

9 VAC 25-192 VIRGINIA POLLUTION ABATEMENT (VPA) GENERAL PERMIT FOR ANIMAL FEEDING OPERATIONS

Title of Regulation: **9 VAC 25-192. Virginia Pollution Abatement (VPA) General Permit Regulation for Animal Feeding Operations (amending 9 VAC 25-192-10, 9 VAC 25-192-20, 9 VAC 25-192-50, 9 VAC 25-192-60 and 9 VAC 25-192-70; repealing 9 VAC 25-192-30 and 9 VAC 25-192-40).**

CHAPTER 192.

VIRGINIA POLLUTION ABATEMENT (VPA) GENERAL PERMIT REGULATION FOR ~~CONFINED~~ ANIMAL FEEDING OPERATIONS.**9 VAC 25-192-10. Definitions.**

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the Permit Regulation (~~9 VAC 25-30-10 et seq.~~ 9 VAC 25-32) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

“Agricultural storm water” means storm water that is not the sole result of land application of manure, litter or process wastewater. Where manure, litter or process wastewater has been applied in accordance with a nutrient management plan approved by the Virginia Department of Conservation and Recreation and in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of an animal feeding operation is an agricultural storm water discharge.]

~~“Confined Animal feeding operation” means a lot or facility, together with any associated treatment works, (other than an aquatic animal production facility) where both of the following conditions are met:~~

1. Animals (*other than aquatic animals*) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
2. Crops, vegetation, forage growth or post-harvest residues are not sustained *in the normal growing season* over any portion of the operation of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation for the purposes of determining the number of animals at an operation, if they adjoin each other, or if they use a common area or system for the disposal of wastes.

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"Confined animal feeding operation," for the purposes of this regulation, has the same meaning as an "animal feeding operation."

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality or his designee.

"Operator" means any person who owns or operates an animal feeding operation.

"Permittee" means the owner whose ~~confined~~ animal feeding operation is covered under this general permit.

"Waste storage facility" means a waste holding pond or tank used to store manure prior to land application, or a lagoon or treatment facility used to digest or reduce the solids or nutrients.

"Vegetated buffer" means a permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

["300 animal units" means 300,000 pounds of live animal weight, or the following numbers and types of animals:

- a. 300 slaughter and feeder cattle;
- b. 200 mature dairy cattle (whether milked or dry cows);
- c. 750 swine each weighing over 25 kilograms (approximately 55 pounds);
- d. 150 horses;
- e. 3,000 sheep or lambs;
- f. 16,500 turkeys;
- g. 30,000 laying hens or broilers.]

9 VAC 25-192-20. Purpose; delegation of authority; effective date of permit.

A. This general permit regulation governs the pollutant management activities of animal wastes at ~~confined~~ animal feeding operations *not covered by a Virginia [Pollution Pollutant] Discharge Elimination System (VPDES) permit, and having 300 or more animal units utilizing a liquid manure collection and storage system. These ~~confined~~ animal feeding operations may operate and maintain treatment works for waste storage, treatment or recycle and may perform land application of manure, wastewater, compost, or sludges.*

B. *The Director of the Department of Environmental Quality, or his designee, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.*

C. *This general permit will become effective on November 16, 2004. This general permit will expire 10 years from the effective date.*

9 VAC 25-192-30. Delegation of authority. (Repealed.)

~~The director, or his designee, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.~~

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9 VAC 25-192-40. Effective date of the permit. (Repealed.)

~~This general permit will become effective on November 16, 1994. This general permit was modified to comply with Chapters 805 and 863 of the 1998 Acts of the General Assembly. The effective date of the modification is December 1, 1998. This general permit will expire 10 years from the effective date. Any covered owner is authorized to manage pollutants, that are not point source discharges to state waters, under this general permit upon compliance with all the provisions of 9 VAC 25-192-50 and 9 VAC 25-192-60 and the receipt of this general permit.~~

9 VAC 25-192-50. Authorization to manage pollutants.

A. Any owner governed by this general permit is hereby authorized to manage pollutants at ~~confined~~ animal feeding operations provided that the owner files the registration statement of 9 VAC 25-192-60, complies with the requirements of 9 VAC 25-192-70, and provided that:

