



VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) LOCAL ORDINANCE CHECKLIST

December 13, 2013

Locality _____
Reviewer: _____
Date: _____

Virginia local governments that adopt a Virginia State Water Control Board (Board) approved Virginia Stormwater Management Program (VSMP) must develop local ordinances that incorporate specific components of the Virginia Stormwater Management Act and Virginia Stormwater Management Program (VSMP) Regulations. The Department has developed this VSMP Local Ordinance Checklist as a tool to assist Regional Office staff and local governments in the development and review of local SWMP ordinances. It was developed using the DCR Stormwater Management Model Ordinance as a template for organization and minimum requirements. We recommend that the Virginia Stormwater Management Act and the VSMP Permit Regulations be used when reviewing local stormwater ordinances. The relevant code and/or regulatory citations are included to provide the reviewer with the actual regulatory requirement and language.

1-1. PURPOSE AND AUTHORITY

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
1	9VAC25-870-20	Purpose: Describes purpose of local VSMP ordinance.	Verify that purpose of the ordinance is described: provides the framework for the administration, implementation and enforcement of the provisions of the Virginia Stormwater Management Act and delineates the procedures and requirements to be followed in connection with permits issued by the local VSMP authority.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
2	62.1-44.15:27	Establishes requirement for localities to establish a stormwater management program.	Ensure reference to 62.1-44.15:27 is given.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

1-2. DEFINITIONS

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
3	9VAC25-870-10	Definitions: The Model Ordinance includes 33 definitions necessary for	The reviewer should ensure that these 33 definitions are included in the local ordinance. Additional definitions may be included but		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

		inclusion in a local storm water ordinance.	should be reviewed against the Regulations. All definitions should be consistent with the Regulations. Ensure that any references to DCR are changed to DEQ.		
--	--	---	--	--	--

1-3. STORMWATER PERMIT REQUIREMENT; EXEMPTIONS

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
4	62.1-44.15:34 A	Requires a VSMP authority permit to be issued prior to the commencement of land disturbance.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
5	9VAC25-870-51	Outlines specific technical criteria and administrative requirements land disturbing activities subject to the Chesapeake Bay Preservation Act must meet.	Ensure ordinance states that Chesapeake Bay Act land disturbing activities do not require completion of a registration statement or require coverage under the General Permit but shall be subject to the technical criteria and program and administrative requirements in 9VAC25-870-51. Determine if all 9 technical criteria/administrative requirements are specified in the local ordinance: 1. Erosion and sediment control plan 2. Stormwater management plan 3. Exceptions may be requested 4. Long-term maintenance of stormwater management facilities 5. Water quality design criteria 6. Water quality compliance 7. Channel protection and flood protection 8. Offsite compliance options available 9. Subject to design storm and hydrologic methods, linear development controls, and criteria associated with stormwater impoundment structures or facilities		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Technical criteria/administrative requirements specified? 1. Yes <input type="checkbox"/> No <input type="checkbox"/> 2. Yes <input type="checkbox"/> No <input type="checkbox"/> 3. Yes <input type="checkbox"/> No <input type="checkbox"/> 4. Yes <input type="checkbox"/> No <input type="checkbox"/> 5. Yes <input type="checkbox"/> No <input type="checkbox"/> 6. Yes <input type="checkbox"/> No <input type="checkbox"/> 7. Yes <input type="checkbox"/> No <input type="checkbox"/> 8. Yes <input type="checkbox"/> No <input type="checkbox"/> 9. Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
6	62.1-44.15:34 C	Lists 8 activities that are exempt under the Regulations.	Must be phrased exactly like the Code to ensure proper interpretation. Determine if all 8 activities are specified in the local ordinance: 1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of		Exempt activities specified? 1. Yes <input type="checkbox"/> No <input type="checkbox"/> 2. Yes <input type="checkbox"/> No <input type="checkbox"/> 3. Yes <input type="checkbox"/> No <input type="checkbox"/> 4. Yes <input type="checkbox"/> No <input type="checkbox"/> 5. Yes <input type="checkbox"/> No <input type="checkbox"/>

