



City of Fairfax, Virginia

In Accordance with the
General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s)
Permit #VA040064
Effective November 1, 2018
Expires October 31, 2023

MS4 Program Plan

2019 Update



Public Works – Stormwater
10455 Armstrong Street
Room 200
Fairfax, VA 22030

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Introduction

The City of Fairfax is an independent city of approximately 24,000 residents encompassing 6.3 square miles. The City of Fairfax lies in the Accotink Creek watershed in Northern Virginia. The City of Fairfax is regulated under the Virginia Department of Environmental Quality to discharge stormwater under the Virginia Pollutant Discharge Elimination System (VPDES) general permit for Phase II municipal separate storm sewer systems (MS4). This permit, effective November 1, 2018, requires a program plan be prepared by the City each to compile the City's plans for activities to reduce stormwater runoff pollution to the maximum extent practicable. The program plan is ordered according to the General Permit and is updated annually.

The MS4 program includes six minimum control measures (MCM) in addition to other sections. The six MCMs are:

1. Public Education and Outreach on Stormwater Impacts
2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Stormwater Runoff Control
5. Post-construction Stormwater Management in New Development and Development on Prior Developed Lands
6. Pollution Prevention/Good Housekeeping for Municipal Operation

This Program Plan is a living document that will be updated with changes as necessary. It has been prepared so that the MS4 Permit has not been copied verbatim. The requirements have been compiled in tabular form for ease of use and are occasionally abbreviated; however, the abbreviated summaries are not intended to replace a thorough reading of the permit itself. All Permit requirements must be met by the Permittee.

Roles and Responsibilities for Implementation

The City of Fairfax's Public Works Department is primarily responsible for the implementation of this program. Parks and Recreation and Community Development and Planning are also responsible for some relevant duties. Within Public Works, an MS4 Program Manager is assigned responsibility for most MS4-related compliance duties. Specific departments/positions are listed in this plan where appropriate. The City also utilizes an outside partner, the Northern Virginia Clean Water Partners (NVCWP) to meet select permit requirements, though the City acknowledges their responsibility for ensuring those requirements are met.

Utilization of Other Entities to Meet Permit Requirements

The City of Fairfax currently utilizes one outside entity to meet permit requirements. NVCWP is

“composed of a group of local governments, drinking water and sanitation authorities, and businesses that share common goals to keep Northern Virginia residents healthy and safe by reducing the amount of pollution from stormwater runoff that reaches local creeks and rivers, and empower individuals to take action to reduce pollution.” (NVRC, 2019)

The Clean Water Partners are a division of the Northern Virginia Regional Commission, of which the City of Fairfax is a member. The NVCWP, in partnership with the City, fulfills requirements of MCM #1 and MCM #2. There is no signed agreement between the City and the NVRC or NVCWP.

Minimum Control Measures (MCMs)

As required in the General Permit Part I, Section C.1.c., the sections below demonstrate compliance and plans for continued compliance with the permit. For each MCM, the following information is reported:

1. Each specific requirement as listed in Part I E
2. Description of the BMPs or strategies that the permittee anticipates will be implemented to demonstrate compliance with the permit conditions in Part I E
3. All standard operating procedures or policies necessary to implement the BMPs
4. The measurable goal by which each BMP or strategy will be evaluated
5. The persons, positions, or departments responsible for implementing each BMP or strategy
6. Additional information as written in the permit in each MCM

The requirements for each minimum control measure are fully enumerated in the General Permit Part I, Section E.1. – 6. The following tables includes each specific requirement, a description of the BMP or strategy for compliance including any associated written SOPs, the measurable goals for each requirement, and the person responsible for their implementation. The requirements listed are “summary” requirements; the General Permit should be consulted for the full text of each requirement.

MCM #1 – Public Education and Outreach

Minimum Control Measure #1 of the general permit involves the various aspects and methods of Public Education and Outreach. The goals of this minimum control measure are to increase the public's knowledge about steps that can be taken to reduce stormwater pollution and hazards associated with illegal discharges including pertinent legal implications.

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
1.b. & 1.c.(1)	Identify no less than three high-priority stormwater issues	The Department, along with NVCMP, has identified these issues: <ol style="list-style-type: none"> 1. Bacteria pollution 2. Nutrient pollution 3. Illicit discharge of chemical contaminants 	Identification of three issues (accomplished)	City of Fairfax
1.c.(2) – (4)	Through public outreach, explain importance of each high-priority issue, include measures the public can take to minimize their impacts, and provide way for public to get more information	NVCMP develops appropriate/compliant literature and advertisements	Compliance of advertisements and other content	NVCMP and City of Fairfax Department of Public Works
1.d.	Use two or more strategies listed in Table 1	NVCMP will use brochures and fact sheets (traditional written materials) and television commercials (media materials). Additionally, the City of Fairfax publishes relevant articles in the monthly Cityscene newsletter and the City's Environmental Sustainability Committee publishes an Annual Report.	Number of each type public outreach efforts conducted and/or estimate reach of each type of outreach	NVCMP and City of Fairfax Department of Public Works

MCM #2 – Public Involvement and Participation

The goals of Minimum Control Measure #2 are to increase the public's involvement through a requirement of the City promoting/sponsoring/etc. a minimum of four local activities annually. These activities are aimed at reducing pollutant loads and improving water quality while providing opportunities for local public participation.

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
2.a. (1)	Develop and implement procedures for the public to report potential illicit discharges, improper disposal, or spills to the MS4, complaints regarding land disturbing activities, or other potential stormwater pollution concerns	<p>Illicit discharges, spills to the MS4, and other potential stormwater pollution concerns are reportable to the Fire Marshal or Police Department. Their contract information and brief explanation of reporting is found on the City's website here: https://www.fairfaxva.gov/government/public-works/stormwater-and-floodplain-management/reporting-illicit-discharges.</p> <p>Complaints regarding land disturbing activities and any other complaints can be submitted through the Police Department or Public Works. Their contact information and brief explanation of reporting is found on the City's website here: https://www.fairfaxva.gov/government/code-administration/common-violations.</p>	Active web page(s)	Public Works Department
2.a. (2)	Develop and implement procedures for the public to provide input on the permittee's MS4 program plan	A link for providing input will be provided on the City's MS4 webpage.	Active link on MS4 webpage	MS4 Program Manager

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
2.a. (3)	Develop and implement procedures for receiving public input or complaints	After being directed to the correct contact, the public is given the opportunity to submit complaints via direct contact with the MS4 program manager (email or phone).	Active web page(s) with current contact information	MS4 Program Manager
2.a. (4)	Develop and implement procedures for responding to public input received on the MS4 program plan or complaints	After public comment period, or at least annually, the MS4 Program Plan will be updated with input received and the City's responses.	Public input section in this Program Plan	MS4 Program Manager
2.a. (5)	Develop and implement procedures for maintaining documentation of public input received on the MS4 program and associated MS4 Program Plan and the permittee's response	When input is received, the input and the City's response will be documented in a working draft of the next Program Plan update.	Up-to-date Program Plan and next draft of Plan if input has been received	MS4 Program Manager
2.b.	Develop and maintain a webpage dedicated to the MS4 program and stormwater pollution prevention with all required information in Section 2.b.	Maintain existing MS4 Program webpage	Active webpage meeting requirements	MS4 Program Manager

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
2.c.	The permittee shall implement no less than four activities per year from two or more of the categories listed in Table 2 (in permit) to provide an opportunity for public involvement to improve water quality and support local restoration and clean-up projects	Public Involvement Activities: <ol style="list-style-type: none"> 1. City Environmental Sustainability Committee (Educational “Event”) 2. Fall Festival (Educational Event) 3. Accotink Creek Stream Cleanups and/or Watershed Cleanup (Restoration) 4. NVCWP activities (Educational events) 	Participate in four activities each year and report in the Annual Report	MS4 Program Manager

MCM #3 – Illicit Discharge Detection and Elimination

Minimum Control Measure #3 of the general permit involves the various aspects of illicit discharges. The goals of this minimum control measure are to locate and map all outfall or point of discharge locations, perform field screenings to determine and eliminate sources of illicit discharges and prohibit non-stormwater discharges by ordinance or other legal mechanisms.

