels, wet weather/underground springs, etc.).

Erosion and sediment control measures - A description of the methods which will be used to control erosion and sedimentation on the site. (Controls should satisfy minimum standards in Chapter 3.)

Permanent stabilization - A brief description, including specifications, of how the site will be stabilized after construction is completed.

Stormwater runoff considerations - Will the development site cause an increase in peak runoff rates? Will the increase in runoff cause flooding or channel degradation downstream? Describe the strategy to control stormwater runoff.

Calculations - Detailed calculations for the design of temporary sediment basins, permanent stormwater detention basins, diversions, channels, etc. Include calculations for pre- and post-development runoff.
SITE PLAN

Vicinity map - A small map locating the site in relation to the surrounding area. Include any landmarks which might assist in locating the site.

Indicate north - The direction of north in relation to the site.

Limits of clearing and grading - Areas which are to be cleared and graded.

Existing contours - The existing contours of the site.

Final contours - Changes to the existing contours, including final drainage patterns.

Existing vegetation - The existing tree lines, grassed areas, or unique vegetation.

Soils - The boundaries of different soil types.

Existing drainage patterns - The dividing lines and the direction of flow for the different drainage areas. Include the size (acreage) of each drainage area.

Critical erosion areas - Areas with potentially serious erosion problems. (See Chapter 6 for criteria.)

Site Development - Show all improvements such as buildings, parking lots, access roads, utility construction, etc.

Location of practices - The locations of erosion and sediment control and stormwater management practices used on the site. Use the standard symbols and abbreviations in Chapter 3 of the E&S Handbook.

Off-site areas - Identify any off-site land-disturbing activities (e.g., borrow sites, waste areas, etc.). Show location of erosion controls. (Is there sufficient information to assure adequate protection and stabilization?)

Detail drawings - Any structural practices used that are not referenced to the E&S Handbook or local handbooks should be explained and illustrated with detail drawings.

Maintenance - A schedule of regular inspections and repair of erosion and sediment control structures should be set forth.
SCREENING FORM

Project: ____________________________ Project File#: _______

Applicant: ____________________________ (Name)

______________________________ (Address)

Will project require grading, excavating, clearing, filling, or other land-disturbing activity of any kind? YES NO

If YES, complete this form:

Purpose: __________________________________________

LOCATION: __________________________________________

Location: __________________________________________

Area to be disturbed: _______ acres; _______ sq. ft.

Total area of the property: _______ acres; _______ sq. ft.

Is structure a single family dwelling? YES NO

If yes, is it located in a residential subdivision? YES NO

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(FOR OFFICE USE ONLY)

Checked by ____________________________ Date _____________

____ Requires an Erosion and Sediment Control Plan

____ Requires an Agreement in Lieu of an E&S Plan

____ Exempt
APPLICATION FOR LAND-DISTURBING PERMIT

Project File#: ____________________________
Date of Application: ________________________
Permit Effective Date: _______________________
Permit Expires: _____________________________

Applicant: ________________________________
(Name) (Business Phone)
(Address)

Landowner: ________________________________
(Name) (Business Phone)
(Address)

Plan prepared by: ____________________________

Project: ________________________________
(Name and Description)

Location: ________________________________

Tax Map: __________ Parcel __________ Area = ________ sq.ft.

I, __[applicant]__, hereby certify that I fully understand the provisions of the __[locality]__ Erosion and Sediment Control Ordinance and Program, and that I accept responsibility for carrying out the Erosion and Sediment Control Plan for the above-referenced project as approved.

I further grant the right-of-entry onto this property, as described above, to the designated personnel of __[locality]__ for the purpose of inspecting and monitoring for compliance with the aforesaid Ordinance.

The following general statements shall apply to all permits:

1. All projects shall conform to the standards and specifications and other criteria adopted by __[locality]__ unless a variance has been granted in writing by this locality.