			<p>Title 45:1;</p> <p>2. Clearing of lands specifically for agricultural purposes and the management, tilling, planting or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulations, 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; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§10.1 – 1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in subsection B of §10.1-1163;</p> <p>3. Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures. However, localities subject to the Chesapeake Bay Preservation Act (§62.1-44.15:67 et seq.) may regulate these single family residences where land disturbance exceeds 2,500 square feet;</p> <p>4. Land disturbing activities that disturb less than one acre of land area except for land disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC 25-830) adopted pursuant to the Chesapeake Bay Preservation Act (§62.1-44.15:67 et seq.) or activities that are part of a larger common plan of development or sale that is one acre or</p>		<p>6. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>7. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>8. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comments:</p>
--	--	--	--	--	---

			<p>greater of disturbance; however, the governing body of any locality that administers a VSMP may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;</p> <p>5. Discharges to a sanitary sewer or combined sewer system;</p> <p>6. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;</p> <p>7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection;</p> <p>8. Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VSMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity.</p>		
--	--	--	--	--	--

1-4. STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SUBMISSION AND APPROVAL OF PLANS

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
7	62.1-44.15:34 9VAC25-870-54.A-C 9VAC25-870-59	Requires an approved erosion & sediment control plan, stormwater management plan, and general permit registration	Verify these 3 requirements are specified in the local ordinance, where required. Note: On 12-17-13, the VA SWCB will take action on a proposed amendment to 9VAC25-870-54.C that		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

		statement prior to issuance of a VSMP authority permit.	will state that land disturbing activities previously covered under the General Permit issued July 1, 2009 are not required to have a stormwater management plan approved by a VSMP authority.		
8	62.1-44.15:34	Allows for issuance of VSMP authority permit only after evidence of general permit coverage is obtained.	Verify requirement exists in the local ordinance, where required.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
9	9VAC25-870-750.A	Requires fees to be paid before issuance of VSMP authority permit.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
10	62.1-44.15:34 A	Requires approval of a VSMP authority permit prior to issuance of grading, building or other local permit.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

1-5. STORMWATER POLLUTION PREVENTION PLAN (SWPPP); CONTENTS OF PLAN

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
11	9VAC25-870-54.A 9VAC25-880-70, Section II	Requires SWPPP to be in compliance with state regulations and general permit requirements.	Ensure references to 9VAC25-870-54 and 9VAC25-880-70 are included. SWPPPs must include: 1. Approved erosion and sediment control plan 2. Approved stormwater management plan 3. Pollution Prevention Plan for regulated land disturbing activities 4. Description of any additional control measures necessary to address a TMDL (Not required to be listed in local ordinance as long as regulatory reference is given.)		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
12	9VAC25-870-54.G	Describes conditions under which a SWPPP must be amended by the operator.	Verify local ordinance states that SWPPP must be amended when there is a change in design, construction, operation or maintenance that has significant effect on discharge of pollutants not addressed by existing SWPPP.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
13	9VAC25-870-54.G	Describes conditions under which SWPPP must be	Verify local ordinance states that the SWPPP must be maintained at a central location onsite.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/>

		maintained by operator.	If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site.		Comments:
--	--	-------------------------	--	--	-----------

1-6. STORMWATER MANAGEMENT (SWM) PLAN; CONTENTS OF PLAN

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
14	9VAC25-870-55.A	Requires SWM plan to apply technical criteria and consider all sources of surface runoff and subsurface and groundwater flows converted to surface runoff.	Verify requirement exists in the local ordinance. Note: On 12-17-13, the VA SWCB will take action on a proposed amendment to 9VAC25-870-55.A that will state that a stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria to the entire common plan of development.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
15	9VAC25-870-55.B 1-8	Lists 8 required SWM plan elements.	Determine if all 8 elements are specified in the local ordinance: 1. Information on type/ location of stormwater discharges, information on features to which stormwater is being discharged, including surface waters or karst features if present, and predevelopment/post development drainage areas; 2. Contact information including name, address, telephone number and parcel number of the property or properties affected; 3. Narrative that includes a description of current site conditions and final site conditions or if allowed by the VSMP authority, the information provided and documented during the review process that addresses the current and final site conditions; 4. General description of the proposed stormwater management facilities and mechanism through which the facilities will be operated/ maintained after construction is complete; 5. Information on proposed stormwater management facilities, including (i) type of facilities; (ii) location, including geographic		All elements specified? 1. Yes <input type="checkbox"/> No <input type="checkbox"/> 2. Yes <input type="checkbox"/> No <input type="checkbox"/> 3. Yes <input type="checkbox"/> No <input type="checkbox"/> 4. Yes <input type="checkbox"/> No <input type="checkbox"/> 5. Yes <input type="checkbox"/> No <input type="checkbox"/> 6. Yes <input type="checkbox"/> No <input type="checkbox"/> 7. Yes <input type="checkbox"/> No <input type="checkbox"/> 8. Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

