

Habitat Management Division - Special Report
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Enforcement Procedures and Considerations Relative to Chapter 811 Acts of Assembly

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Introduction

Recent changes in legislation altering enforcement authority under Title 62.1 present an excellent opportunity for a review of enforcement procedures as well as a chance to highlight the changes that resulted from these additions to the law. This review is designed to be used as an enforcement guide to aid in interpreting the changes and should not take the place of advice from knowledgeable counsel.

All of the amendments and additions included in Chapter 811 Acts of Assembly 1990 (Senate Bill 183) as found in Attachment A, are contained in Title 62.1 of the Code of Virginia and affect the regulation of subaqueous lands, tidal wetlands and coastal primary sand dunes, Chapters 1, 2.1 and 2.2, respectively. Specifically, those amendments provide the Commission with the authority to adopt regulations, and the Commission or local wetlands board with the authority to issue restoration orders and assess civil charges for violations of the applicable statutes. These amendments became effective on July 1, 1990.

In the past, violations of the aforementioned Code sections usually resulted in either voluntary restoration or more frequently, submittal of an after-the-fact application for a permit. Violators were usually asked to appear before the Commission or wetlands board and reprimanded for their actions with the intent of producing a lasting impression through public admonishment. The prospect of prosecution within the judicial system was previously and remains a viable option. Unfortunately, the inherent problems associated with preparing a case to go to Circuit Court remained unchanged. The difference now is that once in Circuit Court, a judge can levy a civil penalty up to \$25,000 for each day of a violation. This hopefully will serve as

a strong deterrent to violating the law and a powerful incentive for resolving the matter at an administrative level. In that regard, Section 62.1-13.18:2 grants the Commission and wetlands boards the authority to assess civil charges of up to \$10,000 per violation. Civil charges are to be paid in lieu of any appropriate civil penalty and can be assessed only with the consent of the person in violation.

The obvious intent of both civil penalties and charges is to provide financial disincentives against violating the law while at the same time providing the impetus to resolve these issues at an administrative level. A \$10,000 civil charge may seem extreme but when compared to perhaps a \$500,000 civil penalty (\$25,000 x each day of the violation, 20 days in this example) the more cost effective solution remains at the administrative level. It should be noted, however, that civil charges may be in addition to the cost of any restoration ordered under Section 62.1-13.16:1(C).

The adoption of financial disincentives not only commands the attention of those parties involved in coastal development but also those responsible for administering Virginia's coastal law. Enforcement

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procedures within Virginia's 34 wetland boards has in the past reflected the varying degrees of complexity found in each local government. Unifying these procedures to conform to rigid standards is perhaps not desirable but a review of the basic enforcement components does provide a basis from which localities can refine an enforcement mechanism which is legally complete and reflects the unique character of each locality.

Enforcement

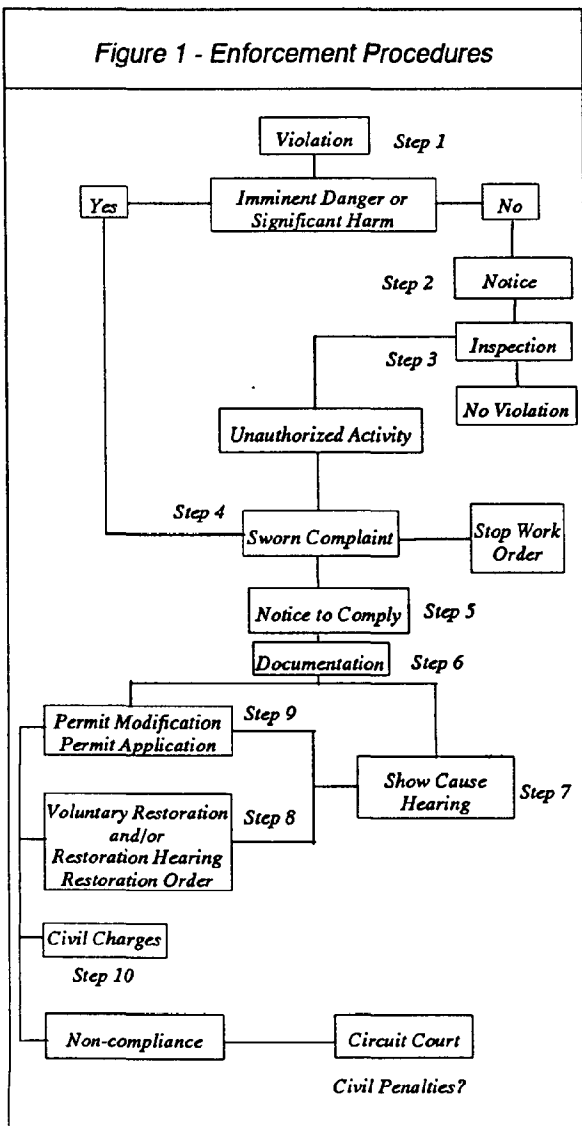
Figure 1 - Enforcement Procedures, represents an overall generalized outline of the enforcement components incorporated into Title 62.1 of the Code. Because different Code sections embody different enforcement components, this unified ap-

