

9 VAC 25-193-10 Definitions

The words and terms used in this regulation shall have the ~~same~~ meanings ~~as~~ defined in the Code of Virginia, §62.1-44.2 et seq. (State Water Control Law) and ~~the VPDES Permit Regulation, (9 VAC 25-31-10 et seq.) (VPDES Permit Regulation)~~, unless the context clearly indicates otherwise, except that for the purposes of this regulation:

"Industrial Activity" means facilities or those portions of a facility where the primary purpose is classified as Standard Industrial Classification (SIC) Code 3273 (Office of Management and Budget (OMB) SIC Manual, 1987), including both permanent and portable plants.

9 VAC 25-193-20 Purpose

This General Permit Regulation governs the discharge of process wastewater and storm water associated with industrial activity from ready-mixed concrete plants classified as Standard Industrial Classification Code 3273, provided that the discharge is through a point source to surface waters.

9 VAC 25-193-30 Delegation of Authority

The Director ~~of the Department of Environmental Quality, or an authorized representative his designee,~~ may perform any act of the Board provided under this regulation, except as limited by §62.1-44.14 of the Code of Virginia.

9 VAC 25-193-40 Effective Date of the Permit

9 VAC 25-193-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

This General VPDES Permit will become effective on October 1, ~~1998 2003~~. ~~This general permit will expire five years from the effective date and it will expire on September 30, 2008. With respect to a particular facility, this this General Permit is shall become effective as to any covered owner upon the facility owner's compliance with all the provisions of 9 VAC 25-193-50 and receipt of this a copy of the General VPDES Permit.~~

9 VAC 25-193-50 Authorization to Discharge

A. Any owner governed by this General Permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the owner ~~files has filed with the Department and receives acceptance by the Board of the~~ Registration Statement of described in 9 VAC 25-193-60, files has filed the required permit fee, ~~complies~~ has complied or will comply with the effluent limitations and other requirements of 9 VAC 25-193-70, and ~~provided that~~ has complied with the following conditions:

1. The owner shall not have been required to obtain an individual permit as may be required ~~in the VPDES Permit Regulation 9 VAC 25-31-170 B; and~~
2. The owner shall not be authorized by this general permit to discharge to state waters specifically named in other Board regulations or policies which prohibit such discharges.

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

9 VAC 25-193-60 Registration Statement

A. Deadlines for Submitting Registration Statement. The owner shall file a complete General VPDES Permit Registration Statement which shall serve as a Notice of Intent to be covered under the General VPDES Permit for Ready-Mixed Concrete Plants. Any owner proposing a new discharge shall file ~~the a complete~~

9 VAC 25-193-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

Registration Statement at least 30 days prior to the date planned for commencing operation of the ready-mixed concrete plant. Any owner of an existing ready-mixed concrete plant covered by an individual VPDES permit who is proposing to be covered by this General Permit shall file ~~the~~ a complete Registration Statement at least 180 days prior to the expiration date of the individual VPDES permit. Any owner of an existing ready-mixed concrete plant not currently covered by a VPDES permit who is proposing to be covered by this General Permit shall file ~~this~~ a complete Registration Statement.

B. The ~~required owner shall submit a~~ Registration Statement ~~shall contain that contains~~ the following information:

~~VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM~~

~~GENERAL PERMIT REGISTRATION STATEMENT~~

~~FOR READY-MIXED CONCRETE PLANTS~~

~~1. APPLICANT INFORMATION~~

~~A. Name of Facility: _____~~

~~B. Facility Owner: _____~~

~~C. Owner's Mailing Address~~

~~a. Street or P.O. Box _____~~

~~b. City or Town _____ c. State ___ d. Zip Code _____~~

_____ e. Phone Number _____

_____ D. Facility Location: _____

_____ Street No., Route No., or Other Identifier

_____ E. Is the operator of the facility also the owner? ___ Yes ___ No

_____ If No, complete F. & G.

_____ F. Name of Operator: _____

_____ G. Operator's Mailing Address

_____ a. Street or P.O. Box _____

_____ b. City or Town _____ c. State ___ d. Zip Code _____

_____ e. Phone Number _____

2. _____ FACILITY INFORMATION

_____ A. Primary Standard Industrial Classification (SIC) Code: _____ Secondary SIC

Codes: _____

_____ B. Nature of business: (provide a brief description)

~~C. Is this a proposed or existing facility? _____ Does this facility currently have a~~