- ~~1. The owner shall not have been required to obtain an individual permit as may be required in the Permit Regulation. Currently permitted operations may submit a registration statement for operation under the general permit and be authorized under this general permit provided that the criteria of the general permit are met. The operator has not been required to obtain a VPDES permit or an individual permit according to [9 VAC 25-35-260 B 9 VAC 25-32-260B];~~
2. The operation of the ~~facilities of the owner~~ animal feeding operation shall not contravene the Water Quality Standards, as amended and adopted by the board, or any provision of the State Water Control Law. There shall be no point source discharge of wastewater [to surface waters of the state] except in the case of a storm event greater than the 25-year, 24-hour storm. [Agricultural stormwater discharges are permitted.] Domestic sewage or industrial waste shall not be managed under this general permit.

3. The owner of any proposed pollutant management activities or those which have not previously been issued a valid Virginia Pollution Abatement (VPA) permit or ~~Industrial Waste-No Discharge (IW-ND) Certificate~~ *Virginia [Pollution Pollutant] Discharge Elimination System (VPDES) permit* must attach to the registration statement a notification from the governing body of the county, city or town where the operation is located that the operation is consistent with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia.

4. ~~A Nutrient Management Plan (NMP) for the facility must be approved by~~ The Department of Conservation and Recreation (DCR) *must approve a nutrient management plan for the animal feeding operation* prior to the submittal of the registration statement. The ~~owner of the pollutant management activities~~ *operator* shall attach to the registration statement a copy of the approved Nutrient Management Plan and a copy of the letter from the Department of Conservation and Recreation certifying approval of the Nutrient Management Plan, *[and if the plan was written after December 31, 2005, that the plan was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia.]* *The operator shall implement the approved nutrient management plan.*

5. *[a.]* ~~The owner~~ *operator* shall give notice of the registration statement to all owners or residents of property that adjoins the property on which the ~~confined~~ animal feeding operation will be located. Such notice shall include (i) the types and maximum number of animals which will be maintained at the facility and (ii) the address and phone number of the appropriate department regional office to which comments relevant to the permit may be submitted. This notice requirement is waived whenever registration is for the purpose of renewing coverage under the permit and no expansion is proposed and the department has not issued any special or consent order relating to violations under the existing permit.

[b. Any person may submit written comments on the proposed operation to the department within 30 days of the date of the filing of the registration statement. If, on the basis of such written comments or his review, the director determines that the proposed operation will not be

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capable of complying with the provisions of the general permit, the director shall require the owner to obtain an individual permit for the operation. Any such determination by the director shall be made in writing and received by the owner not more than 45 days after the filing of the registration statement or, if in the director's sole discretion additional time is necessary to evaluate comments received from the public, not more than 60 days after the filing of the registration statement.]

6. Each operator of a facility covered by this general permit ~~on July 1, 1999, shall, by January 1, 2000, complete~~ shall have completed the training program offered or approved by the Department of Conservation and Recreation. ~~Each operator of a facility permitted after July 1, 1999, in the two years prior to submitting the registration statement for general permit coverage, or shall complete such training within one year after the registration statement has been submitted for general permit coverage. Thereafter,~~ All operators shall complete the training program at least once every three years.

B. Receipt of this general permit does not relieve any ~~owner~~ operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance, or regulation.

9 VAC 25-192-60. Registration statement.

~~The owner~~ A. In order to be covered under the general permit, the operator shall file a complete VPA General Permit Registration Statement for the management of pollutants at ~~confined~~ animal feeding operations in accordance with this chapter. The registration statement shall [contain be deemed complete for registration under the VPA General Permit if it contains] the following information:

1. The animal feeding operation operator's name, mailing address and telephone number;
2. The location of the animal feeding operation;
3. The name and telephone number of a contact person other than the operator, if necessary;
4. The best time of day and day of the week to contact the operator or the contact person;
5. If the facility has an existing VPA permit number, the permit number;

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6. The type or types of animals (dairy cattle, slaughter and feeder cattle, swine, other) and the maximum number and average weight of the type or types of animals to be maintained at the animal feeding operation;