			<p>coordinates; (iii) acres treated; and (iv) surface waters or karst features into which facility will discharge;</p> <p>6. Hydrologic/hydraulic computations, including runoff characteristics;</p> <p>7. Documentation/calculations verifying compliance with water quality and quantity requirements of the regulations;</p> <p>8. Map or maps of site that depicts topography of the site and includes:</p> <ul style="list-style-type: none"> a. Contributing drainage areas; b. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, floodplains; c. Soil types, geologic formations if karst features are present in the area, forest cover, other vegetative areas; d. Current land use including existing structures, roads, locations of known utilities and easements; e. Sufficient information on adjoining parcels to assess impacts of stormwater from the site on these parcels; f. Limits of clearing and grading, proposed drainage patterns on the site; g. Proposed buildings, roads, parking areas, utilities, stormwater management facilities; h. Proposed land use with tabulation of percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads and easements. 		
16	9VAC25-870-55.B 9	Letter of availability required for use of off-site compliance options.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
17	9VAC25-870-55.C	Requires elements of SWM plans that include activities regulated under Chapter 4 of Title 54.1 of the Code of Virginia be appropriately sealed and signed by professional	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

		registered in the Commonwealth of Virginia.			
18	9VAC25-870-55.D	Requires construction record drawing be submitted to VSMP authority. Must be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia certifying that the SWM facilities have been constructed in accordance with approved plan.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

1-7. POLLUTION PREVENTION PLAN (PPP); CONTENTS OF PLAN

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
19	9VAC25-870-56	Requires PPP which details design, installation, implementation and maintenance of pollution prevention measures in accordance with Regulations.	Verify requirement exists in the local ordinance or is included by reference.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
20	9VAC25-870-56.A 1-3, B 1-4 and C	Lists PPP requirements as outlined in the Regulations.	Determine if all 8 requirements are specified in the local ordinance or are included by reference: 1. Minimize discharge of pollutants from equipment and vehicle washing, wheel wash water and other wash waters. Wash waters must be treated prior to discharge; 2. Minimize exposure of all materials on site to precipitation and stormwater; 3. Minimize discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures; 4. BMPs to prohibit wastewater from washout of concrete, unless managed by appropriate control; 5. BMPs to prohibit wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials; 6. BMPs to prohibit discharges of fuels, oils or		All requirements specified? 1. Yes <input type="checkbox"/> No <input type="checkbox"/> 2. Yes <input type="checkbox"/> No <input type="checkbox"/> 3. Yes <input type="checkbox"/> No <input type="checkbox"/> 4. Yes <input type="checkbox"/> No <input type="checkbox"/> 5. Yes <input type="checkbox"/> No <input type="checkbox"/> 6. Yes <input type="checkbox"/> No <input type="checkbox"/> 7. Yes <input type="checkbox"/> No <input type="checkbox"/> 8. Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

			<p>other pollutants used in vehicle/equipment operation/ maintenance;</p> <p>7. BMPs to prohibit discharges of soaps or solvents used in vehicle/equipment washing;</p> <p>8. Discharges from dewatering activities are prohibited unless managed by appropriate controls.</p>		
--	--	--	--	--	--

1-8. REVIEW OF STORMWATER MANAGEMENT (SWM) PLAN

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
21	9VAC25-870-108.A	Requires the VSMP authority to review and approve SWM plans.	Verify requirement exists in the local ordinance. May include “or any duly authorized agent of the Administrator”.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
22	9VAC25-870-108.B	Establishes time frame for review of SWM plans and requirement for communication of decision to applicant.	<p>Ensure all review period benchmarks are included:</p> <p>1. Completeness of plan must be determined and applicant notified of determination within 15 days of receipt.</p> <p>a. If incomplete, applicant must be notified in writing.</p> <p>b. If determination of completeness is made, 60 days from date of communication is allowed for review.</p> <p>c. If determination of completeness is not made and communicated within 15 days, plan shall be deemed complete as of date of submission and 60 days from date of submission will be allowed for review.</p> <p>d. Any plan previously disapproved must be reviewed within 45 days of resubmission.</p> <p>2. Decision to approve or disapprove plan must be provided in writing; if not approved reasons must be provided in writing.</p> <p>3. If a plan meeting all requirements is submitted and no action is taken within appropriate time frame, the plan will be deemed approved.</p> <p>(Note: Shorter time frames are acceptable.)</p>		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
23	9VAC25-870-108.C	Describes the conditions under	Verify requirement exists in the local ordinance.		Provision met?