proach is intended to be only a guide and is not a substitute for a more comprehensive review and understanding of individual Code sections. A discussion of each of these components combined with relevant reporting requirements will hopefully solidify the enforcement procedure within the context of your individual needs.

Report of a violation (Step 1), either through citizen response or staff awareness, immediately calls into question the test of imminent danger and significant harm. If the potential violation appears to involve substantial impact to natural resources and further delay could lead to increased despoliation, it may be necessary to forgo standard notification requirements and serve a Stop Work Order as specified in Section 62.1-13.16:1(B). Otherwise, standard operating procedures dictate that prior to inspection, notice shall be provided to the resident owner, occupier, or operator (Step 2). If notice is given verbally, it should be followed with written correspondence. The individual(s) involved should be given an opportunity to accompany the site inspector during their inspection (Step 3).

If it is determined there is failure to comply with a permit or that unauthorized activities have transpired, a Sworn Complaint (Step 4, Attachment B) from the designated enforcement officer should be completed and presented to the board chairman. Upon receipt of a Sworn Complaint, the board chairman issues a Notice to Comply (Step 5, Attachment C), indicating the measures needed for compliance and a specified time within which such measures shall be completed. Non-compliance can also result in the issuance of a Stop Work Order (Attachment E) from the board chairman. The affect of a Stop Work Order is directly related to the desired outcome of any given situation. A Stop Work Order is usually viewed administratively as an "attention getter" designed to reinforce the need for compliance with the law. As such, Stop Work Orders can be issued in conjunction with the Notice to Comply. In the absence of compliance, the Stop Work Order serves as the precursor to application for appropriate relief to a Circuit Court in the jurisdiction wherein the violation was alleged to have occurred.

The Sworn Complaint is an important component of the violation procedure. While not required under Section 62.1-13.16:1(A), the Sworn Complaint is an integral part of the enforcement proceeding under Sections 62.1-13.16:1(B), and (C). In fact, the Sworn Complaint is required as a precursor to the issuance of a Stop Work Order or a Restoration Order. Care should also be taken at this time to completely document and photograph the violation (Step 6). The violation worksheet (Attachment D)



contains pertinent questions which should be answered and may be helpful to ensure that all necessary information is obtained.

Compliance can reasonably involve one of two separate approaches. In one instance the Board can request the property owner appear before the Board during the next regularly scheduled hearing and show cause why he or she is not in violation (Step 7). The show cause hearing allows the Board members an opportunity to bring forth and put to record pertinent facts. On the other hand, the Board might also recognize the project was not constructed in a fashion which warrants removal. In such a case the Board could move to accept an application and permit a project with the appropriate application of civil charges (Step 9 & 10).

In the former example, a Notice to Comply would request the party responsible for the violation to cease the activity and for the owner to appear before the Board to show cause at a specified date and time. It should be understood, however, that the show cause hearing is not the public interest review. Rather, it is merely a fact finding session. At its conclusion, the Board must decide which path is most reasonable. A move toward immediate restoration could be viewed as depriving the property owner of due process and a full public interest review under the law. This approach stems from *Petzinger vs. VMRC 1980*. In this proceeding, VMRC, on advice from counsel, vacated its own order to restore and allowed the appellant, Frederick J. Petzinger, III the opportunity to apply for an after-the-fact permit. In this case, the appellant had knowingly installed a number of mooring pilings in excess of that authorized by an existing permit. The VMRC originally moved for immediate restoration, but upon further consideration from the Attorney General's office, decided to subject the project to a full public interest review providing the property owner with due process. The application was subsequently denied during review and the applicant was directed to remove the offending structures. The decision was later upheld on appeal to the Circuit Court.

The submission of an application or allowance thereof is not a predilection for approval. It is an affirmation of due process which now also allows for the application of civil charges (Step 10) for projects which might reasonably have been approved in normal channels.

