

KING GEORGE COUNTY WETLANDS BOARD
BYLAWS AND PROCEDURES

Adopted – Emergency Legislation - July 28, 1983
Adopted – After public hearing – August 18, 1983
Revised – May 16, 1995
Reprinted: January 18, 2001
Revised: July 28, 2005

**BYLAWS AND PROCEDURES
KING GEORGE COUNTY WETLANDS BOARD**

Article I. Legal Authority

The objectives and procedures of the King George County Wetlands Board are those set forth in Chapter 13, (28.2-1300, et. seq.) of Title 28.2, Code of Virginia, the Virginia State Wetlands Act and in Chapter 16 of the Code of King George County, the Wetlands Ordinance.

Article II. Officers

Section 1. The officers of the Wetlands Board shall consist of a Chair and Vice-Chair.

Section 2. The Chair shall preside at all meetings and hearings, serve as spokes person for the Board and carry out any other duties as necessary.

Section 3. The Vice-Chair shall perform the duties of the Chair in his/her absence or incapacity.

Section 4. Special committees may be appointed by the Chair for the purposes and terms which the Board approves.

Section 5. Staff shall keep the minutes and other records of the Board, maintain a file of all applications, violations and site inspections, assist in preparation of the annual report and agendas, arrange legal notice of hearings, attend to correspondence, and provide assistance and such other duties as needed.

Section 6. Legal counsel shall be provided by the County government upon request of the Chair or the Board's agent.

Article III. Election of Officers

Section 1. Nominations and elections shall be held normally at the first meeting of each calendar year of the King George County Wetlands Board. The Positions shall be effective immediately after the vote.

Section 2. A candidate shall be elected by a quorum and shall serve for one (1) year or until a successor is elected.

Section 3. Vacancies in offices shall be filled by normal election procedures at the next meeting.

Section 4. Officers may succeed themselves.

Article IV. Attendance of Members

Section 1. If any member is absent from seventy-five percent (75%) of the Board meetings in any one year period, he/she shall be subject to removal. If any member is absent from four (4) consecutive meetings, excluding emergency meetings, the Board shall issue a warning to that member.

Article V. Meetings

Section 1. Meetings of the Board shall be held on call of the Chair or at the request of at least three members of the Board. Meetings shall be held at a time and place to be designated by the Chair. Upon the vote of majority, meetings may be canceled or rescheduled.

Section 2. Three members of the Board shall constitute a quorum. A quorum is necessary to approve any motions or to take any official actions.

Section 3. All meetings shall be open to the general public and to any governmental agency. Public notice shall be given in accord with the Code of Virginia, Chapter 21, Section 2.1-343. Notice of meetings of three or more Board members, including meetings and work sessions during which no votes are cast or decisions are made shall be furnished to any citizen who requests such notice.

Section 4. The Board may go into executive session in accord with the Code of Virginia, Chapter 21, Section 2.1-344. A motion shall be made to adjourn a meeting in public session to be reconvened in executive session. Such a motion shall state specifically the purpose or purposes which are to be the subject of the meeting, and reasonable identifying the substance of the matters to be discussed. A statement shall be included in the minutes of the open meeting which shall make specific reference to the applicable exemption or exemptions from public meeting requirements provided in Section 2.1-344. Consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by counsel (Section 2.1-344-(A)-(7); 1989) is an applicable exemption from public meeting requirements. Prior to executive session with legal counsel the following motion shall be made by a Board member, seconded, and voted upon prior to executive session in open session:

"I move that the meeting be adjourned in open session and reconvene in executive session in accord with the Code of Virginia, Chapter 21, Section 2.1-344-(A)-(7) for legal consultation pertaining to actual (or) probable litigation and on other specific legal matters requiring the provision of legal advice by counsel concerning ... (subject of the meeting)."

Article V. Meetings (continued)

Immediately after the approved motion to adjourn an executive session, the Board shall reconvene in open session and take a roll call vote on the following statement to be read by the Chairman:

"I hereby certify that, to the best of my knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only such matters identified in the motion to convene executive session, were heard, discussed or considered by this Board during executive session." (roll call vote)
"All in favor 'Aye or Nay'"

Section 5. The order of business at meetings shall be:

- A. Call to Order and Roll Call
- B. Approval of Minutes
- C. Public Hearings
- D. Unfinished Business
- E. New Business
- F. Adjournment

Section 6. The Chair may shift public hearing order, limit presentations and discussions.

