

August 15, 1994

MEMORANDUM

GMP #58

To: District Directors
Environmental Health Managers
Environmental Health Supervisors
Environmental Health Specialists
Office of Environmental Health Services

From: Allen L. Knapp, Enforcement Chief
Division of Onsite Sewage and Water Services

Through: Robert W. Hicks, Director
Office of Environmental Health Services

Subject: Notices of Violation
Onsite - Enforcement - Notices of Violation
Wells - Enforcement - Notices of Violation
Discharge - Enforcement - Notices of Violation

Since GMP #29 was issued there has been some confusion over the kind of language to use when issuing notices of violation. The attached sample notice complies with the requirements of § 2.5.A of the Sewage Handling and Disposal Regulations and also addresses the concerns raised in GMP #29 regarding case decisions.

Please use this example as the basis for all enforcement letters written under the Sewage Handling and Disposal Regulations, the Private Well Regulations, and the Alternative Discharging Sewage System Regulations for Single Family Dwellings. This letter is intended to be adapted to meet each particular enforcement situation, and should not be used as a "form letter."

Attachment (1)

SAMPLE NOTICE OF VIOLATION

Mr.
00000 Anystreet
Anytown, Virginia, 00000

CERTIFIED MAIL #

Dear Mr. _____:

This notice is issued pursuant to § 2.5.A of the Sewage Handling and Disposal Regulations (Regulations).

An investigation was conducted on your property on (date), pursuant to (a citizen complaint, routine inspection, etc). The health department's representative(s), (EH Specialist's name(s)), observed the following:

- 1) (Septic tank effluent leaking onto the ground)
- 2) (Septic system being installed/no permit)
- 3) (Etc.)

Based on these facts, the Department believes that a violation of § _____ has occurred and/or is occurring on your property located at (address, legal description).

In accordance with § 2.5.A of the Regulations, the following actions are requested:

- 1) Cease discharging untreated or partially treated sewage effluent to the ground surface (cease construction of the septic system, etc) immediately. This may be accomplished by pumping out the septic tank and disposing of the contents in accordance with the Sewage Handling and Disposal Regulations, and thereafter periodically pumping out the septic tank in an approved manner as necessary to prevent the discharge of sewage.
- 2) Submit an application for a repair permit (application form attached) within five (5) days.
- 3) Make all necessary repairs within (reasonable #) days after the issuance of a repair permit.

Failure to accomplish the actions requested above within the time limits specified may result in criminal prosecution for violation of the Sewage Handling and Disposal Regulations, or other enforcement actions provided under Title 32.1 of the Code of Virginia (1950) as amended. Violation of these Regulations is a Class I misdemeanor.

NOTICE OF VIOLATION

DATE

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Please contact _____, of the _____ County Health Department at (804) 000-0000 if you wish to discuss this notice, or for assistance in filing your application for a repair permit.

Your Name, Environmental Health Specialist
or
District Health Director

DELIVERED: (use only if not sent by Certified Mail)

- 1) I acknowledge receipt of this NOTICE OF VIOLATION

SIGNED:

OWNER, OCCUPANT, ETC.

- 2) I delivered this notice personally to _____, the owner, who refused to acknowledge receipt.

SIGNED:

Environmental Health Specialist