

Chapter 15 - 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.

Inspection of erosion and sediment control during construction is regulated by the County of Roanoke Erosion and Sediment Control Ordinance.

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. At this point, 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 or responsible party.

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 or responsible party is required to conduct periodic inspections and maintenance of the stormwater management facilities in accordance with the requirements of Chapter 14. Property owner inspections and maintenance activities must be documented and maintained. The County of Roanoke will conduct periodic post-construction compliance inspections of stormwater management facilities.

15.1 Construction Inspections

Construction of storm drainage systems and stormwater management facilities shall comply with the approved final Stormwater Management Plan. Any changes to the approved design require a resubmittal to the County of Roanoke for approval.

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 County of Roanoke to confirm compliance.

15.1.1 Notifications to the County of Roanoke

The permittee shall notify the County of Roanoke 48 hours in advance of the start of construction and of the construction of critical components of a stormwater management facility. 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 County of Roanoke

15.1.2 Periodic Inspections

The permittee is responsible to perform adequate inspection of the construction activities to confirm that the site is in compliance with the Erosion and Sediment Control Ordinance requirements and that 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 County of Roanoke shall conduct periodic inspections during construction. During the County inspection, the permittee will provide copies of all permittee inspections which have been conducted since the last County inspection.


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

A copy of a Stormwater Management Construction Inspection Checklist, for use by the permittee is included in Appendix 15A.

15.1.3 Final Inspection and As-Built Documentation

Prior to final acceptance of the project the permittee is required to submit to the County of Roanoke as-built documentation, confirming that the storm drainage systems and stormwater management facilities and practices that 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 County of Roanoke to confirm that the as-built documentation conforms to the actual construction.

 As-built documentation shall include the following:

- As-built survey conducted following construction, certified by a registered land surveyor or professional engineer. The survey shall include enough information to verify that storage capacities in ponds and other stormwater management structures are no less than the storage volume required by the approved Stormwater Management Plan. For retention and detention structures, a stage-storage summary table with design values and as-built values shall be included. The survey shall verify inverts and sizes of pipes, culverts, and outlet structures. Maximum tolerance shall be +/- 0.1 feet for structures and +/- 0.5 feet for finished grades.
- The permittee's inspection log records with copies of all inspection test results documenting compliance with the approved Stormwater Management Plan.
- Redline revision of approved Stormwater Management Plan. Place a check mark where design values agree with actual constructed values. For changed values enter the constructed value in red.
- Certification statement, signed by the permittee and a Professional Engineer or Professional Land Surveyor, registered in the Commonwealth of Virginia, 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 County of Roanoke to demonstrate that the constructed systems will function equivalent to the approved Stormwater Management Plan. This includes meeting all flow, velocity, and regulatory requirements and that the approved elevation-storage requirement is maintained.

Once the as-built documentation has been accepted by the County of Roanoke, the permittee shall schedule a final inspection of the project site prior to final acceptance of the project by the County and the return of performance bonds or securities. The permittee shall provide 48 hour notice of a final inspection to the County of Roanoke.

15.2 Post-Construction Inspections and Maintenance

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 14 for additional information concerning maintenance and repair of stormwater management facilities.

The responsible party shall inspect and maintain stormwater management facilities at the frequencies listed in the Maintenance Agreement, or if they are not listed in the Maintenance Agreement, in accordance with Chapter 14.

In addition to the inspections performed by the responsible party, each stormwater management facility will be inspected periodically by the County of Roanoke.

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 County of Roanoke shall notify the property owner, or responsible party, 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 County of Roanoke, 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 responsible party or property owner.

15.3 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 made available to the County of Roanoke upon request. See Appendix 15A for a blank Stormwater Management Facilities Inspection Report Form and a blank Stormwater Management Facilities Maintenance/Repair Report Form.

Each year, before December 31st, the property owner or responsible party shall mail to the County copies of the documentation for all inspection and maintenance activities that occurred during that year. This information shall be mailed to:

County of Roanoke Department of Community Development

5204 Bernard Drive
Roanoke, Virginia 24018
Attention: Development Review Coordinator (BMP Inspection and Maintenance Records)

15.4 Enforcement

Any activity that is commenced without an approved Stormwater Management Plan, or is conducted contrary to the approved Stormwater Management Plan, may be subject to the enforcement actions outlined in the County of Roanoke Stormwater Management Ordinance and the Virginia Stormwater Management Law.