Article VI. Public Hearing

Section 1. A mandatory public hearing shall be scheduled within 60 days from the date that a submitted application is deemed complete. An application must be complete before it can be processed. A complete application shall include the following:

- 1. Name of Applicant;
- 2. Signature of the Applicant (see Article VII, Section 6);
- 3. Address of the Applicant;
- 4. Detailed description of the proposed activity;
- 5. A plan view drawing, drawn to an appropriate and uniform scale showing:
 - a) the area of wetland directly affected,
 - b) location of existing mean low and mean high water lines,
 - c) location of the proposed work,
 - d) existing and proposed fill and excavation,

Article VI. Public Hearing (continued)

- e) dredge disposal area,
 - f) all existing and proposed structures,
 - g) all existing facilities and utilities,
 - h) approved mitigation plans and;
 - i) appropriate bench marks;
- 6. The type of equipment to be used and means of equipment access to the activity site;
 - 7. The names and addresses of adjacent property owners and known claimants of water rights in or adjacent to the wetland;
 - 8. Estimated cost of proposed project;
 - 9. Primary and secondary purposes of the project;
 - 10. Measures to be taken to reduce off-site detrimental effects;
 - 11. Completion date;
 - 12. Additional materials and documentation as the Board may deem necessary; and
 - 13. Application processing fee of Five Hundred Dollars (\$500.00) as required by Chapter 16, Section 16-39 of the Code of King George County.

Section 2. The following persons and agencies shall be notified by mail of a public hearing not less than twenty (20) days prior to the date set for such hearing. Notices to applicants and adjacent property owners shall be mailed:

- 1. Applicant(s)
- 2. Agent to the applicant(s)
- 3. Chairman, King George County Board of Supervisors
- 4. Virginia Marine Resources Commission
- 5. Adjacent property owners
- 6. Known claimants of water rights in or adjacent to wetlands in question
- 7. Virginia Institute of Marine Science
- 8. Department of Game and Inland Fisheries
- 9. State Water Control Board
- 10. Department of Highways and Transportation
- 11. U. S. Army Corps of Engineers, Norfolk District
- 12. Wetlands Board Members

Section 3. Notices for public hearings shall be published in a newspaper having general circulation at least once a week for two weeks prior to hearing dates.

Article VI. Public Hearing (continued)

Section 4. The following statement from Chapter 13, (28.2-1300 et seq.) of Title 28.2, Code of Virginia shall be read prior to opening a public hearing:

"In accordance with Chapter 13, Section 28.2-1300 et seq. of Title 28.2 of the Code of Virginia, the intent of the King George County Wetlands Board is to protect the public interest, promote the public health, safety and economic and general welfare of the Commonwealth, and to protect public and private property, wildlife, marine fisheries, and the natural environment, it is declared to be the public policy of this Commonwealth to preserve the wetlands and to prevent their despoliation and destruction and to accommodate necessary economic development in a manner consistent with wetlands preservation."

Section 5. The following procedures shall be followed during a public hearing:

1. Staff report.
2. Statement of the applicant or his/her representative (limited to 15 minutes). It shall be the policy of the board that the applicant or the applicants knowledgeable representative be encouraged to attend the public hearing to provide the above referenced statement and to answer questions regarding the application. The board will request staff to notify applicants that the board strongly encourages that the applicant or applicants knowledgeable representative attend the public hearing.
3. Statements on behalf of the application (limited to 5 minutes for individuals and 10 minutes for representatives of organizations or groups).
4. Statements in opposition to the application (limited to 5 minutes for individuals and 10 minutes for representatives of organizations or groups)
5. Rebuttal by the applicant or his/her representative (limited to 5 minutes).
6. Board questions, discussion and decision. The Chair shall call for a motion upon determining that discussion is over, or a member may "call for the question". If the latter passes, only a clarification of the motion shall be permitted. Motions require a second. Discussion may follow a second. A quorum is needed for passage of a motion.
7. If a decision is not made during the public hearing, it shall be made within 30 days, or the application shall be deemed approved.
8. An appeal of the Board's decision may be made within 10 days to the Virginia Marine Resources Commission. The applicant shall be notified 48 hours after the decision is made. The applicant shall receive the approved permit within 14 days of the public hearing.

Article VI. Public Hearing (continued)

Section 6. In case of conflict of interest, a member may not vote; he or she must cite the conflict or legal prohibition against voting.