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
3.a.(1) – (2)	The permittee shall develop and maintain an accurate MS4 map and information table	Update existing map if needed. The MS4 map and information table are included in this plan in Appendix A.	Updated map	MS4 Program Manager
3.a.(3)	Submit to DEQ a GIS-compatible shapefile of storm sewer system map and outfalls	Submit existing updated map as shapefile	Submission to DEQ	MS4 Program Manager
3.a.(4)	Update storm sewer map annually	Update storm sewer map with new outfalls as record drawings are received during project closeout post-construction	New outfalls will be reported in each Annual Report	MS4 Program Manager
3.a.(5)	Provide written notification to any downstream adjacent MS4 of interconnections established or discovered after effective date of this permit	Identified through Site Plan review process, discovery by City staff, or reported by citizens or adjacent MS4s. Written notification(s) will be similar to existing written interconnection notices to MS4s (and may be a revision of these existing letters to include the additional interconnection[s]). Copies of current written notifications are provided in this plan in Appendix B.	Number of written notifications required and written; reported in Annual Report	MS4 Program Manager

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
3.b.	Prohibit, through ordinance, policy, standard operating procedures, or other legal mechanism, to the extent allowable under federal, state, or local law, regulations, or ordinances, unauthorized non-stormwater discharges into the storm sewer system	Illicit discharges are specifically prohibited in the City’s Zoning Ordinance (§4.16.7.1.2.(a), starting on pg. 4-85), updated 1-22-2019	<p>Number of violations and enforcement actions taken will be reported in each Annual Report.</p> <p>Any material changes to the Ordinance will be reported in the subsequent Annual Report.</p>	MS4 Program Manager

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
3.c.	The permittee shall maintain, implement, and enforce illicit discharge detection and elimination (IDDE) written procedures designed to detect, identify, and address unauthorized non-stormwater discharges, including illegal dumping, to the MS4 to effectively eliminate the unauthorized discharge	<p>Procedure to Detect & Identify:</p> <ul style="list-style-type: none"> • Annual Site Compliance Evaluation for Fairfax Property Yard facility (Section 5 of facility's SWPPP) • IDDE procedures according to Section 3.c.(1) – (6), included as Appendix C to this document • Citizens are instructed to report illicit discharges to the City's Fire Marshall or Police Department. Their contract information and brief explanation of reporting is found on the City's website here: https://www.fairfaxva.gov/government/public-works/stormwater-and-floodplain-management/reporting-illicit-discharges. <p>Procedure to Address:</p> <ul style="list-style-type: none"> • Spill Prevention, Control, and Countermeasures (SPCC) Plan (Appendix C of the Fairfax Property Yard Facility SWPPP) • Spill Report Form (Appendix D of the Fairfax Property Yard Facility SWPPP) • SOP – Spill Cleanup (in Appendix G of the Fairfax Property Yard Facility SWPPP) 	Provision of any updated, additional, or deleted locality ordinances, policies, SOPs, or new authorities; any changes will be reported in the Annual Report	MS4 Program Manager

MCM #4 – Construction Site Stormwater Runoff Control

Minimum Control Measure #4 of the general permit addresses discharges from land disturbing activities by ordinance, published erosion and sediment control standards, site inspection and other legal measures with the goal of minimizing the discharge of pollutants to the MS4 to the maximum extent practicable.

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
4.a.(1)	If permittee has adopted a Virginia Erosion and Sediment Control Program (VESCP), VESCP shall be implemented according to Virginia Erosion and Sediment Control Law and Virginia Erosion and Sediment Control Regulations	The City of Fairfax's Erosion and Sediment Control regulations are described in §4.17. of the Zoning Ordinance, Chapter 110, Article 4 (Site Development Standards). Additionally, site plan review procedures comply with applicable laws. A flowchart of the VSMP process is provided in Appendix D.	Any material additions or changes to applicable Ordinances or procedures will be reported in the subsequent Annual Report	Director of Public Works
4.c.(3)	Legal authorities utilized to ensure compliance with Section 4.a.	The City of Fairfax's Erosion and Sediment Control regulations, including Enforcement actions, are described in §4.17. of the Zoning Ordinance, Chapter 110, Article 4 (Site Development Standards)	Any material additions or changes to applicable documents will be reported in the subsequent Annual Report	Director of Public Works
4.c.(4)	Written inspection procedures and all documents utilized during inspection including the schedule	Documentation is provided in Appendix E	Number of E&S inspections conducted	Director of Public Works

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
4.c.(5)	Written procedures for requiring compliance through corrective action or enforcement action	Procedures are specified in §4.17.2. (Penalties, injunctions and other legal actions) of the City's Zoning Ordinance, Chapter 110 (Site Development Standards)	Number of enforcement actions taken as a result of inspections	Director of Public Works
4.c.(6)	Roles and responsibilities of each of the permittee's departments, divisions, or subdivisions in implementing the construction site stormwater runoff control requirements	Procedures are specified in §4.17.1. (Monitoring, reports and inspections) of the City's Zoning Ordinance, Chapter 110 (Site Development Standards)	Any material additions or changes to applicable documents will be reported in the subsequent Annual Report	Director of Public Works

MCM #5 – Post-Construction Stormwater Management

Minimum Control Measure #5 of the general permit addresses post construction stormwater runoff by means of design criteria, inspections and documentation, with the goal of minimizing pollution discharged to the MS4 from permanently stabilized sites.

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
5.a.(1)	If the permittee has an approved Virginia Stormwater Management Program (VSMP), implement the VSMP	The City is a VSMP authority. The VSMP regulations are described in the §4.16 of the Zoning Ordinance, Chapter 110, Article 4 (Site Development Standards). Additionally, the City's procedures comply with applicable laws. A flowchart of the VSMP process is provided in Appendix D.	Number of land disturbing activities; number of acres disturbed; number of VSMP permits granted	VSMP Administrator
5.b.	Implement an inspection and maintenance program for stormwater management facilities owned or operated by the permittee	(1) Written inspection and maintenance procedures are provided as an inspection form in Appendix F. (2) Inspections are conducted no less than once per year. (3) If maintenance needs are found during inspections, the required maintenance is conducted	Number of SWMF inspections; number of enforcement actions	Director of Public Works
5.c.(1)	Implement inspection and enforcement program for stormwater management facilities not owned by the permittee	(a) All stormwater management facilities not owned by the City are inspected no less than once per five years (b) Long-term operation and maintenance by the owner of the stormwater management facility is required by a recorded maintenance agreement. An agreement form is provided in Appendix G.	Number of SWMF inspections	

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
5.c.(2)	Utilize legal authority for enforcement of the maintenance responsibilities if maintenance is neglected by the owner	Legal authority is obtained primarily through the long-term SWMF Maintenance Agreement, and enforcement is conducted according to §4.16 of the Zoning Ordinance, Chapter 110, Article 4 (Site Development Standards). A sample enforcement letter is provided in Appendix H.	Number of enforcement actions	Director of Public Works
5.c.(3)	May develop and implement a progressive compliance and enforcement strategy provided that strategy is included in the MS4 program plan	The City is not currently implementing a progressive compliance and/or enforcement strategy	Program plan will be updated if material changes occur to the compliance and/or enforcement strategies	Director of Public Works

