

### 16.0 INSPECTION AND ENFORCEMENT

Inspection and enforcement can be divided into two distinct categories, during construction and post construction.

Construction inspection ensures that the storm drainage systems and stormwater management facilities are constructed and installed in accordance with the approved Stormwater Management Plan.

Once construction is complete, a final inspection will be conducted, and as-built documentation will be submitted to show that the constructed project meets the requirements of the approved Stormwater Management Plan. After final site stabilization the responsibility for the operation and maintenance of the storm drainage systems and stormwater management facilities is transferred from the permittee to the property owner.

Where a project is constructed in phases, a final inspection shall be conducted of each completed phase as designated by the approved Stormwater Management Plan. The final inspection shall consist only of the phase being identified as complete.

After construction is complete, the property owner is required to conduct periodic inspections of the stormwater management facilities. Property owner inspections must be documented and maintained for future verification. The City will conduct periodic post-construction compliance inspections of stormwater management facilities. The property owner shall submit inspection reports to the City on an annual basis.

#### 16.1 Construction Inspections

Construction of storm drainage systems and stormwater management facilities shall comply with the approved final Stormwater Management Plan. Any change to the approved design requires a resubmittal to the City for approval, prior to installation.

Inspections shall be performed by the permittee to ensure that construction conforms to the approved plans and specifications. Additional inspections will be performed by the City to confirm compliance. The project specific requirements for inspections will be determined by the Administrator and permittee during the plan review and preconstruction meeting process.

##### 16.1.1 Notifications to the City

The permittee shall schedule an inspection for all storm drain systems and BMPs by 4pm the day before the inspection is needed. The following are examples of, but not limited to, critical components:

- Before the start of construction;
- Before installing a stormwater pond embankment;
- Before installing pond outlet structures;
- Before setting any concrete BMP structures, this does not include precast drop inlets or manholes;
- Before installing energy dissipation structures and any outlet structure into a jurisdictional stream (perennial or intermittent flow);
- Before installing any infiltration or bioretention BMP; or
- Any other key BMP component as determined by the City

### **16.1.2 Periodic Inspections**

The permittee is responsible to perform adequate inspection of the construction activities to confirm that the site is in compliance with the construction of storm drainage systems and stormwater management facilities and BMPs are in conformance with the approved Stormwater Management Plan.

Upon completion of construction, the permittee must certify that the completed project is in accordance with the approved plans and specifications and must provide documentation of regular inspections sufficient to adequately support compliance. All permittee inspections shall be documented and written reports prepared that contain the following information:

- The date and location of the permittee inspection;
- Whether construction is in compliance with the approved Stormwater Management Plan;
- Variations from the approved construction specifications;
- Corrective actions that have been taken to correct previous violations;
- Any violations that exist or corrective actions that have been completed; and
- The name and signature of the person who performed the inspection.

The City shall conduct periodic inspections during construction. During the City inspection, the permittee will provide copies of all permittee inspections which have been conducted since the last City inspection.

If the City finds any violations, the permittee shall be notified in writing of the nature of the violation and of the required corrective actions. In conjunction, the City may issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If the City determines that there is a repeated failure to comply with the approved plans and specifications, enforcement action may be taken.

### **16.1.3 Final Inspection and As-Built Documentation**

The permittee shall submit as-built documentation to the City prior to final acceptance of the project, confirming that the stormwater management facilities and practices and publicly maintained storm drainage systems have been constructed conform to the approved Stormwater Management Plan. In addition, once the as-built documentation has been submitted, a final inspection will be conducted by the City to confirm that the as-built documentation conforms to the actual construction.

Specific requirements for as-built documentation and certification will be determined by the Administrator and permittee during the plan review and preconstruction meeting process. City inspections may satisfy certification requirements for portions of the construction that can be readily confirmed by visual inspection. Documentation shall include the following:

- The permittee's inspection log records with copies of all inspection test results documenting compliance with the approved Stormwater Management Plan.
- A record version of the approved stormwater management plan that is marked in the field during construction to indicate the following:
  - Where design values, dimensions and conditions agree with the actual constructed values, the plan values shall be marked with a red check mark (✓).
  - Where constructed values, dimensions or conditions deviate from the design values the actual constructed, values shall be marked in plain red.

- As-built survey conducted following construction by a registered land surveyor. The survey shall verify that storage capacities in ponds and other stormwater management structures are no less than the storage volume required by the stormwater management plan. For retention and detention structures, a stage-storage summary table with design values and as-built values shall be included. The surveyor shall verify inverts and sizes of pipes, culverts, and outlet structures. Maximum tolerance shall be +/- 0.1 feet. Items out of tolerance may be acceptable provided the applicant demonstrates that the stormwater management system will function as designed, including meeting all flow, velocity, and regulatory requirements and that the approved elevation-storage requirement is maintained.
- Digital location data for any publicly maintained components of the storm drainage system referenced to the Virginia State Plane coordinate system.
- A Certification statement, signed by the permittee, and by supporting engineer or surveyor, as necessary, indicating conformance with the approved Stormwater Management Plan.