Section 7. Tie votes shall be continued until the next meeting. The date and time of such meeting shall be announced in public session. A decision must be made within 30 days of the public hearing or the application shall be deemed approved.

Section 8. In accordance with the Code of Virginia, Chapter 2.1, and the Code of King George County, Chapter 16, Section 16-42, the Board shall base its decision on an application on the following factors:

1. Such matters raised through the testimony of any person in support of or in rebuttal to the permit application.
2. Impact of the development on the public health and welfare as expressed by the policy and standards of Chapter 13, Section 28.2-1300 of Title 28.2, of the Code of Virginia and guidelines promulgated thereunder by the Virginia Marine Resources Commission.
3. If the Board, in applying the standards above, finds that the anticipated public and private benefit of the proposed activity exceeds the anticipated public and private detriment and that the proposed activity would not violate or tend to violate the purposes and intent of Chapter 13, Section 28.2-1300 of Title 28.2 of the Code of Virginia and of this Chapter, the Board shall grant the permit subject to any reasonable conditions or modification designed to minimize the impact of the activity on the ability of this County to provide governmental services and on the rights of any other person and to carry out the public policy set forth in Chapter 13, Section 28.2-1300 of Title 28.2 of the Code of Virginia and in this Chapter. Nothing in this Section shall be construed as affecting the right of any person to seek compensation for any injury in fact incurred by him because of the proposed activity. If the Board finds that the anticipated public and private benefit from the proposed activity is exceeded by the anticipated public and private detriment or that the proposed activity would violate the purposes and intent of Chapter 13, Section 28.2-1300 of Title 28.2 of the Code of Virginia and of this Chapter, the Board shall deny the permit application with leave to the applicant to resubmit the application in modified form.

VI. Public Hearing (continued)

Section 9. After hearing evidence the Board may:

1. Grant the permit as requested;
2. Grant the permit in a modified form;
3. Grant the permit with a reasonable bond in an amount and with surety and conditions securing compliance with conditions and limitations set forth in the permit;
4. Deny the permit;
5. Deny the permit without prejudice, permitting the applicant to submit a new application to accomplish the same purpose but in a different manner;
6. Direct the applicant to provide more information prior to final action. A deadline for the receipt of the necessary additional information shall be set which is agreeable to both the Board and the applicant. A date for the continuance of the public hearing shall be set which is agreeable to both parties and such date announced in public session.
7. Defer a decision for up to 30 days. If a decision is not made within 30 days the application is automatically approved as submitted.

Section 10. Approved permits shall be subject to a time limit and conditions, or "no conditions" specified. Applicants shall provide the Board with photographs of the project at specified construction stages and photographs of the completed project.

Section 11. Members of the Board and/or the designated agent of the Wetlands Board shall conduct a follow-up inspection after the permitted project is complete. The purpose for the follow-up is to ensure that the project has been constructed according to the original application and any conditions placed on the project have been met.

Section 12. Permit is issued the eleventh day after the date of approval. The Chair shall sign the approved permit before a Notary Public. Applicant(s) shall sign approved permit before a Notary Public. If the decision of the Board to approve a permit is appealed to the Virginia Marine Resources Commission (VMRC), such permit must not be issued and the Board shall follow orders by VMRC.

Section 13. Signed permits shall be kept with Board records. A copy of the signed permit shall be mailed to the applicant(s) and the Virginia Marine Resources Commission.

VI. Public Hearing (continued)

Section 14. An applicant may request a public hearing to be deferred. This request must be made in writing and received by the Board no later than the date of the scheduled hearing. The Board may grant deferrals. If a deferral is granted, a date shall be set to hear the application which is agreeable to both the Board and the applicant. It is the policy of this Board that an applicant forfeits the right to a scheduled public hearing within the established 60 day limit upon requesting a deferral.

The rescheduled hearing date shall be announced during open session at the time the public hearing was to be held. However, if the public hearing has not been rescheduled by the time the public hearing was to be held, thereby making a public announcement during open session impossible, the rescheduled public hearing shall be re-advertised in accord with the procedures set in Sections 2 and 3.

Section 15. Requests for withdrawal must be made in writing prior to the scheduled public hearing date. Processing fees are nonrefundable. It is the policy of this Board that if an applicant wishes to reactivate the application, the request must be made in writing.