A property owner or responsible party that does not properly maintain a stormwater management facility in accordance with the maintenance agreement may be subject to the enforcement actions outlined in the County of Roanoke Stormwater Management Ordinance and the Virginia Stormwater Management Law.

15.4.1 Notice of Violation

When a County of Roanoke 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 County of Roanoke Stormwater Management Ordinance, the County 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.

15.4.2 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 Management Plan shall cease immediately.

The stop work order will be in effect until the County of Roanoke confirms that the land disturbing activity is in compliance with the approved Stormwater Management 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 County of Roanoke 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.

15.4.3 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 (4 VAC 50-60) 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.

15.4.4 Restoration of Lands

Any violator may be required to restore land to its undisturbed condition in accordance with a notice of violation, stop work order, or permit requirements. In the event that restoration is not undertaken within the time specified in the notice, the County of Roanoke may take necessary corrective action, the cost of which shall be covered by the performance bond, or become a lien upon the property until paid, or both.

APPENDIX 15A
INSPECTION FORMS

Stormwater Management Construction Inspection Checklist

Stormwater Management Facilities Inspection Report Form

Stormwater Management Facilities Maintenance/Repair Report Form

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 _____

**Stormwater Management BMP
Inspection Checklist**

Inspector Name: _____ Inspection Date: _____

Site Address or Location: _____

Watershed: _____ Tax Map or Parcel ID No: _____

Type of Stormwater BMP or Structure

- | | |
|--|--|
| <input type="checkbox"/> Culvert | <input type="checkbox"/> Pond (Permanent Pool) |
| <input type="checkbox"/> Inlet and Storm Drain | <input type="checkbox"/> Pond (Dry Pool) |
| <input type="checkbox"/> Open Channel (Vegetated/Geotextile) | <input type="checkbox"/> Bioretention Basin |
| <input type="checkbox"/> Open Channel (Concrete) | <input type="checkbox"/> Oil/Water Separator |
| <input type="checkbox"/> Other (Describe) _____ | |

Item Inspected	Checked		Maintenance		Observations and Remarks
	Yes	No	Reqd.	Not Req.	
Open Channel and BMP Embankments					
Does the structure show signs of settling, cracking, bulging, or other structural deterioration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Do embankments, spillways, side slopes, or inlet/outlet structures show signs of erosion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there evidence of animal burrows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there woody vegetation growth that may interfere with the flow or operation of the facility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Do vegetated areas need mowing or is there a build up of clipping that could clog the facility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are there bare areas which need seeding or sodding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there standing water in inappropriate areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there an accumulation of sediment, debris, or trash?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there evidence of improper use of buffer areas, or construction or fill at channels or embankments which restrict flow or interfere with the proper operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there evidence of oil or other pollutant spills?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Item Inspected	Checked		Maintenance		Observations and Remarks
	Yes	No	Reqd.	Not Req.	
Culverts and Storm Drains					
Is the culvert or storm drain filled more than 25% with debris, sediment, or trash?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there evidence of structural failure of the culvert pipe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there evidence of erosion at the inlet and outlet of the culvert or at the storm drain inlet?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are there signs of settling, cracking, or misalignment of culverts, storm drain pipe, or concrete inlets?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Stormwater Ponds (see also Embankments)					
Is the emergency spillway clear of obstructions, debris, and vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the outlet structure and pipe clean of debris and sediment, free of damage, and in working order?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there an accumulation of debris, litter or trash?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(For dry detention ponds) Is there standing water in the pond?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(For wet ponds) Is there excessive algae growth or other vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there evidence of oil or other pollutants in the pond?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there erosion at the discharge point?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Do any safety devices, fences, gates, or locks need repair?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other BMPs (Infiltration, Sand Filters, and Manufactured Structures)					
Is there sediment, debris, litter, oil, or trash that needs to be cleared for aesthetic or functional reasons?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there standing water where there should not be standing water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there structural damage to concrete structures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are there signs of erosion at entrance or exit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are valves, sluice gates, and other mechanical devices operational?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Signature of Inspector _____

STORMWATER MANAGEMENT BMP FACILITIES INSPECTION REPORT FORM

Inspection Requirements: See the Stormwater Management BMP Facilities Maintenance Schedule for landowner's responsibilities for frequency of inspection and other requirements. This information is a part of the Maintenance Agreement that is recorded in the land records with the deed.

