

CHAPTER 20

ENVIRONMENTAL COMPLIANCE ENFORCEMENT

20.1 INTRODUCTION

As explained throughout the previous chapters of this Manual, there are numerous requirements that must be applied to regulated land-disturbing activities. Serving as both VSMP Authority and VESCP Authority for regulated land disturbing activities in Henrico County, the Administrator is responsible for ensuring compliance with these requirements.

As required by state law and regulations, various enforcement measures are included in Sec. 10-56 of the Henrico County Code that may be used by the Administrator to enforce compliance with the applicable requirements. These measures vary from verbal warnings to stop work orders to injunctions. This Chapter provides a description of the administrative procedures and enforcement measures that will be used to pursue violations of Article II of Chapter 10 of the Henrico County Code.

20.2 APPLICABILITY

The enforcement provisions of this Chapter apply to violations of the requirements of Article II of Chapter 10 of the Henrico County Code on all regulated land-disturbing activities.

20.3 ENFORCEMENT MEASURES

As provided in Sec. 10.56 of the Henrico County Code, the following enforcement measures may be used by the Administrator:

1. verbal warnings and inspection reports;
2. notices of corrective action;
3. notices to comply;
4. stop work orders;
5. criminal penalties; and
6. injunctions.

20.4 VIOLATIONS OF ARTICLE II OF CHAPTER 10

The following list contains some of the violations that will be pursued.

1. failure to obtain GCP coverage as described in Chapter 12;
2. failure to obtain an approved ECP or any required component of the ECP as described in Chapter 5;
3. failure to maintain a complete *SWPPP as described in Chapter 13*;
4. failure to make a *SWPPP* available for review as described in Chapter 18;
5. failure to implement the required environmental control measures as described in Chapter 18;
6. failure to maintain the required environmental control measures as described in Chapter 18;
7. failure to conduct and document the required inspections as described Chapter 18; and
8. other operational deficiencies.

Please note that this is not an exhaustive list of the possible violations that may be pursued.

20.5 ENFORCEMENT PROCEDURES

Upon notice of a violation of this Manual, the Administrator or his designee may, in conjunction with or subsequent to a notice to comply, issue a stop work order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been implemented. If land disturbing activities have commenced without an approved plan or agreement in lieu of a plan, a stop work order may be issued requiring that all land disturbing activities be stopped until an approved plan, an agreement in lieu of a plan, or any required permits are obtained. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the state, or where the land disturbing activities have commenced without an approved plan, agreement in lieu of a plan or any required permits, such an order may be issued without regard to whether or not the owner or permittee has been issued a notice to comply.

Where the alleged noncompliance is not causing or is not in imminent danger of causing harmful erosion or sediment deposition in waters within the watersheds of the state, a stop work order may be issued only after either the owner or permittee has failed to comply with a notice to comply. The stop work order shall be served in the same manner as a notice to comply.

The order shall remain in effect for a period of seven calendar days from the date of service pending application by the director or alleged violator for appropriate relief to the circuit court of the jurisdiction wherein the violation is alleged to have occurred. If the alleged violator has not obtained an approved plan, agreement in lieu of a plan or any required permits within seven days from the date of service of the order, the director may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan, agreement in lieu of a plan or any required permits have been obtained. The order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the County. The owner may appeal the issuance of an order to the circuit court. Any person violating or failing, neglecting or refusing to obey an order issued by the director may be compelled to comply with the order by injunction, mandamus or other appropriate remedy. Upon completion of the corrective action, the stop work order shall immediately be lifted. Nothing in this section shall prevent the county manager from taking additional enforcement action permitted by this article and by state law.

In addition to the enforcement measures listed in Section 20.3 of this chapter, any person who violates any provision of this Manual may also be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.