2. This permit must be kept on the work site and shown on request.

3. The locality must be notified when work commences and when the project is completed.
4. Other work (grading, excavating, construction) on the project shall not commence until the appropriate erosion and sediment controls are in-place as specified on the plan.

5. Applicant agrees to be responsible for any and all damages to any other conservation measures already in-place as a result of work covered by this permit.

6. Applicant agrees to maintain the conservation measures in satisfactory operating condition until final, permanent stabilization is achieved.

7. The land-disturbing permit may be revoked, should the locality determine that the project is not in compliance with the conditions of the approved plan.

I, applicant, certify that I have read and understand the above requirements of this permit.

Section _______ of the ____________________ Code requires that a Performance Guarantee be posted with the Commonwealth's Attorney in the amount determined by the Program Administrator. Such Performance Guarantee shall be conditioned to conform any work to approved standards and specifications as specified in the approved Erosion and Sediment Control Plan.

Final inspection of the project shall be made by the Program Administrator or designated agent. The release of any Performance Guarantee is contingent upon the findings of such inspection. Release of the Performance Guarantee shall occur within 60 days after the project site is deemed adequately stabilized by the Program Administrator. The amount of such Performance Guarantee is hereby set at $__________. The fee for plan review and inspection for this project is hereby stated to be $__________.

SUBMITTED:

_________________________________________  ______________________
(Applicant signature)                        (Date)

APPROVED:

_________________________________________  ______________________
(Program Administrator)                     (Date)

_________________________________________  ______________________
(Plan Approving Authority)                   (Date)

Attachments: ( ) copies of E&S plan
Fee Payment
Performance Guarantee
AGREEMENT IN LIEU OF AN EROSION AND SEDIMENT CONTROL PLAN FOR A SINGLE FAMILY RESIDENCE

Land-Disturbing Permit No.: __________________________
Building Permit Number: __________________________
Subdivision: __________________________
Lot Number: __________________________

In lieu of submission of an erosion and sediment control plan for the construction of this single family dwelling, I agree to comply with any reasonable requirements determined necessary by employees of [Locality], representing the Erosion and Sediment Control Program Administrator. Such requirements shall be based on the conservation standards contained in the [Locality] Erosion and Sediment Control Ordinance, and shall represent the minimum practices necessary to provide adequate control of erosion and sedimentation on or resulting from this project.

As a minimum, all denuded areas on the lot shall be stabilized within 7 days of final grading with permanent vegetation or a protective ground cover suitable for the time of year.

I further understand that failure to comply with such requirements within three working days following notice by the representatives of [Locality] could result in citation for violation of the [Locality] Erosion and Sediment Control Ordinance.

Measures Specified by the Plan Approving Authority: __________________________________________
________________________________________
________________________________________
________________________________________

Signature of Landowner: __________________________________________

Party Responsible for Erosion and Sediment Control (if different from landowner): __________________________________________

Approved By: __________________________ Date: __________________________
INSPECTOR'S DAILY LOG ENTRY

Date: ______________

Time: ______________

Project: __________________________________________________________________________

Stage of Project:

Condition of Site:

Verbal Comments (Violations, potential problems, etc.):

Initialed _____
# INSPECTION REPORT

## Project Name:  

## File No.  

## Inspection Date:  

## Time:  

## Inspected by:  

## STAGE OF CONSTRUCTION

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<th>Clearing and Grubbing</th>
<th>Rough Grading</th>
<th>Building Construction</th>
<th>Finish Grading</th>
<th>Final Stabilization</th>
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## INSPECTION CHECKLIST