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
5.d.	Maintain an electronic database or spreadsheet of all known permittee-owned or permittee-operated and privately-owned stormwater management facilities that discharge into the MS4. The database shall also include all BMPs implemented by the permittee to meet the Chesapeake Bay TMDL load reduction as required in Part II A.	The City maintains this spreadsheet with all information required in Section 5.d.(1) – (9)	Updated spreadsheet is provided with each Annual Report	MS4 Program Manager
5.e.	The electronic database or spreadsheet shall be updated no later than 30 days after a new stormwater management facility is brought online	The City updates this spreadsheet with all information required in Section 5.d.(1) – (9) and is available upon request from the MS4 Program Manager. The new SWMFs brought online each year are listed in the Annual Report, available on the City’s website at: https://www.fairfaxva.gov/government/public-works/stormwater-and-floodplain-management/municipal-separate-storm-sewer-system-ms4 .	Updated spreadsheet is provided with each Annual Report	MS4 Program Manager

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
5.f. – g.	Electronically report all stormwater management facilities to DEQ	The City has submitted information for all stormwater management facilities installed after July 1, 2014 and will submit, by October 1 of each year, information for all new or newly discovered stormwater management facilities	Reporting new facilities each year	MS4 Program Manager
5.h.(1)(a)	The program plan shall include the VSMP approval letter issued by the department	Evidence of the City's VSMP approval is found in Appendix I	Continued implementation of VSMP	MS4 Program Manager
5.h.(5)	The program plan shall include the roles and responsibilities of each department, division, or subdivision in implementing the post-construction stormwater runoff control program	The flowchart of the VSMP process is provided in Appendix D and includes responsibility assignments for Community Development and Planning and Public Works	Program plan will be updated with any material changes to the roles and/or responsibilities in the VSMP process	Director of Public Works

MCM #6 – Pollution Prevention and Good Housekeeping

Minimum Control Measure #6 requires the implementation of proper training and standard operating procedures for daily operations tasks to be completed while limiting or eliminating the risk of illicit discharges at municipal facilities within the MS4 service area.

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
6.a.	Maintain and implement written procedures for those activities at facilities owned or operated by the permittee such as road, street, and parking lot maintenance; equipment maintenance; and the application, storage, transport, and disposal of pesticides, herbicides, and fertilizers	The City's only facility at which these activities occur is their Property Yard Facility. That facility's most current Stormwater Pollution Prevention Plan (SWPPP), incorporated by reference, meets all the requirements of Section 6.a.(1) – (7).	Updated Property Yard SWPPP	MS4 Program Manager
6.b.	Written procedures established in accordance with 6.a. shall be utilized as part of the employee training program	The City's MS4 Training Plan covers these procedures	Updated MS4 Training Plan	MS4 Program Manager

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
6.c. – d.	Identify which of the high-priority facilities have a high potential of discharging pollutants, and maintain and implement a site specific SWPPP (meeting requirements of Section 6.d.) for each facility identified	The City's Property Yard facility is the only high-priority facility and was determined to have a high potential of discharging pollutants. A SWPPP meeting the requirements of this section and 6.d. is in place.	Updated Property Yard SWPPP	MS4 Program Manager
6.e.	Annually review high-priority facilities that do not have a SWPPP and develop SWPPP if necessary	No other facilities owned or operated by the City require a SWPPP	Annual review	MS4 Program Manager
6.f.	Review the SWPPP after any unauthorized discharge, release, or spill to determine if additional measures are necessary to prevent future unauthorized discharges, releases, or spills	The MS4 Program Manager will review the SWPPP after any unauthorized discharge, release, or spill and revise the SWPPP if necessary	Results of the SWPPP review after any unauthorized discharge, release, or spill	MS4 Program Manager

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
6.g.	SWPPP shall be kept at the facility and utilized as part of staff training program	The SWPPP is kept at the Property Yard facility and is utilized as part of staff training program	SWPPP available at the facility and used in staff training program	MS4 Program Manager
6.i. – j.	Maintain and implement turf and landscape nutrient management plans (NMPs) on permittee owned or operated lands where nutrients are applied to a contiguous area greater than one acre	<p>The City maintains six NMPs in the Parks and Recreation Department:</p> <ol style="list-style-type: none"> 1. Kutner Park – 1.68 acres (February 2018) 2. Lanier Middle School – 5.31 acres (February 2018) 3. Providence Elementary School – 4.70 acres (February 2018) 4. Daniels Run Elementary School – 2.96 acres (February 2018) 5. Green Acres Center – 3.68 acres (February 2018) 6. Pat Rodio Park – 2.91 acres (February 2018) 	NMPs are updated as appropriate (incorporated by reference)	MS4 Program Manager
6.k.	Do not apply deicing agent containing urea or other forms of nitrogen or phosphorus to paved surfaces	The Property Yard SWPPP contains SOPs on proper use of salt and sand for deicing applications	No deicing agents containing urea or other forms of nitrogen or phosphorus are applied to paved surfaces	MS4 Program Manager

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
6.l.	Require, through the use of contract language, training, SOPs, or other measures that contractors employed by the permittee use appropriate control measures to minimize discharge of pollutants to the MS4	The City uses contract language to ensure contractors minimize discharge of pollutants to the MS4	Inclusion of contract language in applicable contracts	MS4 Program Manager
6.m. – o.	Develop a training plan for staff meeting requirements of Section 6.m.(1) – (7) and document each training event according to requirements of Section 6.n.(1) – (3)	The City maintains and regularly updates an MS4 Training Plan meeting the requirements of Section 6.m.(1) – (7) and documents training activities according to Section 6.n(1) – (3)	Availability of Training Plan and documentation of training events for last 3 years	MS4 Program Manager

Requirement No. (Part I E.)	Requirement	BMP or Strategy with SOPs if Applicable	Measurable Goal	Responsible Person, Position, or Department
6.p.(4)	Summary of mechanisms used to ensure contractors working on behalf of the permittee implement the necessary good housekeeping and pollution prevention procedures and stormwater pollution prevention plans as appropriate	The MS4 Program Manager, or his/her designee, has contractual authority to audit contractors for compliance with City policies and procedures	Results of any corrective actions	MS4 Program Manager

Permit Part II TMDL Special Conditions

The General MS4 Permit states that Local TMDL Action Plans should be incorporated by reference. The City of Fairfax has three local TMDLs for which it has created Action Plans, as shown in the table below. The Action Plans are incorporated by reference.

Documents Incorporated by Reference

The following documents were incorporated by reference in one or more section above.

Document	Version / Date	Location / In office of:
General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s)	Effective Nov. 1, 2018	Online at: https://law.lis.virginia.gov/admincode/title9/agency25/chapter890/section40/
Property Yard SWPPP	October 2018	Fairfax Property Yard and MS4 Program Coordinator
MS4 Training Plan	May 2019	MS4 Program Coordinator
Nutrient Management Plans for Kutner Park, Providence Elementary School, Lanier Middle School, Pat Rodio Park, Daniels Run Elementary School, Green Acres Center.	February 2018	MS4 Program Coordinator
Local TMDL Action Plans for: Occoquan River Watershed (Popes Head Creek) Bacteria TMDL, Difficult Run Bacteria TMDL, and Difficult Run Sediment TMDL	October 2016	MS4 Program Coordinator

Public Input Received

This section will document all public input received regarding this program plan. If a member of the public wishes to comment on this document at any time, you may do so by submitting the comment in writing to the MS4 Program Manager, Christina Alexander, at christina.alexander@fairfaxva.gov.

