



**Comments of the Friends of Accotink Creek regarding:
"Proposed Amendment to Chapter 104 (Erosion and Sedimentation Control) of
The Code of the County of Fairfax, Virginia Re: Enforcement"**

Planning Commission Members,

September 15, 2020

As a volunteer watershed protection group composed of legal laymen, we have to confess that the wording of the proposed changes is too esoteric for our full comprehension.

We will state in general, however, that standards of enforcement should in no way be relaxed.

Even now, it seems enforcement of violations too often amounts to saying "*Tsk, tsk. Please fix that and don't do it again.*" If the additional option of civil penalties makes enforcers more inclined to actually enforce, then that is a welcome change.

We are troubled by the language that refers to matching of Commonwealth-level standards because this would surely be a relaxation of higher standards now in force in Fairfax County.

Maximum civil penalties of \$10,000 may be quite stiff for small projects, but for larger projects capable of causing greater problems, they amount to a mosquito bite. Larger penalties with a sting proportionate to disturbed area/dollar value should be put in place for larger projects.

An element of responsibility by violators for downstream environmental cleanup of the damage caused would be a welcome addition to the enforcement toolkit.

Enforcement tools can only be used when violations are known. Taking steps to see that site inspections occur regularly and unannounced will enhance developers' zeal for prioritizing keeping their sites in compliance.

Sincerely,

Friends of Accotink Creek :: www.accotink.org ::