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| *MS-1 | Have all denuded areas requiring temporary or permanent stabilization been stabilized?  
|       | Seeded? yes/no | Mulched? yes/no | Graveled? yes/no |
|   | ☐   | ☐  | ☐  |
| MS-2 | Are soil stockpiles adequately stabilized with seeding and/or sediment trapping measures? |
|   | ☐   | ☐  | ☐  |
| MS-3 | Does permanent vegetation provide adequate stabilization? |
|   | ☐   | ☐  | ☐  |
| MS-4 | Have sediment trapping facilities been constructed as a first step in LDA? |
|   | ☐   | ☐  | ☐  |
| MS-5 | For perimeter sediment trapping measures, are earthen structures stabilized? |
|   | ☐   | ☐  | ☐  |
| MS-6 | Are sediment basins installed where needed? |
|   | ☐   | ☐  | ☐  |
| MS-7 | Are finished cut and fill slopes adequately stabilized? |
|   | ☐   | ☐  | ☐  |
| MS-8 & MS-9 | Are on-site channels and outlets adequately stabilized? |
|   | ☐   | ☐  | ☐  |
| MS-10 | Do all operational storm sewer inlets have adequate inlet protection? |
|   | ☐   | ☐  | ☐  |
| MS-11 | Are stormwater conveyance channels adequately stabilized with channel lining and/or outlet protection? |
|   | ☐   | ☐  | ☐  |
| MS-12 | Is in-stream construction conducted using measures to minimize channel damage? |
|   | ☐   | ☐  | ☐  |
| MS-13 | Are temporary stream crossings of non-erodible material installed where applicable? |
|   | ☐   | ☐  | ☐  |
| MS-15 | Is necessary restabilization of in-stream construction complete? |
|   | ☐   | ☐  | ☐  |
| MS-16 | Are utility trenches stabilized properly? |
|   | ☐   | ☐  | ☐  |
| MS-17 | Are soil and mud kept off public roadways at intersections with site access roads? |
|   | ☐   | ☐  | ☐  |
| MS-18 | Have all temporary control structures that are no longer needed been removed?  
|       | Have all control structure repairs and sediment removal been performed? |
|   | ☐   | ☐  | ☐  |
| MS-19 | Are properties and waterways downstream from development adequately protected from erosion and sediment deposition due to increases in peak stormwater runoff? |

* Refers to the minimum standards of the Virginia Erosion and Sediment Control Regulations (VR 625-02-00).

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Comments:

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Verbal/Written notification given to:  

Report by:  

Date:  

---

VII - 33
NOTICE TO COMPLY

Project File #: __________
Date: __________

To: ________________________________

Re: ________________________________
(Project Name)

An inspection of the above-referenced project on [date] revealed that the following violations are present:

Notice is hereby given that these violations shall be corrected in accordance with the approved Erosion and Sediment Control Plan on or before [date]. The site will be re-inspected at that time.

Failure to comply with this notice will result in necessary legal enforcement action by the locality to effect the implementation of the approved plan. Please contact this department if there are any questions.

Inspector: ________________________________
(Signature)

Program Administrator: ________________________________
(Signature)

Copies to: Commonwealth’s Attorney
Board of Supervisors/Town or City Council
Plan Approving Authority
STOP WORK ORDER

To: ___________________________  Date: ____________

Address: ____________________________________________

______________________________

Project File#: ___________  Name: ________________________

Project Location: ______________________________________

The above-referenced project is in violation of the ____[locality]____ Erosion and Sediment Control Ordinance. A "Notice to Comply" was issued on ____[date]____. Corrective measures specified for compliance were not performed.

This order requires that all land-disturbing activities on the above-referenced site be stopped until the specified corrective measures have been taken. If work is not begun to correct this violation by ____[date]____, further legal action will be taken. Upon completion of the corrective action, the order shall immediately be lifted.

Program Administrator ___________________________  Date ________________

Chief Administrative Officer [of locality] ___________________________  Date ________________

cc: Commonwealth's Attorney
Plan Approving Authority
NOTICE OF PERMIT REQUIREMENT

Date:________

To: ________________________________________________
   (Name)

       ________________________________________________
   (Address)

Re: __________________________________________________
   (Project Name)

It has come to the attention of this department that a land-disturbing activity is occurring on your property located at [location].

This activity requires a Land-Disturbing Permit. Pursuing the activity without such a permit is a violation of the [locality] Erosion and Sediment Control Ordinance.