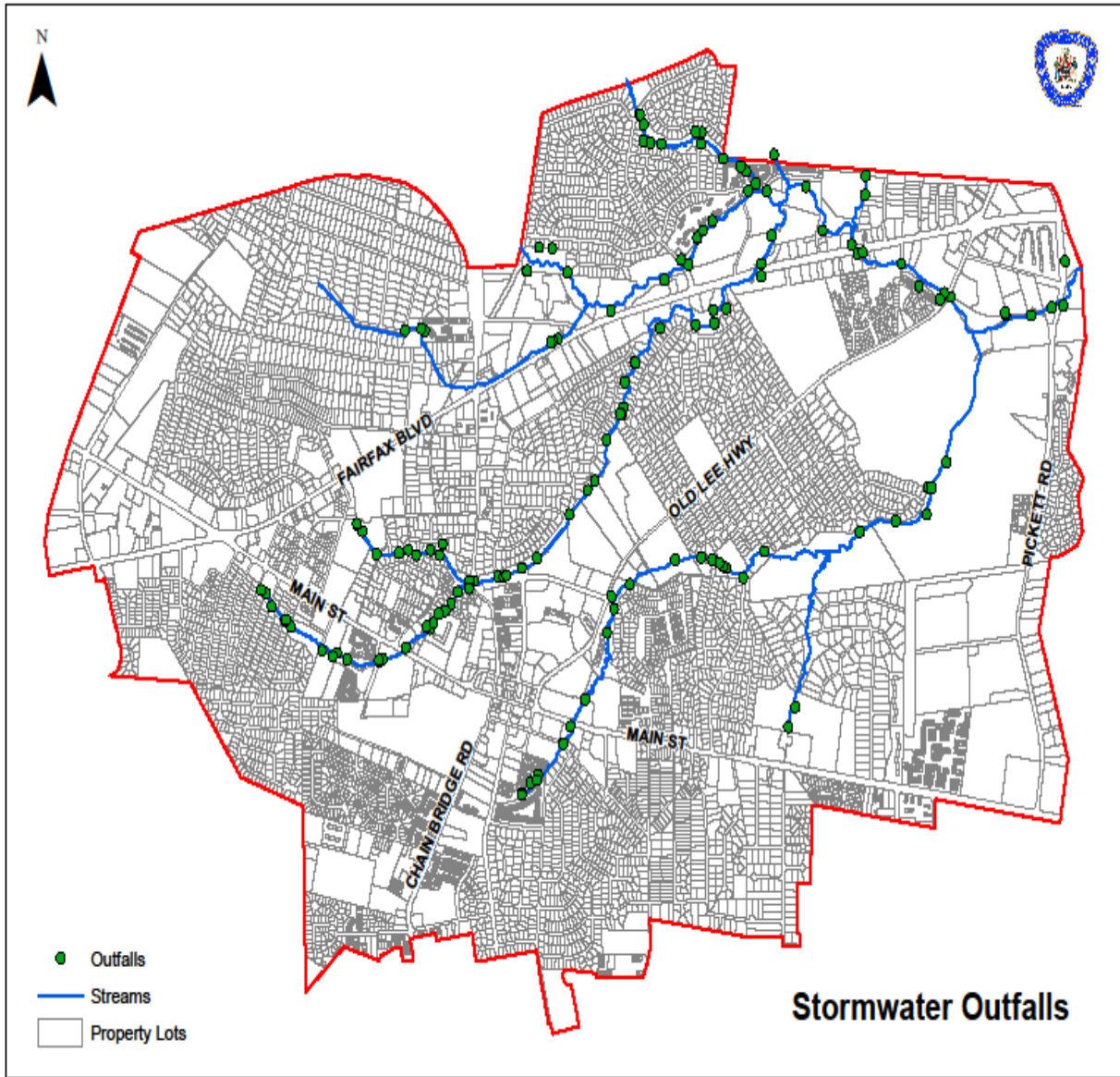
Date Comment Received	Comment	City Response

Appendix A

MS4 Map and Information Table

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Map and table here.



Appendix B

Copies of Written Notifications of Physical Interconnections to Other MS4s

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City of Fairfax

10455 Armstrong Street
Fairfax, VA 22030
Department of Public Works
(703) 273-33067
(703) 591-5727 (FAX)

County of Fairfax
Stormwater Planning Division
12000 Government Center Pkwy.
Fairfax, VA 22035

October 2018

Subject: MS4 Permit; Notice of Potential Physically Interconnected Stormwater Systems

Dear MS4 Permit Manager,

The City of Fairfax is a Phase II small MS4 located in Fairfax County, VA. The City of Fairfax is covered under the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems.

The purpose of this letter is to notify you of the potential interconnected stormwater systems operated by Fairfax County, and the City of Fairfax. Under the MS4 Permit requirements, the City of Fairfax is required to notify all regulated MS4 stormwater systems that are physically interconnected. At this time the City of Fairfax has not identified any points where the City discharges into any Fairfax County regulated stormwater systems, therefore this is just a notification and no action on your part is required.

If you have any questions or need any additional information please feel free to contact me.

Sincerely,

Christina Alexander
Project Manager/Environmental Engineer
(703)273-3067
Christina.Alexander@fairfaxva.gov



City of Fairfax

10455 Armstrong Street
Fairfax, VA 22030
Department of Public Works
(703) 273-33067
(703) 591-5727 (FAX)

George Mason University
Facilities Planning Division
4400 University Dr.
Fairfax, VA 22032
(703) 993-2520

October 2018

Subject: MS4 Permit; Notice of Potential Physically Interconnected Stormwater Systems

Dear MS4 Permit Manager,

The City of Fairfax is a Phase II small MS4 located in Fairfax County, VA. The City of Fairfax is covered under the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems.

The purpose of this letter is to notify you of the potential interconnected stormwater systems operated by George Mason University, and the City of Fairfax. Under the MS4 Permit requirements, the City of Fairfax is required to notify all downstream MS4 stormwater systems that are physically interconnected. At this time the City of Fairfax has not identified any points where the City discharges into any George Mason University regulated stormwater systems, therefore this is just a notification and no action on your part is required.

If you have any questions or need any additional information please feel free to contact me.

Sincerely,

Christina Alexander
Project Manager/Environmental Engineer
(703)273-3067
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County of Fairfax
Stormwater Planning Division
12000 Government Center Pkwy.
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October 2018

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If you have any questions or need any additional information please feel free to contact me.

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Project Manager/Environmental Engineer
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Christina.Alexander@fairfaxva.gov



City of Fairfax

10455 Armstrong Street
Fairfax, VA 22030
Department of Public Works
(703) 273-33067
(703) 591-5727 (FAX)

Virginia Department of Transportation
Mr. Roy T. Mills
Location and Design Division
State Stormwater Program Planner
(804) 786-9013

October 2018

Subject: MS4 Permit; Notice of Potential Physically Interconnected Stormwater Systems

Dear Mr. Mills,

The City of Fairfax is a Phase II small MS4 located in Fairfax County, VA. The City of Fairfax is covered under the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems. (Registration VAR040064)

The purpose of this letter is to notify you of the potential interconnected stormwater systems operated by VDOT, and the City of Fairfax. Under the MS4 Permit requirements, the City of Fairfax is required to notify all downstream regulated MS4 stormwater systems that are physically interconnected. At this time the City of Fairfax has not identified any points where the City discharges into any VDOT regulated stormwater systems, therefore this is just a notification and no action on your part is required.