Article VII. Enforcement Policies

Section 1. A permit is required from the King George Wetlands Board if tidal wetlands within the County are to be used or developed for any activities other than those specifically exempted in the Wetlands Ordinance, Chapter 16 of the Code of King George County. Any person who knowingly, intentionally, negligently or continually violates any rule or regulation of the Board or violates any provision of the Wetlands Ordinance or any provision of a permit granted by the Board shall be guilty of a misdemeanor. The Board and/or its designated agent has the authority to investigate all projects, whether proposed or ongoing, which alter tidal wetlands within the County. The Board may issue notices to comply, restoration orders and/or stop work orders when following the adopted enforcement procedures in Article VIII.

Section 2. The policy of the King George County Wetlands Board is to make every reasonable effort to affect an acceptable recovery of wetlands jeopardized by activities deemed to be in violation of Chapter 16 of the Code of King George County, the Wetlands Ordinance. Acting within the powers delegated to the Board by the Commonwealth of Virginia, the Board will be aggressive in enforcement of the Wetlands Ordinance in order to assure effective management of the tidal wetlands existing in the County of King George.

Section 3. To further this policy, the Wetlands Board shall strongly consider not approving an application for a permit until all wetlands violations on a piece of property are resolved. If the property owner has requested another kind of permit for an activity dependent on the illegal destruction of tidal wetlands, the Wetlands Board will protest the approval of the other permit until the wetlands violation is resolved.

VII. Enforcement Policies (continued)

Section 4. In the case of a suspected wetlands violation, the applicable adopted enforcement procedures shall be followed by the Wetlands Board and/or their designated enforcement agent.

Section 5. Erosion into tidal wetlands shall be considered a violation.

Section 6. The property owner shall be responsible for activities on his/her own property. Agents may represent property owners; however, at least one property owners signature must be obtained on the application or on a letter of written consent.

Section 7. In cases of after-the-fact applications, projects will be evaluated on their merits and option of restoration considered. After-the-fact applications which require a permit from the Wetlands Board in order to be in conformance with local and state law shall be considered a violation, thus subject to a penalty (see Article VII, Enforcement Procedures).

Article VIII. Enforcement Procedures

Procedure 1. Any activity suspected of violating the Wetlands Ordinance, Chapter 13, Section 28.2-1300 et seq. of Title 28, the State Code, or any provision of any permit issued by the Wetlands Board, should be reported to the Chair and/or to the designated agent of the Wetlands Board or to any Board member. In general, these reports are originated by private citizens, local, state, or federal agencies, or from routine field inspections conducted by the Wetlands Board or its designated enforcement officer. It is the policy of the Board to protect the anonymity of the individual who reports the activity. The name of the individual will not be disclosed without his specific permission or unless so ordered by a Court of competent jurisdiction.

Procedure 2. All reports of probable violations will be investigated by the Wetlands Board, and/or its designated enforcement officer by conducting an on-site investigation to establish whether or not a violation actually exists. The Board members and/or their designated agent will, when circumstances permit, provide notice to the property owners prior to the on-site investigation and establish their identity to residents on the property at the time of the on-site investigation.

Procedure 3. If it is the opinion of the inspecting Board member(s) and/or their designated enforcement officer that a violation does not exist, a memo for the files which affirms this conclusion and documents the supporting facts will be written. This memo must have the concurrence of the Board Chairman and a copy will be forwarded to each Board member.

Procedure 4. If it is the opinion of the inspecting Board member(s) and/or their designated enforcement officer that a violation does exist (which does not pertain to a permit condition), the following steps should be taken:

Article VIII. Enforcement Procedures (continued)

