

Rob Farrell

State Forester

COMMONWEALTH of VIRGINIA

**Department of Forestry**

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Formal Hearing Notification
for Special Order Non-Compliance

\*\*Date\*\*

\*\*Name of Landowner/Timber Owner/Operator\*\*

\*\*Address\*\*

\*\*City, State Zip\*\*

REFERENCE: Silvicultural Water Quality Law Enforcement

 Harvest ID No.: \*\*Harvest ID Number\*\*

 Case No.: \*\*Case Number\*\*

 Tract No.: \*\*Tract Number\*\*

Dear \*\*Name\*\*:

On \*\*Date\*\*, an Informal Conference was held to determine if pollution is occurring or is likely to occur; and, as a result, you were issued a Special Order (or the Emergency Special Order was affirmed) for violating the Silvicultural Water Quality Law §10.1-1181.1 of the Code of Virginia. At the present time, you have not complied with all requirements of the Special Order (or Emergency Special Order).

A Formal Hearing has been scheduled for \*\*Date\*\* \*\*Time\*\*. This Hearing will be held at \*\*Location\*\* in \*\*City\*\*, Virginia, concerning the non-compliance with the Special Order (or Emergency Special Order). You have the right to be represented by counsel. The Department of Forestry, in the presentation of the case, may utilize public data regarding weather conditions, soil conditions, etc. Any public data that will be utilized will be provided to you prior to the Formal Hearing.

Pursuant to the Code of Virginia §10.1-1181.3A, each day of a continuing violation may be deemed a separate violation for purposes of assessing penalties. Penalties may be imposed for each day after the Special Order was entered, but no penalties will be imposed from the date that all requirements imposed under the Special Order have been met. Therefore, it is in your interest to comply with the terms of the Special Order as soon as possible, and to bring evidence of such compliance, and the date thereof, to the Formal Hearing. If any party fails to appear at this Formal Hearing, a default judgement may be entered by the Hearing Officer according to the Code of Virginia, Section 2.2-4020.2(b).

Sincerely,

\*\*Name\*\*

\*\*Water Quality Engineer or Specialist\*\*

cc: \*\*Name\*\*, Forest Warden