If you have any questions or need any additional information please feel free to contact me.

Sincerely,

Christina Alexander
Project Manager/Environmental Engineer
(703)273-3067
Christina.Alexander@fairfaxva.gov

Appendix C

IDDE Procedures

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Illicit Discharge Detection and Elimination Procedures

- City has Stormwater ordinance, §4.16.7.I. Illicit discharges
- We have the link for residents to report illicit discharges on the City website
- We have an outfall condition assessment/dry weather field screening protocol.
 - The City went above and beyond by locating all of the City's 180 outfalls in Year 1 of the 2013-18 Permit
 - Starting in Permit Year 4 we have been performing 50 outfall inspections per year
- Fire Marshall is responsible for illicit discharge investigations. Investigation procedure:
 - Visually identify the source of the illicit discharge
 - Notify property owner if investigation leads to private property
 - If source cannot be located visually, a grab sample is collected and analyzed
 - Utilize Fairfax County laboratory
 - Utilize state laboratory
 - Trace pollutants identified to potential source
 - Notify property owner and inform them of needed corrective actions
 - If owner does not comply, initiate enforcement procedures according to Stormwater Ordinance
- For hazardous materials spills, the Fire department handles
 - If too large for FFD, Atlas Environmental as a contractor
 - Spill reports are recorded, transmitted to Public Works, and added to the MS4 Annual Report

POTENTIAL ILLICIT DISCHARGE FIELD SHEET

Section 1: Background Data

Description / Location of Suspected Illicit Discharge:	
Date of Observation: ____ / ____ / ____	Time (Military):
Name(s) of Observer(s):	
Has it rained in the last 72 hours? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Land Use in Drainage Area (Check all that apply):	
<input type="checkbox"/> Industrial	<input type="checkbox"/> Institutional
<input type="checkbox"/> Ultra-Urban Residential	<input type="checkbox"/> Open Space
<input type="checkbox"/> Suburban Residential	<input type="checkbox"/> Woods
<input type="checkbox"/> Commercial	Other: _____ Known Industry: _____
Estimate the Flow Rate (cfs) _____	
<input type="checkbox"/> Drip	<input type="checkbox"/> Flow < 1 CFS
<input type="checkbox"/> Steady Drip	<input type="checkbox"/> Flow > 1 CFS
<input type="checkbox"/> Stream	

Section 2: Discharge Structure Description

LOCATION	MATERIAL	SHAPE	NUMBER	DIMENSIONS
<input type="checkbox"/> Closed Pipe	<input type="checkbox"/> RCP <input type="checkbox"/> CMP	<input type="checkbox"/> Circular	Number of Pipes _____	<u>Circular Pipe</u>
	<input type="checkbox"/> PVC <input type="checkbox"/> HDPE	<input type="checkbox"/> Elliptical		Diameter: _____ (in.)
	<input type="checkbox"/> Steel	<input type="checkbox"/> Box		<u>Elliptical or Box Pipe</u>
	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____		Width (in.): _____
				Height (in.): _____
<input type="checkbox"/> Open Drainage (Channel)	<input type="checkbox"/> Concrete	<input type="checkbox"/> Trapezoidal		Depth: _____ ft.
	<input type="checkbox"/> Earthen	<input type="checkbox"/> Parabolic		Top Width: _____ ft.
	<input type="checkbox"/> Rip-Rap	<input type="checkbox"/> Other: _____		Bottom Width: _____ ft.
	<input type="checkbox"/> Other: _____			
Flow Description	<input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial <input type="checkbox"/> None			
Structure Condition	<input type="checkbox"/> Good <input type="checkbox"/> Minor Damage (e.g. chipping, erosion) <input type="checkbox"/> Needs Repair (not functioning properly) <input type="checkbox"/> Buried			

POTENTIAL ILLICIT DISCHARGE FIELD SHEET

Section 3: Physical Indicators for Outfalls

INDICATOR	CHECK IF PRESENT	DESCRIPTION	COMMENTS
Odor	<input type="checkbox"/>	<input type="checkbox"/> Sewage <input type="checkbox"/> Rancid/sour <input type="checkbox"/> Sulfide <input type="checkbox"/> Petroleum/gas <input type="checkbox"/> Chlorine <input type="checkbox"/> Other: _____	
Color	<input type="checkbox"/>	<input type="checkbox"/> Clear <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Orange <input type="checkbox"/> Red <input type="checkbox"/> Other: _____	
Turbidity	<input type="checkbox"/>	<input type="checkbox"/> Cloudy <input type="checkbox"/> Opaque <input type="checkbox"/> Other: _____	
Floating Objects (Does Not Include Trash)	<input type="checkbox"/>	<input type="checkbox"/> Sewage (Toilet Paper, etc.) <input type="checkbox"/> Suds <input type="checkbox"/> Petroleum (Oil Sheen) <input type="checkbox"/> Other: _____	
Deposits / Stains	<input type="checkbox"/>	<input type="checkbox"/> Oily <input type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Bleached Soil <input type="checkbox"/> Other: _____	
Vegetation	<input type="checkbox"/>	<input type="checkbox"/> Excessive growth <input type="checkbox"/> Inhibited growth <input type="checkbox"/> Other: _____	
Damage to Outfall Structures	<input type="checkbox"/>	<input type="checkbox"/> Concrete cracking <input type="checkbox"/> Concrete spalling <input type="checkbox"/> Peeling paint <input type="checkbox"/> Metal corrosion Other: _____	