		which modifications to approved SWM plans may be allowed or required.			Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
24	9VAC25-870-108.E	Requires construction record drawing for permanent BMPs. May elect not to require for SWM facilities for which maintenance agreements are not required pursuant to 9VAC25-870-112.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

1-9. TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
25	9VAC25-870-62 9VAC25-870-63 9VAC25-870-65 9VAC25-870-66 9VAC25-870-69 9VAC25-870-72 9VAC25-870-74 9VAC25-870-76 9VAC25-870-85 9VAC25-870-92 9VAC25-870-93 9VAC25-870-94 9VAC25-870-95 9VAC25-870-96 9VAC25-870-97 9VAC25-870-98 9VAC25-870-99	Technical criteria for land disturbing activities.	Technical criteria must be part of the VSMP, but do not have to be included within the ordinance. They may be contained within a local document that is referenced within the ordinance or the ordinance may reference 9VAC25-870-62 thru 92 of the Regulations. State technical criteria or more stringent local standards must be enforceable through the ordinance. Note: On 12-17-13, the VA SWCB will take action on a proposed amendments to Part II C, Technical Criteria for Grandfathered Projects. 9VAC25-870-95 will state that land disturbing activities shall apply the stormwater management technical criteria to the entire common plan of development. 9VAC25-870-98 will state that the 10-year postdeveloped peak rate of runoff shall not exceed the 10-year predeveloped peak rate of runoff measured at each point of discharge from the land disturbance. 9VAC25-870-93 thru 99 must also be contained or referenced in local ordinances.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
26	9VAC25-870-48	Describes conditions under which grandfathering of projects may occur.	Verify requirements exist in the local ordinance. Note: On 12-17-13, the VA SWCB will take action on a proposed amendment to 9VAC25-870-48, which will clarify existing requirements regarding grandfathering. Please		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

			refer directly to the regulatory section after the amendment becomes effective or “Draft Amendments for Board Action in December 2013” document for details.		
27	9VAC25-870-122	Describes conditions under which exceptions to the technical criteria may be granted.	Verify requirements exist in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

1-10. LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
28	9VAC25-870-58	Requires recorded instrument for long term maintenance of permanent BMPs.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
29	9VAC25-870-112.A	Sets out specific requirements for long term maintenance of permanent BMPs.	Determine if all 5 requirements are specified in the local ordinance: 1. Submitted prior to approval of stormwater management plan 2. Stated to run with land 3. Provide necessary access to property for maintenance and inspection 4. Provide for inspections and maintenance and submission of reports 5. Be enforceable		All requirements specified? 1. Yes <input type="checkbox"/> No <input type="checkbox"/> 2. Yes <input type="checkbox"/> No <input type="checkbox"/> 3. Yes <input type="checkbox"/> No <input type="checkbox"/> 4. Yes <input type="checkbox"/> No <input type="checkbox"/> 5. Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
30	9VAC25-870-112.B	Allows option for localities to not require a recorded BMP maintenance agreement on individual residential instrument.	If locality desires to allow this option, verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
31	9VAC25-870-114.D	If individual residential BMPs are not required to have recorded instrument, localities must develop strategy to address maintenance.	Applicable only if individual BMPs are not required to have recorded instrument.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

1-11. MONITORING AND INSPECTIONS

	State Code/Regulation	Description	Review Strategy	Local Code	Review Results
--	-----------------------	-------------	-----------------	------------	----------------

	Citation			Citation	
32	9VAC25-870-114.A	Requires VSMP authority to inspect for 4 compliance items during construction.	Determine if all 4 required inspection items are specified in the local ordinance: 1. Compliance with erosion and sediment control plan 2. Compliance with stormwater management plan 3. Development, updating, implementation of pollution prevention plan 4. Development and implementation of additional control measures to address a TMDL		Inspection items specified? 1. Yes <input type="checkbox"/> No <input type="checkbox"/> 2. Yes <input type="checkbox"/> No <input type="checkbox"/> 3. Yes <input type="checkbox"/> No <input type="checkbox"/> 4. Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
33	62.1-44.15:39	Allows entry onto property in order to obtain information to assist in the enforcement of ordinance.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
34	62.1-44.15:40	Requires permittee to provide information to VSMP authority when requested.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
35	9VAC25-870-114.B.2	Requires post-construction inspections to be conducted by VSMP authority at least once every 5 years.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