~~VPDES permit? Yes ___ No ___ If yes, give permit number. _____~~

~~Does this facility currently have a No-Discharge Certificate _____ or a VPA permit? Yes ___~~

~~No ___~~

~~If yes, give permit number. _____~~

~~D. Describe any type of wastewater treatment or reuse/recycle _____ system(s); identify any~~

~~system(s) which operates only in a "no _____ discharge"~~

~~mode: _____~~

~~_____~~

~~_____~~

~~If settling basins are used for treatment and control of~~

~~process wastewater and commingled storm water, were these~~

~~basins constructed, or will they be constructed, on or after~~

~~February 2, 1998? Yes ___ NO ___~~

~~If Yes, are these basins lined with concrete or any other~~

~~impermeable materials? Yes ___ No ___~~

~~E. Are there vehicle/equipment maintenance activities on site?~~

~~Yes ___ No ___~~

~~If yes, is there any process wastewater generated from these _____ activities? Yes ___ No ___.~~

~~_____~~

~~F. Will this facility discharge noncontact cooling water from a _____ geothermal unit or other system?~~

~~Yes ___ No ___~~

9 VAC 25-193-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

~~If Yes, describe the source of noncontact cooling water:~~

~~_____~~
~~_____~~
~~_____~~

~~G. If any chemical additives are used in the geothermal or other~~

~~system which discharges noncontact cooling water;~~

~~a. List the chemical additive to be employed and its purpose;~~

~~_____~~
~~_____~~

~~b. Give the proposed schedule and quantity of chemical usage, and the estimated concentration in the discharge;~~

~~_____~~
~~_____~~

~~c. Describe any wastewater treatment or retention (if any) to be provided during the use of the additives; and~~

~~_____~~

~~d. Attach a Material Safety Data Sheet (MSDS) and available aquatic toxicity information for each additive proposed for use:~~

~~H. Describe any measures employed to reclaim, reuse or dispose of the~~

~~3. FACILITY DRAWING~~

~~Attach a schematic drawing showing the source(s) of water used on the property, the industrial operations contributing to or using water, and the conceptual design of the methods of treatment and disposal of wastewater and solids.~~

~~4. MAP~~

~~Attach a topographic map extending to at least one mile beyond property boundary. The map must show the outline of the facility, and the location of each of its existing and proposed intake and discharge points. Include all springs, rivers and other surface water bodies.~~

~~5. DISCHARGE INFORMATION~~

~~A. List all discharge outfalls by a number that is the same as on the map required in Question 4. Identify the processes which discharge through each outfall. Estimate the flow in gallons per day (gpd). Give the name of the waterbody receiving the discharge.~~

~~Outfall No. Operation Daily Flow (gpd) Receiving Stream~~
~~Maximum/Average~~

~~B. Identify the duration and frequency of the discharge for each separate discharge point:~~

~~Outfall No. hour/day day/week~~

~~6. STORM WATER POLLUTION PREVENTION PLAN~~

~~If your facility is a proposed one, as identified under Item 2.C, and includes storm water outfall(s), as identified under 5.A above, has a Storm Water Pollution Prevention Plan been prepared? Yes
No~~

~~7. CERTIFICATION~~

~~_____~~

~~I certify under penalty of law 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:

Signature: _____ Date: _____

Name of person signing above: _____

(printed or typed)

Title: _____

REQUIRED ATTACHMENTS:

1. MSDS and available aquatic toxicity information for Chemical Additives (if applicable)
2. Facility Drawing
3. Topographic Map

For Department use only:

Accepted/Not Accepted by: _____ Date: _____ Basin _____

Stream Class _____ Section _____ Special Standards _____

1. Name and location of the facility;
2. Name, mailing address, and telephone number of the facility owner;
3. Name, mailing address, and telephone number of the operator if different than owner;
4. Facility's Standard Industrial Classification (SIC) Code(s);
5. Nature of business at facility;