Section 4: Source of Discharge

Source of Illicit Discharge (if known): _____

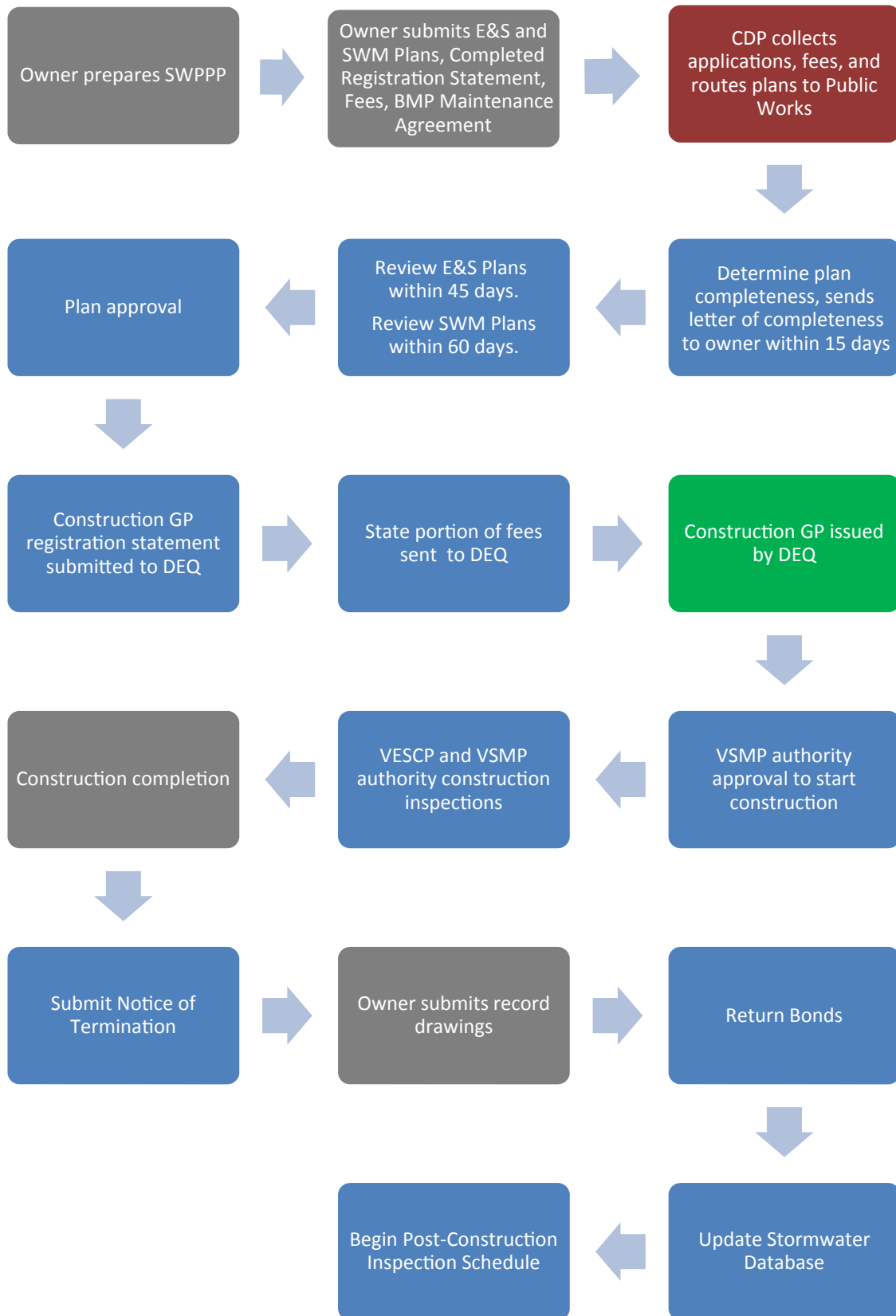
Comments: _____

Appendix D

VSMP Responsibility Flow Chart

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City of Fairfax - VSMP Responsibility Flow Chart



Responsibility	Owner	Community Development and Planning	Public Works	DEQ
----------------	-------	------------------------------------	--------------	-----

VESCP=Virginal Erosion and Sediment Control Plan, VSMP= Virginia Stormwater Management Program, GP= General Permit, DEQ= Department of Environmental Quality, E&S= Erosion and Sediment, SWM= Stormwater Management, SWPPP= Stormwater Pollution Prevention Plan, CDP= Community Development and Planning, BMP= Best Management Practice

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Appendix E

VSMP Inspection Forms

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Filing No: SW14XXXX



**City of Fairfax
Department of Public Works**

10455 Armstrong St, Room 200
Fairfax, VA 22030
703 273 6073

Date Issued:

07/01/14

VSMP INSPECTION REPORT

To:

An inspection of the site at Location/Address on 07/01/14 revealed the presence of the following violation(s):

The following corrections are required:

Notice is hereby given that the violations stated above shall be corrected on or before 07/01/14 at 9:00 AM.
The site will be reinspected at that time.

Failure to address the above violation(s) will result in a Warning Letter, Notice to Comply and/or Stop Work Order being issued. Please contact this department if there are any questions.

VSMP
Inspector

Satoshi Eto

VSMP
Administrator

Christina Alexander

Filing No: SW14XXXX

City of Fairfax
Department of Public Works

Date Issued:

07/01/14



10455 Armstrong St
Fairfax, VA 22030
703 273 6073

VSMP WARNING LETTER

To:

An inspection of the site at Location/Address on 07/01/14 revealed the presence of the following violation(s):
A VSMP Inspection Report was sent on 07/01/14.

The following corrections are required:

Notice is hereby given that the violations stated above shall be corrected on or before 07/01/14 at 9:00 AM.
The site will be reinspected at that time.

Failure to comply with this notice will result in a Notice to Comply or Stop Work Order, or other legal enforcement action by the City of Fairfax to implement the appropriate corrections. Please contact this department if there are any questions.

VSMP
Inspector _____
Satoshi Eto

VSMP
Administrator _____
Christina Alexander

Filing No: SW14XXXX



City of Fairfax
Department of Public Works

10455 Armstrong St
Fairfax, VA 22030
703 273 6073

Date Issued:
07/01/14

VSMP NOTICE TO COMPLY

To:

An inspection of the site at Location/Address on 07/01/14 revealed the presence of the following violation(s):
A VSMP Inspection Report / Warning Letter was sent on 07/01/14.

The following corrections are required:

Notice is hereby given that the violations stated above shall be corrected on or before 07/01/14 at 9:00 AM.
The site will be reinspected at that time.

Failure to comply with this notice will result in a Stop Work Order and/or other legal enforcement action by the City of Fairfax to implement the appropriate corrections. Please contact this department if there are any questions.

VSMP _____
Inspector Satoshi Eto

VSMP _____
Administrator Christina Alexander

Filing No: SW14XXXX



**City of Fairfax
Department of Public Works**

10455 Armstrong St
Fairfax, VA 22030
703 273 6073

Date Issued:
07/01/14

VSMP STOP WORK ORDER

To:

An inspection of the site at Location/Address on 07/01/14 revealed the presence of the following violation(s).
A VSMP Inspection Report / Warning Letter / Notice to Comply was sent on 07/1/14

You are hereby ordered to stop all land-disturbing activities on the above referenced project until the specified corrective measures have been taken. If work is not begun to correct this violation by 07/01/14, further legal action will be taken. Upon completion of the corrective action, the order shall be immediately lifted. Continuing land disturbing activities in disregard of this Order shall constitute a violation of City Code Sec 110-291(e).

The following corrections are required:

Please contact this department if there are any questions.

VSMP
Inspector _____
Satoshi Eto

VSMP
Administrator _____
Christina Alexander

Filing No: SW14XXXX

City of Fairfax

Date Issued:

07/01/14



VSMO ORDINANCE SUMMONS

To:

You are charged with violating City Code as follows:

Location of Violation: Location/Address

Description of Violation:

Violation of:

- City Code Sec 110-287(a)1 – Failure to obtain VSMP Permit prior to engaging in land disturbing activity. - \$2500 / violation / day
- City Code Sec 110-287(d)1 – VSMP permit non-compliance - \$2500 / violation / day
Description:
- City Code Sec 110-291(d) – Continued land disturbing activity in disregard of Stop Work Order issued by Administrator. - \$2500/ violation / day
- City Code Sec 110-294(a) – Illicit discharges - \$1000 / violation / day

Penalty:

Cumulative Penalty: violation dates & types

You are required to respond by 07/01/14 in one of the following ways:

1. **To Pay Penalty and Waive Your Right to a Hearing:**
 - Check the "Admit Violation" or "No Contest" box below; checking either of these boxes and signing this ticket is a waiver of trial, is an admission of liability, and has the same force and effect as a court judgment, but is not a criminal conviction for any purpose.
 - Correct the violation and certify that the violation has been corrected by signing below;
 - Make check payable to City of Fairfax. Print filing number noted above on the check. Payment may be made by mail or in person, at; Treasurer's Office, City Hall, 10455 Armstrong Street, Room 208, Fairfax, VA 22030.
2. **To stand trial for the violation(s) shown on this summons:**
 - Check the "Contest in Court" box below and mail this completed notice to the Dept of Public Works, City Hall, 10455 Armstrong St, Fairfax, VA 22030.

FAILURE TO RESPOND AS NOTED ABOVE WILL RESULT IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT

COMPLETE AND SIGN: Admit No Contest Contest in Court

Name: _____

I hereby certify under penalty of law, that I have answered as indicated above, and have corrected the violation that I have admitted to or for which I have pleaded no contest.