If it is determined from the as-built documentation that the storm drainage systems and the stormwater management facilities have not been constructed in accordance with the approved Stormwater Management Plan, then corrective action will be taken to comply with the approved Plan or the permittee shall provide studies and information required by the City to demonstrate that the constructed systems will function equivalent to the approved Stormwater Management Plan.

Once the as-built documentation has been accepted by the City, the permittee shall schedule a final inspection of the project site prior to final acceptance of the project by the City and the return of performance bonds or securities.

### **16.2 Post-Construction Inspections**

The property owner or responsible party is responsible for the proper operation, inspection, maintenance, and repair of stormwater management facilities, after the completion of construction, in accordance with the applicable maintenance agreement. All inspection, maintenance, and repair activities shall be documented. See Chapter 15 for additional information concerning maintenance and repair of stormwater management facilities.

The property owner shall inspect and maintain stormwater management facilities at the frequencies listed in the Maintenance Agreement.

In addition to the inspections performed by the property owner, each stormwater management facility will be inspected periodically by the City.

In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety, public health, or the environment, the City shall notify the property owner, by registered or certified mail and issue a Notice of Violation. The Notice shall specify the measures needed to correct the situation and shall specify the time within which such measures must be completed. If the responsible party fails or refuses to meet the requirements of the maintenance agreement, the City, after reasonable notice, may apply a civil or criminal penalty and may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition, and recover the costs from the property owner.

### **16.3 Records**

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all inspections, maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be submitted to the City on an annual basis.

### **16.4 Enforcement**

The City Stormwater Management Ordinance, Chapter 11.6, Article VI, of the Code of the City (1979), as amended, and the Virginia Stormwater Management Act, Title 10.1, Article 603 of the Code of Virginia (1950) contain enforcement provisions for the following circumstances:

- No state permit registration;
- No SWPPP;
- Incomplete SWPPP;
- SWPPP not available for review;
- No approved erosion and sediment control plan;
- Failure to install stormwater BMPs or erosion and sediment controls;
- Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
- Operational deficiencies;

- Failure to conduct required inspections;
- Incomplete, improper, or missed inspections; and
- Discharges not in compliance with the requirements of Section 4VAC 50-60-1170 of the general permit.

### 16.4.1 Notice of Violation

When a City inspection has noted that a construction activity or maintenance of a stormwater management facility is not in compliance with the approved Stormwater Management Plan, including all maintenance agreements, or the City Stormwater Management Ordinance, the City shall issue a written notice of violation delivered by registered or certified mail to the permittee or property owner.

The notice of violation shall include:

- The name and address of the responsible party.
- The address when available or a description of the building, structure or land upon which the violation is occurring.
- A statement specifying the nature of the violation.
- A description of the remedial measures necessary to correct the violation and a time schedule for the completion of such remedial action.
- A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, should the remedial measures not be implemented.
- A statement that the determination of violation may be appealed by filing a written notice of appeal within 30 days of service of notice of violation.

### 16.4.2 Stop Work Orders

If a project site is under construction and receives a notice of violation, construction activities in the area where the work was found to be deficient in meeting the approved Stormwater Pollution Prevention Plan shall cease immediately.

The stop work order will be in effect until the City confirms that the land disturbing activity is in compliance with the approved Stormwater Pollution Prevention Plan. The permittee shall address the remedial measures published with the notice of violation within the time period

specified. Upon completion of the remedial measures, the City shall inspect the work and authorize the permittee in writing that the stop work order has been removed and work may continue in that area of the project.

Failure to comply with a stop work order, or with a notice of violation may result in the revocation of the permit and the violator shall be subject to the penalties set forth by the Stormwater Management Ordinance.

### **16.4.3 Penalties**

Any person who willfully or negligently violates any provision of a local ordinance or program adopted by the locality under the authority of the Virginia Stormwater Management Program (VSMP) Permit Regulations (9VAC25-870) shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$2,500 nor more than \$32,500, either or both.

Any person who knowingly makes a false statement in any form required to be submitted under the local ordinance requirements or renders inaccurate any monitoring device or method to be maintained to ensure compliance shall be guilty of a felony punishable by confinement in jail of not less than one year nor more than three years and a fine of not less than \$5,000 nor more than \$50,000.

Any defendant who is not an individual shall, upon conviction of a violation, be sentenced to pay a fine of not less than \$10,000.

Each day that a violation continues shall constitute a separate and distinct violation.

**APPENDIX 16A - INSPECTION FORMS**

Stormwater Management Construction Inspection Checklist



**Best Management Practices (BMPs)**

Best Management Practice	Constructed as Approved?	Discrepancies and Corrections	Completion Date
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		

**Stormwater Collection and Transport  
(Culverts, Storm Drains, and Inlets)**

Item	Constructed as Approved?	Discrepancies and Corrections	Completion Date
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		
	Y <input type="checkbox"/> N <input type="checkbox"/>		
Discharge Outfall from Development	Adequate channel: Y <input type="checkbox"/> N <input type="checkbox"/>		

Signature of Inspector \_\_\_\_\_