~~Any owner proposing a new pollutant management activity shall file a complete registration statement. Any owner with an existing pollutant management activity covered by an individual VPA permit who is proposing to be covered by this general permit shall file a complete registration statement.~~

The required registration statement shall be in the following form:

~~COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
VIRGINIA POLLUTION ABATEMENT GENERAL PERMIT REGISTRATION
STATEMENT FOR
CONFINED ANIMAL FEEDING OPERATIONS~~

1. Facility Name:

Address:

City: _____ State: _____ Zip Code: _____

2. Owner Name:

Address:

City: _____ State: _____ Zip Code: _____

3. Operator Name

Address

City: _____ State: _____ Zip Code: _____

Phone:

Facility Contact:

Phone:

Best Time to Contact (day time): _____

4. Does this facility have an existing VPA permit or IW-ND Certificate?

Yes _____ No _____

If yes, list the existing VPA permit number or IW-ND Certificate number: _____

5. Indicate the maximum number and average weight of the type(s) of animal which will be maintained at your facility:

Animal	Maximum	Average
Type	Number	Weight
_____	_____	_____
Dairy Cattle	_____	_____
Slaughter and Feeder Cattle	_____	_____
Swine	_____	_____
Other	_____	_____

~~6-~~ 7. The ~~owner operator~~ of any proposed pollutant management activities or those which have not previously been issued a valid VPA permit or ~~IW-ND Certificate~~ *Virginia Pollutant Discharge Elimination System (VPDES) permit* must attach to the registration statement the notification from the governing body of the county, city or town where the operation is located that the operation is consistent with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia;

~~7-~~ The ~~owner of the pollutant management activities must attach to the registration statement a copy of the letter from the Department of Conservation and Recreation certifying approval of the Nutrient Management Plan and a copy of the approved Nutrient Management Plan.~~

~~8-~~ A copy of the nutrient management plan approved by the Department of Conservation and Recreation and a copy of the letter certifying approval of the plan [and if the plan was written after December 31, 2005, that the plan was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia]; and

~~9-~~ 9. The following certification: "I certify that notice of the registration statement has been given to all owners or residents of property that adjoins the property on which the ~~confined~~

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animal feeding operation will be located. This notice included the types and numbers of animals which will be maintained at the facility and the address and phone number of the appropriate Department of Environmental Quality regional office to which comments relevant to the permit may be submitted. (The preceding certification is waived if the registration is for renewing coverage under the general permit and no expansion of the operation is proposed and the department has not issued any special or consent order relating to violations under the existing permit.) I certify under penalty of law that all the requirements of the board for the general permit are being met and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Print Name:

Title:

Signature: _____ Date:

B. The registration statement shall be signed in accordance with 9 VAC 25-32-50.

9 VAC 25-192-70. Contents of the general permit.

Any ~~owner who submits a complete~~ operator whose registration statement is accepted by the board will receive the following general permit and shall comply with the requirements therein and be subject to the VPA permit regulation, 9 VAC 25-32.

General Permit No.: VPG1

Effective Date: [November 16, 2004]

Modification Date:

Expiration Date: [November 15, 2014]

GENERAL PERMIT FOR POLLUTANT MANAGEMENT ACTIVITIES FOR ~~CONFINED~~

ANIMAL FEEDING OPERATIONS

AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE VIRGINIA POLLUTION
ABATEMENT PROGRAM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the State Water Control Law and State Water Control Board regulations adopted pursuant thereto, owners of ~~confined~~ animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system are authorized to manage pollutants within the boundaries of the Commonwealth of Virginia, except where board regulations or policies prohibit such activities.

The authorized pollutant management activities shall be in accordance with the registration statement, supporting ~~data~~ *documents* submitted to the Department of Environmental Quality, ~~Water Division~~, this cover page, Part I, Part II, and Part III, as set forth herein.