Inspection Purpose: To assure safe and proper functioning of the stormwater management BMP facilities and associated structures, by providing regular observations of their conditions and operation.

Retention of Records: All inspection/maintenance/repair documentation shall be retained by the landowner for a minimum of five (5) years.

Submission of Records: At the end of each year, by December 31st, mail all BMP inspection and maintenance documentation to:

County of Roanoke Department of Community Development
5204 Bernard Drive
Roanoke, Virginia 24018
Attention: Development Review Coordinator (BMP Inspection and Maintenance Records)

NAME OF BUSINESS OR LANDOWNER: _____

ADDRESS: _____

INSPECTION DATE: _____

PERFORMED BY: _____

Facility Management Checklist

The following items should be checked for each BMP:

1. Facility construction meets the requirements of the Roanoke County Stormwater Management Design Manual, where applicable, and is adequate for the intended function.
2. The facility has been maintained properly according to the requirements of the Recorded Maintenance Agreement, BMP Maintenance Schedule, and the Roanoke County Stormwater Management Design Manual.
3. The facility is functioning adequately.
4. There have been no changes to the site conditions or area that would require modification and/or replacement of the existing facilities.
5. Access to the facility is adequate and maintained.

Sheet 1 of ____

STORMWATER MANAGEMENT BMP FACILITIES INSPECTION REPORT FORM

REFER TO THE RECORDED MAINTENANCE AGREEMENT BMP MAINTENANCE SCHEDULE FOR EACH BMP TYPE – COMPLETE SEPARATE FORM FOR EACH STORMWATER MANAGEMENT BMP FACILITY

BMP Type: _____

BMP Location: _____

Authorization

Yes No

Does the facility comply adequately with all pertinent regulations and requirements?

Requirements to Meet Compliance

Additional Observations/Comments

Sheet _____ of _____

**STORMWATER MANAGEMENT BMP FACILITIES MAINTENANCE/REPAIR
REPORT FORM**

Maintenance Requirements: Refer to the site’s Stormwater Management BMP Facilities Maintenance Schedule for landowner’s responsibilities for frequency of maintenance and other requirements. This Maintenance Schedule is a guideline of minimum maintenance requirements. Additional maintenance shall be performed as necessary for the proper functioning of Stormwater Management BMP facilities. This information is a part of the Maintenance Agreement that is recorded in the land records with the deed

Maintenance Purpose: To enable the proper long-term functioning of the stormwater management BMP facilities to protect the Valley’s water quality and prevent downstream flooding.

Retention of Records: All inspection/maintenance/repair documentation shall be retained for a minimum of five (5) years.

Submission of Records: At the end of each year, by December 31st, mail all BMP inspection and maintenance documentation to:

County of Roanoke Department of Community Development
5204 Bernard Drive
Roanoke, Virginia 24018
Attention: Development Review Coordinator (BMP Inspection and Maintenance Records)

NAME OF BUSINESS OR LANDOWNER: _____

ADDRESS: _____

MAINTENANCE/REPAIR DATE: _____

PERFORMED BY: _____

GENERAL COMMENTS: _____

**STORMWATER MANAGEMENT BMP FACILITIES MAINTENANCE/REPAIR
REPORT FORM**

**REFER TO THE RECORDED MAINTENANCE AGREEMENT BMP MAINTENANCE
SCHEDULE FOR EACH BMP TYPE – COMPLETE SEPARATE FORM FOR EACH
STORMWATER MANAGEMENT BMP FACILITY**

BMP Type: _____

BMP Location: _____

Routine Maintenance Performed

Repairs Performed

Remarks (Are additional maintenance/repairs needed?):

Sheet _____ of _____