1-12. HEARINGS

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
36	62.1-44.15:44 9VAC25-870-118	Establishes right to hearing by any permit applicant, permittee, or person subject to state permit requirements aggrieved by a VSMP authority.	Verify requirement exists in the local ordinance. (Note: Local Board of Zoning Appeals and locality Program Administrators or his/her designee cannot constitute the Appeals Board. A separate Board or Commission must be appointed to hear appeals.)		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
37	62.1-44.15:45 62.1-44.26	Establishes procedures for hearings.	Verify that hearings held by local government comply with the requirements of §62.1-44.26 A – C: 1. Must be conducted by local governing or appeals body at a regular or special meeting		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

			<p>or by at least one member designated to conduct such hearings or at any other authorized time and place.</p> <p>2. Verbatim record of proceedings must be taken and filed with local governing or appeals body.</p>		
--	--	--	--	--	--

1-13. APPEALS

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
38	62.1-44.15:46	Establishes right to appeals process.	Pursuant to §62.1-44.15:46, each locality must adopt an appeals procedure, which should be appropriate for the stormwater ordinance provisions, and shall be conducted in accordance with the locality's existing appeals procedures.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

1-14. ENFORCEMENT

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
39	62.1-44.15:37 A 9VAC25-870-116.A	Requires notice to be served if Administrator determines there is a failure to comply.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
40	62.1-44.15:37 A	Requires compliance measures to address permit conditions and timeframe for completion.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
41	62.1-44.15:37 A	Describes failure to comply actions.	Ensure that the local ordinance states that an order may be issued that ceases all land-disturbing activities until corrected.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
42	62.1-44.15:37 9VAC25-870-116.A 1	Allows for informal and formal proceedings if Administrator determines that there is a failure to comply.	Verify requirement exists in the local ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
43	62.1-44.15:49 9VAC25-870-116	Provides enforcement authority and schedule of civil penalties	Components from 9VAC25-870-116 A 1 & A 2 must be incorporated into the VSMP ordinance.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/>

		for enforcement actions. Criminal misdemeanor charges are an option also.	Ensure that the maximum penalty of \$32,500 per violation per day is not exceeded and that violations for which a penalty may be imposed are given.		Comments:
--	--	---	---	--	-----------

1-15. FEES

(The inclusion of fees within the ordinance is optional. If they are not included within the ordinance, they should be documented elsewhere and must be submitted to DEQ as part of the Local VSMP Application package.)

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
44	62.1-44.15:28	Establishes fees to cover costs associated with implementation of a VSMP.	Verify that the locality has either incorporated the fee schedule into their ordinance or local procedures. See Table 1 in SWM Model Ordinance or regulatory citation. (Note: Localities have ability to raise or lower fees. May also utilize other sources of funding.)		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
45	9VAC25-870-820	Fees associated with coverage under the General Permit for Discharges of Stormwater from Construction Activities (CGP).	See Table 1 in SWM Model Ordinance or regulatory citation.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
46	9VAC25-870-825	Fees associated with modification or transfer of CGP.	See Table 2 in SWM Model Ordinance or regulatory citation.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
47	9VAC25-870-830	Maintenance fees.	See Table 3 in SWM Model Ordinance or regulatory citation.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
48	9VAC25-870-770	Specifies how incomplete and late payments are handled.	Verify local ordinance states that incomplete payments deemed as nonpayments, interest may be charged on late payments, and a 10% late payment fee applied to delinquent accounts.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:

1-16. PERFORMANCE BOND

(This section is optional and is not required to be included in local ordinances.)

	State Code/Regulation Citation	Description	Review Strategy	Local Code Citation	Review Results
--	--------------------------------	-------------	-----------------	---------------------	----------------

49	62.1-44.15:34 A 9VAC25-870-104.D	Allows for bonds and sets out criteria.	Not required in local ordinances.		Provision met? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:
----	---	---	-----------------------------------	--	---