Part I

A. *Pollutant* management and monitoring requirements.

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at the ~~permitted site location~~ *or locations identified in the registration statement and the facility's approved nutrient management plan.*

2. [~~Groundwater monitoring wells shall be installed at new earthen liquid waste storage facilities constructed after November 17, 2004, to an elevation below the seasonal high water table or within one foot of it. A minimum of one up gradient and one down gradient well shall be installed at each new earthen waste storage facility.~~ At earthen liquid waste storage facilities constructed after December 1, 1998 to an elevation below the seasonal high water table or within one foot thereof, ground water monitoring wells shall be installed. A minimum of one up gradient and one down gradient well shall be installed at each earthen waste storage facility that requires ground water monitoring.] Existing wells may be utilized to meet this requirement if properly located and constructed.

3. All facilities previously covered under a VPA permit that required groundwater monitoring shall continue monitoring consistent with the requirements listed below regardless of where they are located relative to the seasonal high water table.

~~4. In accordance with A 2 and A 3 above, the groundwater shall be monitored by the permittee at the monitoring wells as specified below:~~

4. *At facilities where groundwater monitoring is required, the following conditions apply:*

- a. *One data set shall be collected from each well prior to any waste being placed in the storage facility.*
- b. *The static water level shall be measured prior to bailing well water for sampling.*
- c. *At least three well volumes of ground water shall be withdrawn immediately prior to sampling each monitoring well.*

5. *In accordance with subdivisions 2 and 3 of this subsection, the ground water shall be monitored by the permittee at the monitoring wells as specified below. Additional groundwater monitoring may be required in the facility's approved nutrient management plan.*

GROUNDWATER MONITORING

PARAMETERS	LIMIT		MONITORING	
	A-	UNITS	REQUIREMENTS	
	TION			
	S			
			Frequency	Sample Type
Static Water Level	NL	ft	1/3 years	Measure
Ammonia Nitrogen	NL	[mg/L mg/L]	1/3 years	Grab

Nitrate	NL	[mg/l	1/3	Grab
Nitrogen		<u>mg/L]</u>	years	
pH	NL	SU	1/3	Grab
			years	
Conductivity	NL	umhos/	1/3	Grab
		cm	years	

NL = No limit, this is a monitoring requirement only.

~~5. Soil monitoring shall be performed as specified below along with any additional parameters specified in the approved Nutrient Management Plan.~~

~~6. The soils at the facility shall be monitored by the permittee as specified below:~~

6. Soil at the land application sites shall be monitored as specified below. Additional soils monitoring may be required in the facility's approved nutrient management plan.

SOILS MONITORING

PARAMETERS	LIMIT	UNITS	MONITORING REQUIREMENTS	
	A-TION		Frequency	Sample Type
pH	NL	SU	1/3	Composite
			years	e
Phosphorus	NL	ppm or	1/3	Composite
		lbs/ac	years	e
Potash	NL	ppm or	1/3	Composite
		lbs/ac	years	e

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Calcium	NL	ppm or	1/3	Composit
		<i>lbs/ac</i>	years	e
Magnesium	NL	ppm or	1/3	Composit
		<i>lbs/ac</i>	years	e
Nitrate	NL	ppm	1/3	Composit
			years	e

NL = No limit, this is a monitoring requirement only.

SU = Standard Units

7. Soil monitoring ~~should~~ *shall* be conducted at a depth of between 0-6 inches, *unless otherwise specified in the facility's approved nutrient management plan.* ~~The Nitrate test is required at a soil depth of 0-12 inches on those sites planted in corn or small grains.~~

~~8. Waste monitoring shall be performed as specified below along with any additional parameters specified in the approved Nutrient Management Plan.~~

9. ~~The waste at the facility shall be monitored by the permittee as specified below:~~

8. Waste shall be monitored as specified below. Additional waste monitoring may be required in the facility's approved nutrient management plan.

WASTE MONITORING

PARAMETERS	LIMI		MONITORING	
	TA- TION S	UNIT S	REQUIREMENTS	
			<i>Frequen cy</i>	<i>Sample Type</i>
Total Kjeldahl Nitrogen	NL	*	1/year	Composit e
Ammonia Nitrogen	NL	*	1/year	Composit e
Total Phosphorus	NL	*	1/year	Composit e
Total Potassium	NL	*	1/year	Composit e
Calcium	NL	*	1/year	Composit e
Magnesium	NL	*	1/year	Composit e
Moisture Content	NL	%	1/year	Composit e

NL = No limit, this is a monitoring requirement only.