6. Indicate if the facility is proposed or existing; if the facility has a current VPDES and/or VPA

Permit; and Permit Number(s) for any current VPDES and/or VPA Permits;

9 VAC 25-193-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

- _____ 7. Description of the wastewater treatment or reuse/recycle system(s); indicate if there are any system(s) which operates in a “no discharge” mode;
- _____ 8. If settling basins are used for treatment and control of process wastewater and commingled storm water, indicate the original date of construction, and whether these basins are lined with concrete or any other impermeable materials;
- _____ 9. Indicate if there are vehicle/equipment maintenance activities on site. If yes, indicate if there is any process wastewater generated from these activities;
- _____ 10. Indicate if this facility discharges noncontact cooling water from a geothermal unit or other system. If yes, description of the source of noncontact cooling water;
- _____ 11. Indicate if any chemical additives are used in the geothermal or other system which discharges noncontact cooling water. If yes, list of chemical additive employed and its purpose; proposed schedule and quantity of chemical usage, and estimated concentration in the discharge; description of any wastewater treatment or retention during the use of the additives, if applicable; and a Material Safety Data Sheet (MSDS) and available aquatic toxicity information for each additive proposed for use;
- _____ 12. Description of any measures employed to reclaim, reuse or disposal of the waste concrete materials;
13. A schematic drawing which shows the source(s) of water used on the property, the industrial operations contributing to or using water, and the conceptual design of the methods of treatment and disposal of wastewater and solids;
14. A topographic map, extending to at least one mile beyond property boundary, which shows the outline of the facility, the location of each of its existing and proposed intake and discharge points, and the locations of any wells, springs, and other surface water bodies;
15. Discharge outfall information, including outfall number(s), processes involved, estimated flow (gallons per day), receiving water bodies, and duration and frequency of each discharge (hours per day and days per week);
16. The following certification: “I hereby grant to duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property where the treatment works is located for the purpose of

9 VAC 25-193-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

determining compliance with or the suitability of coverage under the General Permit. I certify under penalty of law 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.”

The Registration Statement shall be signed in accordance with the requirements of 9 VAC 25-31-110.

Any owner whose registration statement is accepted by the Board will receive the following permit and shall comply with the requirements contained therein and be subject to all requirements of ~~the VPDES Permit Regulation~~ (9 VAC 25-31-10 et seq.):

General Permit No.: VAG11

Effective Date: October 1, 2003

Expiration Date: September 30, 2008

GENERAL PERMIT FOR READY-MIXED CONCRETE PLANTS

AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of ready-mixed concrete plants are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in board regulations or Policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations, ~~and~~ Monitoring Requirements, and Special Conditions, Part II - Storm Water Management, and Part III -

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge process wastewater which may contain input from vehicle/equipment maintenance activities, and may be commingled with noncontact cooling water or storm water associated with industrial activity. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location(s): outfall(s) ~~serial~~ number: .

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Average	Maximum	Minimum	Frequency	Sample Type
Flow (MGD)	NL	NL	NA	(6)	Estimate

STATE WATER CONTROL BOARD DRAFT REGULATION
 9 VAC 25-193-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
 (VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

Total Suspended Solids (mg/l)	30	60	NA	(6)	Grab
pH (standard units)	NA	9.0 ⁽¹⁾	6.0 ⁽¹⁾	(6)	Grab
Total Petroleum Hydrocarbons ⁽²⁾ (mg/l)	NA	15	NA	1/3 Months	Grab
Total Residual Chlorine ⁽³⁾⁽⁴⁾ (mg/l)	NA	Non- detectable	NA	(6)	Grab
Ammonia-N ⁽³⁾⁽⁴⁾ (mg/l)	NA	NL	NA	(6)	Grab
Temperature ⁽³⁾ (°C)	NA	(5)	NA	(6)	Immersion Stabilization