Signature: _____ Date: _____

Certificate of Service

I personally observed the violation noted and state that I am an employee of the Department of Public Works, that a true copy of this ticket was mailed to the last known address of the respondent or the respondent's agent and/or posted at the site of the infraction, and know this ticket to be true to the best of my knowledge.

Signature: _____ Date: _____

Director of Public Works _____ Date: _____

Filing No: SW14XXXX

**City of Fairfax
Department of Public Works**

Date Issued:
07/01/14



10455 Armstrong St
Fairfax, VA 22030
703 385 7828

Violation Dismissed

To:

A reinspection of the site at **Location/Address** on **07/01/14** revealed that the following violation(s) have been corrected to the satisfaction of the Office of Site Inspections.

Your cooperation in this matter is appreciated and Public Works will continue to monitor this site to ensure compliance with VSMP requirements.

VSMP
Inspector

Satoshi Eto

VSMP
Administrator

Christina Alexander

Appendix F

SWMF Inspection Report

SWM/BMP INSPECTION REPORT

FOR CITY USE ONLY

LOCATION OF SWM/BMP:	ACCEPTED () MAINTENANCE ()
ADDRESS OF SWM/BMP :	QUESTIONS () REPAIRS ()
OWNER OR MANAGEMENT CO.:	DATE: ___/___/___
ADDRESS:	REVIEWED BY: _____
INSPECTION COMPANY :	TITLE: _____
ADDRESS :	PHONE # :
INSPECTOR NAME (print) :	PHONE # :
INSPECTOR SIGNATURE :	DATE # :

TYPE OF BMP

Bio-detention ()	Dry Pond ()	Wet Pond ()	Infiltration Trench ()	Underground Detention ()
Storm Ceptor ()	Sand Filters ()	Green Roof ()	Filtterra ()	Vegetated Swale ()

Other, describe :

Inspection Checklist

Structural Integrity:	Yes	No	N/A
Does the facility show any signs of settling, cracking, bulging, misalignment, or any other structural deterioration?			
Do embankment, emergency spillways, side slope, or inlet/outlet structure show signs of excessive erosion or slumping?			
Is the inlet and outlet pipe damaged or otherwise not functioning properly?			
Do impoundment and inlet areas show erosion, low spots, or lack of stabilization?			
Are trees or saplings present on the embankment?			
Are animal burrows present?			
Are contributing areas unstabilized with evidence of erosion?			
Do grass areas require mowing and /or are clippings building up?			
Working Conditions			
Are cartridge filters, sand filters, filtterra boxes, and other filters clogged?			
Provide date of last filter replacement. (/ /)			
Is water quality orifice, weir, grate, trash rack completely clear of debris and completely open?			
Does the depth of sediment or other factors suggest a loss of storage volume?			
Is there standing water in inappropriate areas, such as on filters or cartridges after a dry period?			
Is there an accumulation of floating debris and/or trash?			
Other Inspection Items			
Is there evidence of encroachments or improper use of impoundment areas?			
Do the fence gate or other safety device need repair?			
Is there excessive algae growth or has one type of vegetation taken over the facility?			
Is there evidence of oil, grease, or other automotive fluids entering and clogging the facility?			
In rain gardens, is there evidence of soil erosion, does mulch cover the entire area, is specified number and types of plants still in place, or is there evidence of disease or plant stress from adequate or too much watering?			
Is there evidence of fish kill?			

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Appendix G

SWMF Maintenance Agreement

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BMP AGREEMENT# (to be filled in by staff): _____

CITY OF FAIRFAX STANDARD BEST MANAGEMENT PRACTICES (BMP) FACILITIES MAINTENANCE AND MONITORING AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between _____, its successors and assigns, hereinafter called (the "Landowner"), and the City of Fairfax, Virginia, a Virginia municipal corporation (the "City");

WITNESSETH:

WHEREAS, the Landowner is the owner of record certain real property located within the City, and described as:

_____ Tax map, block, and lot number

as acquired by deed recorded in the land records of the County of Fairfax, Virginia in Deed Book _____ at Page _____, (the "Property").

WHEREAS, Landowner is proceeding to build on and develop the Property and;

WHEREAS, Erosion and Sediment Control Plan/ Plan of Development/Site Plan/Subdivision Plan (describe fully) _____, (the "Plan"), which is expressly made a part hereof by reference, as approved or to be approved by the City, provides for detention or on-site treatment of stormwater within the confines of the Property and;

WHEREAS, Erosion and Sediment Control Plan/Plan of Development/Site Plan/Subdivision Plan identifies the type of structural best management practices facility or facilities as:

- 1) _____
- 2) _____ 4) _____
- 3) _____ 5) _____

as defined by the Virginia Stormwater Management Handbook and;

WHEREAS, Erosion and Sediment Control Plan/Plan of Development/Site Plan/Subdivision Plan identifies the geographic location (HUC), hydrologic unit code of each facility as:

- 1) _____ (HUC as established in 4 VAC 50-60-10) _____ (USGS HUC)
- 2) _____ (HUC as established in 4 VAC 50-60-10) _____ (USGS HUC)
- 3) _____ (HUC as established in 4 VAC 50-60-10) _____ (USGS HUC)
- 4) _____ (HUC as established in 4 VAC 50-60-10) _____ (USGS HUC)
- 5) _____ (HUC as established in 4 VAC 50-60-10) _____ (USGS HUC)

WHEREAS, Erosion and Sediment Control Plan/Plan of Development/Site Plan/Subdivision Plan identifies the impaired surface water that the best management practices facility is discharging into as:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

WHEREAS, Erosion and Sediment Control Plan/Plan of Development/Site Plan/Subdivision Plan identifies the number of acres treated by each facility as:

- | | | |
|-------------------|--------------------|------------|
| 1) Total: _____ | Pollutant Removal: | TN: _____ |
| Pervious: _____ | | TP: _____ |
| Impervious: _____ | | TSS: _____ |
| 2) Total: _____ | | TN: _____ |
| Pervious: _____ | | TP: _____ |
| Impervious: _____ | | TSS: _____ |

- | | |
|-------------------|------------|
| 3) Total: _____ | TN: _____ |
| Pervious: _____ | TP: _____ |
| Impervious: _____ | TSS: _____ |
| 4) Total: _____ | TN: _____ |
| Pervious: _____ | TP: _____ |
| Impervious: _____ | TSS: _____ |
| 5) Total: _____ | TN: _____ |
| Pervious: _____ | TP: _____ |
| Impervious: _____ | TSS: _____ |
- and;

WHEREAS, Landowner acknowledges that the City Zoning Ordinance requires that on-site Best Management Practices, facilities, (the “Facilities”), be properly constructed and maintained, inspected on the property and;