**Parameters for waste may be reported as a percent, as lbs/ton or lbs/1000 gallons, or as ppm where appropriate.*

9. Analysis of soil and waste shall be according to methods specified in the facility's approved nutrient management plan.

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10. All monitoring data collected as required by ~~Part I A~~ *this section and any additional monitoring shall be maintained on site in accordance with Part II C for a period of five years and shall be made available to department personnel upon request.*

11. ~~The following recommendations will assist the permittee in performing proper monitoring. The Department of Environmental Quality may be contacted for additional guidance on monitoring procedures.~~

~~a. A minimum of one up gradient and one down gradient well should be installed at each new earthen waste storage facility.~~

~~b. One data set should be collected from each well prior to any waste being placed in the storage facility.~~

~~c. The static water level should be measured prior to bailing well water for sampling.~~

~~d. At least three well volumes of groundwater should be withdrawn immediately prior to sampling each monitoring well.~~

~~e. Soil monitoring should be conducted at a depth of between 0-6 inches.~~

~~f. The nitrate test should be conducted at a soil depth of 0-12 inches on those sites planted in corn or small grains.~~

12. ~~The department encourages the permittee to conduct additional monitoring. All additional monitoring, if any, should be conducted under the oversight of the department. If the permittee conducts additional monitoring in response to a written request from another person, the permittee may request that the person making the request bear the cost of the additional monitoring.~~

B. Other requirements or special conditions.

1. ~~The~~ Any liquid manure collection and storage facility shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity

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to accommodate periods when the ground is frozen or saturated, periods when land application of nutrients should not occur due to limited or nonexistent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.

2. ~~New~~ Waste storage facilities *constructed after* [~~November 17, 2004~~ December 1, 1998], shall not be located on a 100-year floodplain.

3. ~~New~~ Earthen waste storage facilities *constructed after* [~~November 17, 2004~~ December 1, 1998], shall include a properly designed and installed liner. Such liner shall be either a synthetic liner of at least 20 mils thickness or a compacted soil liner of at least one foot thickness with a maximum permeability rating of 0.0014 inches per hour. A licensed professional engineer, an employee of the Natural Resources Conservation Service of the United States Department of Agriculture with appropriate engineering approval authority, or an employee of a soil and water conservation district with appropriate engineering approval authority shall certify that the siting, design and construction of the waste storage facility comply with the requirements of this permit. This certification shall be maintained on site.

4. At earthen waste storage facilities constructed below the seasonal high water table, the top surface of the waste must be maintained at a level of at least two feet above the water table.

5. All *liquid* waste storage facilities shall maintain [~~a freeboard of one foot of freeboard at all times, up to and including, plus the runoff and direct precipitation from a 25-year, 24-hour storm event at all times~~ at least one foot of freeboard at all times, except in the case of a storm event greater than a 25-year, 24-hour storm].

6. All equipment needed for the proper operation of the permitted facilities shall be maintained in good working order. The manufacturer's operating and maintenance manuals shall be retained for references to allow for timely maintenance and prompt repair of equipment when appropriate. *The operator shall periodically inspect for leaks on equipment used for land application of waste.*

7. [~~The "Nutrient Management Plan" (NMP) approved by the Department of Conservation and Recreation (DCR) shall be implemented and maintained on-site.~~ *The operator shall implement*

a nutrient management plan (NMP) approved by the Department of Conservation and Recreation. All NMP's written after December 31, 2005 shall be developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia. The NMP shall be maintained on site.] The NMP shall address the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen [~~and phosphorus~~] loss to ground and surface waters. [NMP's written after December 31, 2005, and NMP's implemented after December 31, 2006, shall also include provisions to minimize phosphorus loss to ground and surface waters according to the most current standards and criteria developed by DCR at the time the plan is written.] The NMP shall be enforceable through this permit. The NMP shall contain at a minimum the following information:

- a. Site map indicating the location of the waste storage facilities and the fields where waste will be applied;
 - b. Site evaluation and assessment of soil types and potential productivities;
 - c. Nutrient management sampling including soil and waste monitoring;
 - d. Storage and land area requirements;
 - e. Calculation of waste application rates;
 - f. Waste application schedules; and
 - g. A plan for waste utilization in the event the operation is discontinued.
8. Buffer zones shall be maintained as follows:
- a. Distance from occupied dwellings *not on the owner's property*.....200 feet
(unless the occupant of the dwelling signs a waiver of the buffer zone)
 - b. Distance from water supply wells or springs.....100 feet
 - c. Distance from surface water courses

~~by surface application).....50 feet~~

~~(by subsurface application).....25 feet~~

(1) 100 feet (without a vegetated buffer);[or]

(2) 35-foot wide vegetated buffer; or

(3) Other site-specific conservation practices may be approved by the department that will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot buffer, or 35-foot wide vegetated buffer.

d. Distance from rock outcropping (except limestone).....25 feet

e. Distance from limestone outcroppings.....50 feet

f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.

9. Records shall be maintained to demonstrate where and at what rate waste has been applied, that the application schedule has been followed, and what crops have been planted. These records shall be maintained on site for a period of five years after recorded application is made and shall be made available to department personnel upon request.

10. The permittee shall notify the department's regional office at least 14 days prior to: (i) animals being *initially* placed in the confined facility or (ii) utilization of any new waste storage facilities.

11. Each operator of a facility covered by this general permit ~~on July 1, 1999, shall, by January 1, 2000, complete~~ shall have completed the training program offered or approved by the Department of Conservation and Recreation. ~~Each operator of a facility permitted after July 1, 1999~~ in the two years prior to submitting the registration statement for general permit coverage, or shall complete such training within one year after the registration statement has been

submitted for general permit coverage. ~~Thereafter,~~ All operators shall complete the training program at least once every three years.

Part II

A. Sampling and analysis methods.

1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.
2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR 136 (1994 2001)).
3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.
4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will [~~insure~~ ensure] accuracy of measurements.

B. Recording of results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The date, exact place and time of sampling or measurements;
2. The persons who performed the sampling or measurements;
3. The dates analyses were performed;
4. The persons who performed each analysis;
5. The analytical techniques or methods used; and
6. The results of such analyses and measurements.

C. Records retention. All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of

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instrumentation and recording from continuous monitoring instrumentation shall be retained on site for five years from the date of the sample, measurement or report. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the director.

D. Additional monitoring by permittee. If the permittee monitors any pollutant at the locations designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the project report. Such increased frequency shall also be reported.

E. Reporting requirements.

1. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department at least the following information:

a. A description and cause of noncompliance;

b. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease; and

c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance. Whenever such noncompliance may adversely affect state waters or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The director may waive the written report requirement on a case-by-case basis if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

2. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters. The permittee shall provide information, specified

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in Part II E 1 a through c, regarding each such discharge immediately, that is, as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph. ~~If the department's regional office cannot be reached, the department maintains a 24-hour telephone service in Richmond (804-527-5200) to which the report required above is to be made.~~

NOTE: The immediate (within 24 hours) reports required in Parts II E 1 and 2 may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, a message shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Management maintains a 24-hour telephone service at 1-800-468-8892.

F. Signatory requirements. Any registration statement or certification required by this permit shall be signed as follows:

1. For a corporation, by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency.)
3. For a partnership or sole proprietorship, by a general partner or proprietor respectively.

Part III

A. Change in management of pollutants.

1. All pollutant management activities authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new registration statement 30 days prior to all expansions, production increases, or process modifications, that will result in the management of new or increased pollutants. The management of any pollutant at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.

2. The permittee shall promptly provide written notice of the following:

a. Any new introduction of pollutant or pollutants, into treatment works or pollutant management activities which represents a significant increase in the management of pollutant or pollutants which may interfere with, pass through, or otherwise be incompatible with such works or activities, from an establishment or treatment works, if such establishment, treatment works has the potential to discharge pollutants to state waters; and

b. Any substantial change, whether permanent or temporary, in the volume or character of pollutants being introduced into such treatment works by an establishment, treatment works, or pollutant management activity that was introducing pollutants into such treatment works at the time of issuance of the permit.