- Step 1.** Records will be maintained of all activities associated with the reported violation. Photographs and measurements will be taken to document the activity. All correspondences with violators shall be mailed certified. If necessary, appraisals of the situation may be requested from additional Board members or from the Virginia Institute of Marine Science (VIMS), Virginia Marine Resources Commission (VMRC), or the Army Corps of Engineers (ACOE).
- Step 2a.** If work is in progress which is deemed to be a continuing violation of the Wetlands Ordinance, and is causing, or is in imminent danger of causing, significant harm to the subaqueous bottoms or wetlands (If not, proceed to Step 3a), a Sworn Complaint shall be completed by the designated enforcement officer and signed before a notary public and a Stop-Work Order shall be issued to the property owner, occupier or operator with corrective measures to be taken to protect wetlands and state waters (62.1.16:1.B). Such order shall have the authorization of the Board Chairman and should be signed by both the Board Chairman and the enforcement officer. A Stop-Work-Order shall be issued in conjunction with a Notice to Comply. Such Notice to Comply shall state specific measures to be taken in order to comply with Chapter 16 of the King George County Code. **[Restoration measures may be stated in the Notice to Comply for voluntary restoration. However, in instances where substantial damage to resources, beyond that which normally would have been permitted, has occurred, a restoration hearing and formal Restoration Order shall be issued. See Step 2b.]** Accompanying the Notice to Comply or issued soon thereafter, shall be a one-time civil charge penalty for each violation on the property in an amount approved by the Board and not to exceed \$10,000.00 (see Civil Charge Determination Chart).*
- Step 2b.** If the Board determines that damage to wetlands and natural resources is substantial and is beyond that which is normally permitted, the Board shall schedule a Restoration Hearing and a formal Restoration Order shall be issued after the hearing which specifies the detailed actions which must be taken to ensure an effective restoration effort. Accompanying the Restoration Order shall be a one-time civil charge penalty for each violation on the property in an amount approved by the Board at the restoration hearing and not to exceed \$10,000.00 (see Civil Charge Determination Chart).*

Restoration Hearings must have thirty (30) day notice which states the time, place, and purpose of the restoration hearing. Notices shall be issued to all affected parties including those listed in Article VI, Section 2 of these Bylaws and shall also be published in a newspaper with general circulation as specified in Article VI, Section 3 of these Bylaws.

Article VIII. Enforcement Procedures (continued)

Restoration Orders shall require the submission of a monitoring plan. Monitoring plans may be tailored to individual circumstances and site constraints. The purpose of a monitoring plan is to provide specific factual information relative to the restoration effort. The plan should include, at a minimum, the following information:

A. A chronological sequence of the restoration effort. This should include the various stages of construction and planting as well as a schedule of follow-up inspections to assess viability of plantings for a period of at least three years following restoration.

B. The method of restoration to be employed which specifies how the violation will be removed and the area restored, where the fill material will be disposed, and how the fill material will be contained to prevent further damage during the restoration effort.

C. Complete plan and side view drawings which clearly indicate the extent to the proposed restoration. Drawings should indicate elevations relative to the mean low water, showing spatial distribution and composition of any required plantings.

D. Identify the source of plant material. Name, address and telephone number of plant supplier if plant material is to be purchased. If plants are to be transplanted; the location of stock material, the owner, and permission authorizing use of the stock material.

Step 2c. The Board may require a prepaid contract for the purpose of carrying out the Monitoring Plan. The Board may also 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.

Step 2d. Failure to complete the required restoration constitutes a separate violation subject to civil penalty (see Step 6).

Step 3a. In cases where work is not in progress and no activity is causing, or is in imminent danger of causing, significant harm to the subaqueous bottoms or wetlands, an on-site inspection should be arranged with the owner of the subject property with at least one Board member and/or the Board's designated agent. Notice to the property owner can be made verbally but should be followed up in writing. A Sworn Complaint shall be completed by the designated enforcement officer and signed before a Notary Public.

Article VIII. Enforcement Procedures (continued)

- Step 3b.** If deemed appropriate, the Board may request the property owner's attendance at the next Board meeting to discuss the violation prior to taking enforcement action and/or the Board may meet on-site with the property owner to discuss the violation prior to taking enforcement action. The Board shall issue a Notice to Comply which orders corrective or restoration measures to be conducted on the site or which requests the applicant to file an after-the-fact application with the Board for the unpermitted activity. Such Notice to Comply shall have the authorization of the Board Chairman and shall be signed by the Board Chairman and the enforcement officer. Accompanying the Notice to Comply shall be a one-time civil charge penalty for each violation on the property in an amount approved by the Board and not to exceed \$10,000.00 (see Civil Charge Determination Chart).*
- Step 4.** Notices to Comply shall state specific measures to be taken in order to comply with Chapter 16 of the King George County Code and specify deadline dates for application submittals, restoration completion and/or deadline dates for portions of the restoration work and specify dates for final on-site review of the restoration work. If progress is being made but deadline dates for restoration or application submittal are not being met, the Board Chairman may approve an extension of the deadlines until the next Board meeting at which time the Board will review the activities, determine a course of action, and inform the owner in writing. Failure to comply with a Notice to Comply constitutes a separate violation and is subject to a civil penalty (See Step 6).
- Step 5.** Board member(s), respective surveillance subcommittee member(s), or the Board's respective agent shall conduct site inspections as needed in order to ensure that restoration activities are being conducted in accord with the relevant Notice to Comply and/or Restoration Order. At the very least, a final site inspection shall be conducted at the completion of site restoration in order to ensure that the work was properly done in accord with the relevant Notice to Comply and/or Restoration Order.
- Step 6.** If no progress has occurred, or if restoration activities lag after an extension of time is granted, the owner may be summoned to appear again before the Board to discuss the lack of restoration activities. If it become apparent that the recovery will not be carried out within a reasonable period of time, such failure to comply constitutes a separate violation and the Board may order a one-time payment of civil charges for each violation not to exceed \$10,000.00 (See Civil Charge Determination Chart). If the violator does not consent to either the Board's orders or to the civil charges, the Board will advise the County Attorney relative to prosecution, and the matter will be prosecuted as the County Attorney deems best.