Restoration

Section 62.1-13.16:1(C) provides the boards with additional remedies under the law in the form of a Restoration Order. A general format for this order is contained in Attachment F. The restoration order should not be considered a position of last resort. In cases where restoration is a desirable outcome, a Notice to Comply with voluntary restoration may preclude a formal restoration hearing.

A restoration hearing is appropriate in those instances where substantial damage to resources, beyond that which would normally have been permitted, has occurred. Even in instances where voluntary restoration is deemed a viable alternative, the restoration order may be useful in specifying the details necessary to ensure an effective restoration effort.

A restoration order results from the issuance of a Sworn Complaint along with the provision of the necessary 30 day notice to the affected party including the time, place and purpose of the restoration hearing. Such an order should require the submission of a complete restoration monitoring plan to ensure successful re-establishment of the affected resources (see Restoration Under Title 62.1 of the Code of Virginia, Attachment F). In general, these plans define project details and formalize the performance standards by which the restored area will be evaluated over the long term. The restoration order may also require a prepaid contract acceptable to the board be in effect for the purpose of carrying out the Monitoring Plan. In addition, the board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to securing compliance with the conditions set forth in the Restoration Order. Failure to complete the required restoration constitutes a separate violation.

Compliance Monitoring

The adoption of financial disincentives places a burden not only on developers but also on individual wetlands boards. As briefly touched on earlier, many of the problems previously associated with enforcement efforts remain today. While it may prove relatively easy to determine that a bulkhead was constructed without authorization, it is somewhat harder to determine the extent of encroachment beyond that which was authorized by a particular permit. The basis for such determinations frequently hinges on the permit drawings that became a part of the permit document at issuance.

As such, it would certainly behoove each local board to adopt a more demanding stance in determining adequacy of application drawings. Effective enforcement of permit noncompliance can only be achieved with more rigorous application standards. In a report produced by the Wetlands Advisory Program at VIMS, "Monitoring of Compliance with Permits Granted by Local Wetlands Boards," they concluded that without compliance monitoring for permitted projects, the regulatory process may be undermined by unnecessary wetland losses. Thus producing a false impression of the degree to which wetland resources are being protected (Bradshaw, 1990).

Civil Penalties and Charges

The major thrust of SB183 was the addition of teeth into an administrative process. The provision of penalties and charges, however, does nothing to ease the burden of identifying and legally documenting the existence of a violation. As previously discussed, application drawings become the only reliable standard by which permit compliance can be determined.

The review of enforcement procedures identified two available paths for invoking civil penalties or charges, step 8 or step 9. Both paths involve identifying the presence of a violation. Only after a violation has been determined and sufficiently documented, including steps 4, 5 & 6, can the board proceed. In cases where restoration is a desirable conclusion, the individual has the option of restoring the area to pre-existing conditions. (Voluntary restoration in this manner may still benefit from a restoration hearing to establish the formal conditions for restoration. A minimum 30 day notice of a restoration hearing applies.) Otherwise, application for a permit modification or after-the-fact approval is necessary. The show cause hearing again provides the setting for discussion of the available options.

Any violation, whether voluntarily restored or not, should be considered an agenda item and fully discussed during a regularly scheduled meeting of the wetlands board. Standard notification procedures apply. The party involved should be contacted and informed that the violation in question will be discussed at the following board meeting and that their presence is requested at the hearing.

In the absence of complete and satisfactory restoration, anyone found in violation of these Code sections is subject to either a civil penalty (Circuit Court) or to a civil charge (local wetlands board).

These are the only options available under this Code section. The ramifications of each need to be clearly explained to the individual(s) in violation. Only with the individual's concurrence can the board assess a civil charge.

Environmental Impact			
<i>Significant</i>	\$ 5,000	\$ 7,500	\$ 10,000
<i>Moderate</i>	\$ 1,500	\$ 3,000	\$ 4,500
<i>Minimal</i>	\$ 500	\$ 1,000	\$ 1,500
	<i>Minor</i>	<i>Moderate</i>	<i>Major</i>
Relative Degree of Deviation or Non-compliance			

Table 1 - Civil Charge Determination

Section 62.1-13.18:2 indicates that a board may order a one-time payment of civil charges for each violation not to exceed \$10,000. Table 1 - Civil Charge Determination, has been developed to ensure continuity between the boards as they individually arrive at an actual dollar amount representative of the violation in question. This assessment is designed to contain the flexibility necessary for the board to arrive at a conclusion based on the specific terms of each specific violation. These amounts are by no means absolute and are intended to be used as a guide rather than a template.