Such notice shall include information on: (i) the characteristics and quantity of pollutants to be introduced into or from such treatment works or pollutant management activities; (ii) any anticipated impact of such change in the quantity and characteristics of the pollutants to be managed at a pollutant management activity; and (iii) any additional information that may be required by the director.

B. Treatment works operation and quality control.

1. Design and operation of facilities or treatment works and disposal of all wastes shall be in accordance with the registration statement filed with the department. The permittee has the

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responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility deficiencies, design or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.

2. All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:

a. At all times, all facilities and pollutant management activities shall be operated in a prudent and workmanlike manner.

b. The permittee shall provide an adequate operating staff to carry out the operation, maintenance and testing functions required to ensure compliance with the conditions of this permit.

c. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring and limitation requirements are not violated.

d. Collected solids shall be stored and utilized as specified in the approved Nutrient Management Plan in such a manner as to prevent entry of those wastes (or runoff from the wastes) into state waters.

C. Adverse impact. The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation or limitations or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation or limitations or conditions.

D. Duty to halt, reduce activity or to mitigate.

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

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2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Structural stability. The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

F. Compliance with state law. Compliance with this permit during its term constitutes compliance with the State Water Control Law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation.

G. Property rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

H. Severability. The provisions of this permit are severable.

I. Duty to reregister. If the permittee wishes to continue to operate under a general permit after the expiration date of this permit, the permittee must submit a new registration statement at least 30 days prior to the expiration date of this permit.

J. Right of entry. The permittee shall allow, or secure necessary authority to allow, authorized state representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, pollutant management activities, or discharge or discharges is located or in which any records are required to be kept under the terms and conditions of this permit;
2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;

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3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;

4. To sample at reasonable times any waste stream, process stream, raw material or by-product; and

5. To inspect at reasonable times any collection, treatment, or pollutant management activities required under this permit. For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained here shall make an inspection time unreasonable during an emergency.

K. Transferability of permits. This permit may be transferred to a new owner by a permittee if:

1. The current permittee notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;

2. The notice to the department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and

3. The department does not within the 30-day time period notify the existing permittee and the proposed permittee of the board's intent to modify or revoke and reissue the permit. Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

L. Permit modification. The permit may be modified when any of the following developments occur:

1. When a change is made in the promulgated standards or regulations on which the permit was based; or

2. When the level of management of a pollutant, not limited in the permit, exceeds applicable Water Quality Standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee.

M. Permit termination. After public notice and opportunity for a hearing, the general permit may be terminated for cause.

N. When an individual permit may be required. The director may require any permittee authorized to manage pollutants under this permit to apply for and obtain an individual permit.

Cases where an individual permit may be required include, but are not limited to, the following:

1. The pollutant management activities violate the terms or conditions of this permit;
2. When additions or alterations have been made to the affected facility which require the application of permit conditions that differ from those of the existing permit or are absent from it; and
3. When new information becomes available about the operation or pollutant management activities covered by this permit which were not available at permit issuance and would have justified the application of different permit conditions at the time of permit issuance.

This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for a hearing.

O. When an individual permit may be requested. Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit.

P. Civil and criminal liability. Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.

Q. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.

R. Unauthorized discharge of pollutants. Except in compliance with this permit, it shall be unlawful for any permittee to:

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- 1. Discharge into state waters sewage, industrial wastes, other wastes or any noxious or deleterious substances; or
- 2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

FORMS

NOTICE: The forms used in administering 9 VAC 25-192, Virginia Pollution Abatement (VPA) General Permit Regulation for Animal Feeding Operations, are listed and published below.

Virginia Pollution Abatement General Permit Registration Statement for ~~[Confined]~~ Animal Feeding Operations~~[-with instructions (rev. 2/99)- (rev. 8/04).]~~

Local Government Ordinance Form (eff. 11/94).

CERTIFIED TRUE AND ACCURATE: _____
Robert G. Burnley, Director, DEQ

DATE: _____