It is hereby requested that you cease the land-disturbing activity until a permit has been obtained from this office. Contact us as soon as possible so that we may assist you in bringing your project into compliance with the Law.

Signed: ________________________________
        (Program Administrator)

cc: Commonwealth’s Attorney
    Board of Supervisors/Town or City Council
    Plan Approving Authority
To: ________________________________  Date: ___________

Address: __________________________________________

[Locality] has identified the property located __________________________________________

as an Erosion Impact Area. You, as the property owner, are required to submit an Erosion
and Sediment Control Plan to this office by [date]. Failure to comply with this notice is
a violation of the [Locality] Erosion and Sediment Control Ordinance.

If you have any questions regarding the content of the required Erosion and Sediment
Control Plan, please contact the Program Administrator as listed below.

Program Administrator __________________________  Date __________

(signature)

cc: Commonwealth’s Attorney
Plan Approving Authority

* An Erosion Impact Area is defined as "an area of land not associated with current
land-disturbing activity but subject to persistent soil erosion resulting in the delivery
of sediment onto neighboring properties or into state waters" (Sec. 10.1-560 in the
REQUEST FOR ASSISTANCE

Received By: ___________________________ Date: ______________

Referred To: ___________________________ Date: ______________

Assistance Requested By: ______________________________________

Street Address/P. O. Box: ______________________________________

City/Town/Zip: ________________________________________________

Telephone: ____________________________________________________

Location of Problem: __________________________________________

Description of Problem: ________________________________________

________________________________________________________________

________________________________________________________________

________________________________________________________________

Is the problem related to a land-disturbing activity? __________________

If yes, Project File# __________________

Problem Satisfactorily Resolved? ________________________ Date ________

Chronological Summary of Actions Taken:

________________________________________________________________

________________________________________________________________

________________________________________________________________

________________________________________________________________

________________________________________________________________

VII - 38
APPENDIX 7C

DCR/DSWC URBAN PROGRAMS CONTACT INFORMATION
Erosion and Sediment Control (ESC) and Stormwater Management (SWM) Programs

URBAN PROGRAMS HOME PAGES
http://www.state.va.us/~dcr/sw/e&s.htm http://www.state.va.us/~dcr/sw/stormwat.htm

TRAINING & CERTIFICATION HOME PAGE
http://www.state.va.us/~dcr/sw/estr&crt.htm

LINKS TO LOCAL GOVERNMENTS

DCR CENTRAL OFFICE
203 Governor Street, Suite 206
Richmond, VA 23219

<table>
<thead>
<tr>
<th>Program Support Technician</th>
<th>Assistant Program Support Technician</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regina Greene (804) 371-7533 fax 786-1978</td>
<td>Nicole Gordon (804) 371-7489 fax 786-1978</td>
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<table>
<thead>
<tr>
<th>Urban Programs Training/Certification Coordinator</th>
<th>Urban Programs Regulatory Coordinator</th>
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<tbody>
<tr>
<td>VACANT (804)371-7532 fax 786-1978</td>
<td>Michael C. Gerel (804) 371-7440 fax 786-1978</td>
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<thead>
<tr>
<th>Urban Programs Engineer</th>
<th>Stormwater Management Program Manager</th>
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<tbody>
<tr>
<td>VACANT (804) 786-4508 fax 371-2630</td>
<td>Joseph G. Battiata (804) 371-7492 fax 371-2630</td>
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DCR WATERSHED OFFICES*
Urban Program Compliance Engineer (UPCE), Urban Program Engineer (UPE), and Urban Program Planner (UPP) Field Representatives