Environmental Impact in this table refers more to the relative environmental value of the resource lost and less to the actual square footage of area impacted. The values for each wetland type may be found in the Wetlands Guidelines. For example, 100 square feet of impact to two stands of vegetated wetlands may be viewed differently depending on the dominant plant species. A Group One wetland ranks higher in value than a Group Five wetland and therefore would tend to be a more significant loss even though on an areal basis the impacts might at first appear relatively equal, (Wetland Guidelines 1974, amended 1982).

Relative Degree of Deviation or Non-compliance refers to the extent of a violation. This could include not only the magnitude of the area of impact but other mitigating factors such as:

- Good Faith
- Degree of Willfulness
- History of Non-compliance
- Cooperation

(Professing an ignorance of the law should not be considered a mitigating factor.)

Conclusion

While it is appealing to believe that successful implementation of these Code changes will solve all of the problems with respect to wetland violations and after-the-fact applications, such a situation is unlikely. As long as individuals choose to live along the shores, development activities within this coastal fringe will continue to exert tremendous pressure on Virginia's tidal wetlands and submerged lands.

The success or failure of these Code changes will be directly related to each of Virginia's local wetlands boards. Enforcement needs to be accomplished in as uniform and consistent a manner as possible. At a minimum, each board should thoroughly review its present enforcement procedures and determine how the current changes need to be incorporated within their existing administrative infrastructure.

This expanded authority is not the ultimate answer. A great deal of the problem with enforcement and permit compliance rests in a lack of attention to detail, crossed communication, and poor follow-up. Remember, "as close to the bank as possible" may be viewed in a variety of ways. It may mean within three feet to the wetlands board, but it could mean "as far as I care to go" for someone building the structure.

Literature Cited

Bradshaw, J.G. 1990, Monitoring of compliance with permits granted by local wetlands boards. Technical Report No. 90-1. 7p. College of William and Mary, Virginia Institute of Marine Science, School of Marine Science, Wetlands Program, Gloucester Point, Virginia.

Virginia Marine Resources Commission. 1974. Wetlands Guidelines. Available from VMRC, Newport News, Virginia.

Attachment A

Virginia Acts of Assembly - Chapter 811

1990 Session

An Act to amend and reenact §§ 62.1-13.4 and 62.1-13.16:1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 62.1 a section numbered 62.1-9.1, and sections numbered 62.1-13.18:2 and 62.1-13.27:1, relating to the restoration of habitat; penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 62.1-13-4 and 62.1-13.16:1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 62.1 a section numbered 62.1-9.1, and sections numbered 62.1-13.18:2 and 62.1-13.27:1 as follows:

§ 62.1-9.1. Penalties. - A. Without limiting the remedies which may be obtained in this chapter, any person who violates any provision of this chapter or who violates or fails, neglects or refuses to obey any Commission notice, order, rule, regulation or permit condition authorized by this chapter shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed \$25,000 for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the county, city or town in which the violation occurred for the purpose of abating environmental damage to, or the restoration of wetlands therein, in such a manner as the court may, by order, direct except that where the violator is the county, city, or town itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

B. Without limiting the remedies which may be obtained in this chapter, and with the consent of any person who has violated any provision of this chapter or who has violated or failed, neglected or refused to obey any Commission order, rule, regulation or permit condition authorized by this chapter, the Commission may provide, in an order issued by the Commission against such person, for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000 for each violation. Civil charges shall be in lieu of any appropriate civil penalty which could be imposed under subsection A of this section. Civil charges may be in addition to the cost of any restoration ordered by the Commission or a wetlands board.

§ 62.1-13.4. Marine Resources Commission to develop guidelines.---In order to implement the policy set forth in § 62.1-13.1 and to assist counties, cities or towns in regula-

tion of vegetated and nonvegetated wetlands, the Commission shall, with the advice and assistance of the Virginia Institute of Marine Science, which will evaluate wetlands by type and maintain a continuing inventory of vegetated wetlands, from time to time promulgate in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) guidelines which scientifically evaluate vegetated and nonvegetated wetlands by type and which set forth the consequences of use of these wetlands types. *In addition, the Commission may promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are necessary to carry out its powers and duties under the provisions of this title.* In developing guidelines or regulations, the Commission shall consult with any affected state governmental agency.