WHEREAS, the City requires that the Facilities as shown on the Plan be constructed and adequately maintained by the Landowner.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The Facilities shall be constructed by the Landowner, in accordance with the plans and specifications as identified in the Plan.
2. Landowner shall maintain the Facilities in good working condition, in a manner to be acceptable to the City, so that the Facilities perform as designed.
3. Landowner, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the Facilities whenever the City deems it to be necessary. The purpose of the inspection shall be to assure safe and proper functioning of the Facilities, berms, outlet structures, pond areas, etc. When deficiencies are noted, the City shall give the Landowner, copies of the inspection report with its findings and evaluations within 30 days.
4. Landowner will submit inspection reports and perform maintenance in accordance with the maintenance schedule for the Facilities including sediment removal as outlined on the approved plans and the following specific requirements:
 - a. Maintenance of the aforementioned facility or facilities shall conform to the maintenance requirements contained in Chapter 9 of the 2013 Stormwater Management Handbook, published by the Virginia Department of Environmental Quality and the Virginia Stormwater BMP Clearinghouse Website, available at <http://www.vwrrc.vt.edu/swc/>
 - b. Inspection of Facilities shall be performed every **12** months by a qualified professional licensed to perform said work in the State of Virginia; an inspection report shall be submitted to the City Stormwater Program Specialist.
5. In the event the City, pursuant to this Agreement, enters upon the Property and takes whatever steps it deems necessary to maintain said Facilities and in performance of said work for labor, use of equipment, supplies, materials and the like on account of the Landowner’s failure to perform such work, the Landowner shall reimburse the City, upon demand, within 30 days of receipt thereof for all costs incurred by the City hereunder. It is expressly understood and agreed that the City is under no obligation to maintain or repair said Facilities, and in no event shall this Agreement be construed to impose any such obligation on the City. If not paid within such 30-day period, the City shall have a lien against the Property to the extent permitted by law, in the amount of such costs, plus interest at the highest rate permitted by law.
6. Landowner shall indemnify and hold harmless the City, its officers, agents and employees for any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the City for the construction, presence, existence of or maintenance of the Facilities by the Landowner. In the event a claim is asserted against the City, the City

shall promptly notify the Landowner, and the Landowner shall defend, at its own expense, any suit based on such claim. If any judgment or claim against the City shall be allowed, the Landowner shall pay all of the City's costs and expenses in connection therewith, including attorneys' fees.

- 7. Landowner hereby grants permission to the City, its authorized agents and employees, and the Northern Virginia Planning District Commission, its authorized agents, employees and consultants, to enter upon the property, and to install, operate and maintain equipment to monitor the flow rate and pollutant content of the input flow, the effluent, and at intermediate points in the BMP.
- 8. This Agreement shall be recorded among the land records of the County of Fairfax, Virginia, and shall constitute a covenant running with the land/or equitable servitude, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and other successors in interest.

WITNESS the following signatures and seals:

(Landowner) (Seal)

By: _____
Name (type or print)

Attest: _____
Secretary

WITNESS THE FOLLOWING SIGNATURE AND SEAL:

STATE OF _____ County/City/Town of _____ to-wit:

I, the undersigned, A Notary Public in and for the State and County, City or Town aforesaid, do hereby certify that this day personally appeared before me in the State and County, City or Town aforesaid:

(Name) (Title)

whose name(s) is(are) signed to the foregoing and hereunto annexed agreement bearing the _____ day of _____, 2_____, and acknowledged the same before me.

Given under my hand this _____ day of _____, 2_____.

Notary Registration Number#: _____

My Commission expires: _____ day of _____, 2_____.

(Notary Public Signature)

BMP AGREEMENT# (to be filled in by staff): _____

CITY OF FAIRFAX

By: _____
Stormwater Resource Engineer

By: _____
City Attorney – Approved as to Form

By: _____
City Manager

Attest: _____
City Clerk

WITNESS THE FOLLOWING SIGNATURE AND SEAL:

COMMONWEALTH OF VIRGINIA
CITY OF FAIRFAX to-wit:

The foregoing instrument was acknowledged before me this:

_____ day of _____, 2____. by _____, as City
Manager, on behalf of the City of Fairfax, Virginia.

My Commission expires: _____ day of _____, 2____.

Notary Registration Number#: _____

(Notary Public Signature)

Appendix H

Sample SWMF Enforcement Letter

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SAMPLE SWM/BMP LETTER



City of Fairfax

*10455 Armstrong Street
Fairfax, Virginia 22030-3630*

Date

Addresss

Re: Stormwater Management/Best Management Practice
(Also referred to as SWM/BMP)

Dear Sir:

This letter is sent to advise you that the City may pursue enforcement action against the owner of the property located at ADDRESS, for failure to properly maintain the on-site Stormwater Management/Best Management Practice (SWM/BMP) system.

Virginia Administrative Code Sections 4VAC50-60-150 and 9 VAC 10-20-120 require annual inspection and certification that SWM/BMP facilities are properly maintained. Inspectors with the city's Department of Public Works are available to meet with property-owners or their representatives to make recommendations to ensure proper SWM/BMP function and reporting to satisfy the State Code requirements. Inasmuch as your facility is on private property, the City cannot perform the inspection for you, but can provide guidance and answer questions. For more information on inspection requirements please see the city's webpage at <http://www.fairfaxva.gov/Environment/StormWaterMgmt.asp>.

Enclosed is a copy of the SWM/BMP inspection report, found on the city website listed above, that needs to be filled out but a qualified inspector. Additionally attached, for your information, is a list of qualified inspectors used in the past. Failure to send in your inspection report within 30 days of receiving this letter, will result in a Notice of Violation (Notice) issuance to the site. Notice of Violation fines begin at \$200 and may increase to \$500. Typically, it is less costly to obtain the inspection than to pay any accrued penalty fine amounts.

SAMPLE SWM/BMP LETTER

If you have any questions about the rules for inspections or any additional questions please contact me at 703.273.3067 or Christina.Alexander@fairfaxva.gov .

Respectfully,

Christina Alexander
Stormwater Resource Engineer, Public Works

Attachments
Enclosure

Cc: Peter Millard
David Summers
Michelle Coleman

Appendix I

Evidence of VSMP Approval

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**DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION**

LIST OF VSMP AUTHORITIES

(Current as of July 29, 2014)

<u>MS4 Localities (required to adopt a VSMP)</u>	<u>Non-MS4 Localities (opting to adopt a VSMP)</u>
Albemarle Co.	Accomack Co.
Arlington Co.	Alleghany Co.
Augusta Co.	Amelia Co.
Botetourt Co.	Bedford Co.
Chesterfield Co.	Campbell Co.
City of Alexandria	Craig County
City of Bristol	Charles City Co.
City of Charlottesville	City of Buena Vista
City of Chesapeake	City of Covington
City of Colonial Heights	City of Franklin
City of Danville	City of Galax
City of Fairfax	City of Norton
City of Falls Church	Dinwiddie Co.
City of Fredericksburg	Franklin Co.
City of Hampton	Frederick Co.
City of Harrisonburg	Gloucester Co.
City of Hopewell	Grayson Co.
City of Lynchburg	Green Co.
City of Manassas	Greensville Co.
City of Manassas Park	King Georg Co.
City of Newport News	New Kent Co.
City of Norfolk	Page Co.
City of Petersburg	Patrick Co.
City of Poquoson	Prince Edward Co.
City of Portsmouth	Rockbridge Co.
City of Radford	Rockingham Co.
City of Richmond	Southampton Co.
City of Roanoke	Smyth Co.
City of Salem	Spotsylvania Co.
City of Staunton	Wise Co.
City of Suffolk	Town of Bluefield
City of Va Beach	Town of Bowling Green
City of Waynesboro	Town of Pulaski
City of Williamsburg	
City of Winchester	
Fairfax Co.	

Fauquier Co.

Hanover Co.

MS4 Localities (required to adopt a VSMP)

Henrico Co.

Isle of White Co.

James City Co.

Loudoun Co.

Montgomery Co.

Prince William Co.

Roanoke Co.

Stafford Co.

Town of Vinton

Town of Abingdon

Town of Ashland

Town of Blacksburg

Town of Bridgewater

Town of Christiansburg

Town of Dumfries

Town of Herndon

Town of Leesburg

Town of Vienna

Town of Warrenton

Washington County

York Co.