Article VIII. Enforcement Procedures (continued)

Procedure 5. If it is the opinion of the inspecting Board member(s) and/or their designated enforcement officer that a violation does exist, which pertains to a permit condition, the following steps should be taken:

Step 1. Records will be maintained of all activities associated with the reported violation. Photographs and measurements will be taken to document the activity. All correspondence with violators shall be mailed certified.

Step 2. If work is in progress which is deemed to be a continuing violation of one or more permit conditions, and is causing, or is in imminent danger of causing, significant harm to the subaqueous bottoms or wetlands (If not, proceed to Step 3a), a Sworn Complaint shall be completed by the designated enforcement officer and signed before a notary public and a Stop-Work-Order shall be issued to the property owner, occupier or operator with corrective measures to be taken to protect wetlands and state waters (62.1-13.16:1.B). Such order shall have the authorization of the Board Chairman and should be signed by both the Board Chairman and the enforcement officer. A Stop-Work-Order shall be issued in conjunction with a Notice to Comply. Such Notice to Comply shall state specific measures to be taken in order to comply with Chapter 16 of the King George County Code. Accompanying the Notice to Comply or issued soon after, shall be a one-time civil charge penalty for each violation on the property in an amount approved by the Board and not to exceed \$10,000.00 (see Civil Charge Determination Chart).*

Step 3a. In cases where work is not in progress and no activity is causing, or is in imminent danger of causing, significant harm to the subaqueous bottoms or wetlands, an on-site inspection should be arranged with the owner of the subject property with at least one Board member and/or the Board's designated agent. Notice to the property owner can be made verbally but should be followed up in writing. A Sworn Complaint shall be completed by the designated enforcement officer and signed before a notary public.

Step 3b. If deemed appropriate, the Board may request the property owner's attendance at the next Board meeting to discuss the violation prior to taking enforcement action and/or the Board may meet on-site with the property owner to discuss the violation prior to taking enforcement action. The Board shall issue a Notice to Comply which orders corrective or measures to be conducted on the site in order to bring the project into compliance with the permit condition(s). Such Notice to Comply shall have the authorization of the Board Chairman and shall be signed by the Board Chairman and the enforcement officer. Accompanying the Notice to Comply shall be a one-time civil charge penalty for each violation on the property in an amount approved by the Board and not to exceed \$10,000.00 (see Civil Charge Determination Chart).*

Article VIII. Enforcement Procedures (continued)

Step 4. Notices to Comply shall state specific measures to be taken in order to comply with the specific and/or standard permit conditions with specified deadline dates for the corrective measures. If progress is being made but deadline dates are not being met, the Board Chairman may approve an extension of the deadlines until the next Board meeting at which time the Board will review the activities, determine a course of action, and inform the owner in writing. Failure to comply with a Notice to Comply constitutes the authority of the Board to revoke the permit and to order a civil penalty in an amount not to exceed \$10,000.00 per permit condition violation (See Civil Charge Determination Chart).* If the violator does not consent to either the Board's orders or to the civil charges, the Board will advise the County Attorney relative to prosecution, and the matter will be prosecuted as the County Attorney deems best.

Step 5. Board member(s), respective surveillance subcommittee member(s), or the Board's designated enforcement officer shall conduct site inspections as needed to ensure compliance with the corrective measures required.

Carlton Griffin, Chairman

Date