§ 62.1-13.16:1. Reporting, site inspections and notice to comply: Commission or Wetlands Board to issue stop work order or restoration order. -- ~~A. Reporting, site inspections and notice to comply.~~ With respect to permits required pursuant to this chapter, Chapter 1 (§ 62.1-1 et seq.) or Chapter 2.2 (§ 62.1-13.21 et seq.) of this title, the Commissioner or Board Chairman may require of the person responsible for carrying out the provisions of the permit such monitoring and reports as they may reasonably deem necessary. With respect to any reported activity not authorized by the aforementioned chapters or with respect to the violation of any permit issued pursuant thereto, they may direct such on-site inspections as are deemed reasonably necessary to determine whether the measures required by the permit are being properly performed, or whether the provisions of the aforementioned chapters are being violated. Prior to conducting such inspections, notice shall be provided to the resident owner, occupier or operator.

Such resident owner, occupier or operator shall be given an opportunity to accompany the site inspector. If it is determined that there is a failure to comply with the permit, the Commissioner or Board Chairman shall serve notice upon the person who is responsible for carrying out the provisions of the permit at the address specified by him in his application or by delivery at the site of the permitted activities to the person supervising such activities and designated in the permit to receive such notice. Such notice shall set forth the measures needed for compliance and the time with which such measures shall be completed. Upon failure of such person to comply within the specific period, he may be deemed to be in violation of this section and upon conviction shall be subject to the penalties provided in this chapter.

~~B. Issuance of stop work order.~~ Upon receipt of a sworn complaint of a substantial violation of this chapter, Chapter 1 (§ 62.1-1 et seq.) or Chapter 2.2 (§ 62.1-13.21 et seq.) of this title from the designated enforcement officer, the Commissioner or Board Chairman may, in conjunction with or subsequent to a notice to comply as specified in subsection A of this section, issue an order requiring all or part of the activities on the site to be stopped until the specified corrective measures have been taken. In the case of an activity not authorized by the aforementioned chapters or where the alleged permit noncompliance is causing, or is in imminent danger of causing, significant harm to the subaqueous bottoms, wetlands or the coastal primary sand dunes protected by the aforementioned chapters, such an order may be issued without regard to whether the person has been issued a notice to comply as specified in subsection A of this section. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply, and

shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority, permit holder or the resident owners, occupier or operator for appropriate relief to the circuit court of the jurisdiction wherein the violation was alleged to have occurred. Upon completion of corrective action, the order shall immediately be lifted. Nothing in this section shall prevent the Commissioner or Board Chairman from taking any other action specified in § 62.1-13.16.

C. Upon receipt of a sworn complaint of a substantial violation of this chapter, Chapter 1 (§ 62.1-1 et seq.) or Chapter 2.2 (§ 62.1-13.23 et seq.) of this title from a designated enforcement officer, the Commission or a wetlands board may order that the affected site be restored to predevelopment conditions if the Commission or board deems restoration necessary to recover lost resources or to prevent further damage to resources. Such an order shall specify the restoration necessary and establish a reasonable time for its completion. Such orders shall be issued only after hearing with at least thirty days notice to the affected person of the time, place and purpose thereof, and they shall become effective immediately upon issuance by the Commission or board. The Commission or board shall require such scientific monitoring plans as it deems necessary to ensure that such projects result in the successful reestablishment of wetlands, subaqueous bottoms or coastal primary sand dunes protected by the aforementioned chapters and may require that a prepaid contract acceptable to the Commission or board be in effect for the purposes of carrying out the scientific monitoring plan. In addition, the Commission or the board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it securing to the Commonwealth compliance with the conditions set forth in the restoration order. The appropriate court, upon petition by the Commission or board, shall have authority to enforce any such restoration order by injunction, mandamus or other appropriate remedy. Failure to complete the required restoration shall constitute a violation of this chapter.

Ⓞ D. The duties of the Commissioner or the Board Chairman prescribed in this section may be delegated to their respective designees; however, such respective designees shall not be those persons who are also designated as enforcement officer.