<table>
<thead>
<tr>
<th>Shenandoah Watershed Office</th>
<th>James Watershed Office</th>
<th>Potomac Watershed Office</th>
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<tr>
<td>Manager - Charlie Wade</td>
<td>Manager - Michael Bowman</td>
<td>Manager - Mary Apostolico</td>
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<tr>
<td>Tamara Keeler (UPCE)</td>
<td>Robert E. Cooper (UPE)</td>
<td>VACANT (UPCE)</td>
</tr>
<tr>
<td>John S. Minarcik (UPE)</td>
<td>John McCutcheon (UPCE)</td>
<td>Jamie B. Lowery (UPE)</td>
</tr>
<tr>
<td>Lynn A. Snyder</td>
<td>(UPCE - Shen-James West)</td>
<td>98 Alexandria Pike, Suite 33</td>
</tr>
<tr>
<td>Route 4, Box 99-J</td>
<td>David Aho (UPCE - James Central)</td>
<td>Warrenton, VA 22186</td>
</tr>
<tr>
<td>Staunton, VA 24401</td>
<td>3800 Stillman Parkway, Suite 102</td>
<td>(540) 347-6420 fax 347-6423</td>
</tr>
<tr>
<td>(540) 332-9991 fax 332-8956</td>
<td>Richmond, VA 23233</td>
<td>fax: 347-6423</td>
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<tr>
<th>Rappahannock Watershed Office</th>
<th>York Watershed Office</th>
<th>Upper Tennessee &amp; Big Sandy (UTBS) Watershed Office</th>
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<tbody>
<tr>
<td>Manager - Matthew Criblez VACANT (UPP)</td>
<td>Manager - Darryl Glover</td>
<td>Manager - Neal Kilgore Phyllis A. Hinch (UPCE)</td>
</tr>
<tr>
<td>Michael J. Lee (UPCE)</td>
<td>Kenny W. Harper (UPCE)</td>
<td>252 W. Main St., Suite 3</td>
</tr>
<tr>
<td>Commonwealth Building,</td>
<td>Post Office Box 1425</td>
<td>Abingdon, VA 24210 (540) 676-5529 fax 676-5527</td>
</tr>
<tr>
<td>2601Princess Anne St., Suite 101</td>
<td>Tappahannock, VA 22560</td>
<td>沔League A. Brown (UPCE) Vacant (UPCE)</td>
</tr>
<tr>
<td>Fredericksburg, VA 24401</td>
<td>(804) 443-6752 fax 443-4534</td>
<td>411 Boyd Street Post Office Box 1506 148 Broad Street 1548-A Holland Road</td>
</tr>
<tr>
<td>(540) 899-4074 fax 899-4389</td>
<td>For</td>
<td>Suffolk, VA 23434 (757) 925-2468 fax 925-2388</td>
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<th>Roanoke Watershed Office</th>
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<tr>
<td>Manager - Tim Ott VACANT (UPP)</td>
<td>Manager – Charlotte Burnett Vacant (UPE)</td>
<td>Manager - Ernie Brown Vacant (UPE)</td>
</tr>
<tr>
<td>Clarence F. Huff (UPCE)</td>
<td>Vacant (UPCE)</td>
<td>411 Boyd Street Post Office Box 1506 148 Broad Street</td>
</tr>
<tr>
<td>411 Boyd Street</td>
<td>Post Office Box 1506</td>
<td>Dublin, VA 24084 (540) 643-2590 fax 643-2597</td>
</tr>
<tr>
<td>Chase City, VA 23924</td>
<td>148 Broad Street</td>
<td>Suffolk, VA 23434 (757) 925-2468 fax 925-2388</td>
</tr>
<tr>
<td>(804) 372-2191/2192</td>
<td>Dublin, VA 24084</td>
<td>fax: 372-4962</td>
</tr>
<tr>
<td>fax: 372-4962</td>
<td></td>
<td>fax: 643-2590</td>
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## APPENDIX 7C
### LOCAL GOVERNMENT JURISDICTIONS AND CORRESPONDING URBAN PROGRAMS CONTACTS

### COUNTIES

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*see Page VII-39
### APPENDIX 7C
LOCAL GOVERNMENT JURISDICTIONS AND CORRESPONDING URBAN PROGRAMS CONTACTS

#### CITIES

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#### TOWNS

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*see Page VII-39