§62.1-13.18:2. Penalties.--A. Without limiting the remedies which may be obtained in this chapter, any person who violates any provision of this chapter or who violates or fails, neglects or refuses to obey any Commission or wetlands board notice, order, rule, regulation or permit condition authorized by this chapter shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed \$25,000 for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the county, city or town in which the violation occurred for the purpose of abating environmental damage to, or the restoration of wetlands therein, in such a manner as the court may, by order, direct, except that where the violator is the county, city or town itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

B. Without limiting the remedies which may be obtained in this chapter, and with the consent of any person who has violated any provision of this chapter or who has violated or failed, neglected or refused to obey any Commission or wetlands board order, rule, regulation or permit condition authorized by this chapter, the Commission or wetlands board may provide, in an order issued by the Commission or wetlands board against such

person, for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000 for each violation. Civil charges shall be in lieu of any appropriate civil penalty which would be imposed under subsection A of this section. Civil charges may be in addition to the cost of any restoration ordered by the Commission or a wetlands board.

§ 62.1-13.27:1. Penalties.--A. Without limiting the remedies which may be obtained in this chapter, any person who violates any provision of this chapter or who violates or fails, neglects or refuses to obey any Commission or wetlands board notice, order, rule regulation or permit condition authorized by this chapter shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed \$25,000 for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the county, city or town in which the violation occurred for the purpose of abating environmental damage to, or the restoration of wetlands therein, in such a manner as the court may, by order, direct, except that where the violator is the county, city or town itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

B. Without limiting the remedies which may be obtained in this chapter, and with the consent of any person who has violated any provision of this chapter or who has violated or failed, neglected or refused to obey any Commission or wetlands board order, rule, regulation, or permit condition authorized by this chapter, the Commission or wetlands board may provide, in an order issued by the Commission or wetlands board against such person, for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000 for each violation. Civil charges shall be in lieu of any appropriate civil penalty which could be imposed under subsection A of this section. Civil charges may be in addition to the cost of any restoration ordered by the Commission or a wetlands board.

Attachment B
Sworn Complaint

No. _____

Date _____

Pursuant to Section 62.1-13.16:1 of the Code of Virginia, I hereby certify that a substantial violation of Chapter 1, 2.1, or 2.2 of the Code has occurred at _____ (Location).

I have personally inspected the site and noted the following unauthorized activity:

_____.

_____, 19__ _____
(Designated Enforcement Officer)

Appropriate Wetlands Board

I, _____ a Notary Public within and for _____, hereby certify that _____, a designated Enforcement Officer whose name is signed to the foregoing, has acknowledged the same before me.

Given under my hand this ____ day of _____, 19__.

My Commission expires: _____.

Notary Public

Attachment C
Notice To Comply

No. _____

Date _____

Pursuant to Section 62.1-13.16:1 of the Code of Virginia, my field staff inspected your construction site at _____ (Location), on _____ (Date), at _____ (Time), having provided prior notice of such inspection to _____ on _____.

The following discrepancies were noted: _____.

The following corrective measures are needed to bring you into compliance:

These measures are to be completed by _____ (Date).

Notice ordered by _____.

(Wetlands Board Chairman)

on _____, 19__.

Notice served to _____.

(Signature of Person Notified)

on _____, 19__.

Attachment D Violation Worksheet

ENFORCEMENT OFFICER: _____
DATE/TIME: _____
OTHERS PRESENT: _____
PHOTOS: YES or NO

1. LOCATION: _____
_____.

2. WHEN DID VIOLATION OCCUR: (If Known) _____.

3. DESCRIPTION OF VIOLATION: _____

_____.

4. DIMENSIONS OF IMPACT AREA: _____

_____.

5. ENVIRONMENTAL SETTING: _____

_____.

6. WETLAND TYPE (S) IMPACTED: (Consult Wetland Guidelines)

TYPE: _____	APPROX. AREA: _____	sq. ft.
TYPE: _____	APPROX. AREA: _____	sq. ft.
TYPE: _____	APPROX. AREA: _____	sq. ft.
TYPE: _____	APPROX. AREA: _____	sq. ft.

7. REASON FOR VIOLATION: _____
_____.

Attachment E Stop Work Order

No. _____

Date _____

Pursuant to Section 62.1-13.16:1 of the Code of Virginia, having received a Sworn Complaint from my designated Enforcement Officer (Copy Attached), issued Notice to Comply No. _____ on _____, (Copy Attached), that a substantial violation of Chapter 2.1 of Title 62.1 of the Code exists as noted on the attached, you are hereby notified that further work at _____,
(Site Location)

must be **IMMEDIATELY DISCONTINUED.**

Work may be resumed under the following conditions:

Ordered by _____,
(Wetlands Board Chairman)
on _____, 19__.

Notice served to _____,
(Signature of Person Notified)
on _____, 19__.

(Signature of Enforcement Officer)

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