NL = No limitation, monitoring required

NA = Not applicable

- (1) Where the Water Quality Standards (9 VAC 25-260-10 et seq.) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.
- (2) Total Petroleum Hydrocarbons limitation and monitoring are only required where a discharge contains process wastewater generated from the vehicle/equipment maintenance activities. Total Petroleum Hydrocarbons shall be analyzed in accordance with the photometric method specified

9 VAC 25-193-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

~~in Standard Methods, 18th edition, 5520 F using the Wisconsin Department of Natural Resources Modified Diesel Range Organics Method as specified in Wisconsin publication SW-141 (1995), or by EPA SW-846 Method 8015B (1996) for diesel range organics, or by EPA SW-846 Method 8270C (1998). If Method 8270C is used, the lab must report the combination of diesel range organics and polynuclear aromatic hydrocarbons.~~

- (3) Chlorine and temperature limitation, ~~and chlorine, ammonia and temperature~~ monitoring are only required where a discharge contains noncontact cooling water.
- (4) Chlorine limitation ~~of non-detectable (<0.1 mg/l) and chlorine and ammonia~~ monitoring are only required where the source ~~of cooling water is chlorinated or where chlorine is added contains chloramines~~. ~~Chlorine residual shall be measured using an EPA-approved method that can reach a 0.1 mg/l level of detection.~~
- (5) The effluent temperature shall not exceed a maximum 32 °C for discharges to non-tidal coastal and piedmont waters, 31 °C for mountain and upper piedmont waters, 21 °C for put and take trout waters, or 20 °C for natural trout waters. No maximum temperature limit applies to discharges to estuarine waters.

For estuarine waters, non-tidal coastal and piedmont waters, mountain and upper piedmont waters, and put and take trout waters, the effluent shall not cause an increase in temperature of the receiving stream of more than 3°C above the natural water temperature. For natural trout waters, the temperature of the effluent shall not cause an increase of 1 °C above natural water temperature. The effluent shall not cause the temperature in the receiving stream to change more than 2 °C per hour, except in the case of natural trout waters where the hourly temperature change shall not exceed 0.5 °C.

Natural temperature is defined as that temperature of a body of water (measured as the arithmetic average over one hour) due solely to natural conditions without the influence of any point-source discharge.

9 VAC 25-193-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

- (6) For a facility that was covered by the previous general permit, and reduced monitoring was granted and compliance demonstrated, monitoring frequency shall be 1/quarter. In all other cases, Monitoring monitoring frequency shall be 1/month in the first year of permit coverage. If the first year results demonstrate full compliance with the effluent limitations and the permittee receives authorization from the DEQ regional office, monitoring frequency shall be reduced to 1/quarter for the rest of the permit term. Should the permittee be issued a Warning Letter related to violation of effluent limitations, a Notice of Violation, or be the subject of an active enforcement action, monitoring frequency shall be reverted to 1/month, upon issuance of the letter or notice or initiation of the enforcement action and remain in effect until the permit's expiration date. Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the tenth day of April, July, October, and January.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. During the period beginning on the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge noncontact cooling water. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location(s): outfall(s) ~~serial~~ number .

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Average	Maximum	Minimum	Frequency	Sample Type
Flow (MGD)	NL	NL	NA	(4)	Estimate
pH (standard units)	NA	9.0 ⁽¹⁾	6.0 ⁽¹⁾	(4)	Grab

Total Residual Chlorine ⁽²⁾ (mg/l)	NA	Non- detectable	NA	⁽⁴⁾	Grab
Ammonia-N ⁽²⁾ (mg/l)	NA	NL	NA	⁽⁴⁾	Grab
Temperature (°C)	NA	⁽³⁾	NA	⁽⁴⁾	Immersion Stabilization

NL = No limitation, monitoring required

NA = Not applicable

- (1) Where the Water Quality Standards (9 VAC 25-260-10 et seq.) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.
- (2) Chlorine limitation of ~~non-detectable (<0.1 mg/l)~~ and ~~chlorine and ammonia~~ monitoring are only required where the source of cooling water is chlorinated or ~~where chlorine is added contains chloramines~~. ~~Chlorine residual shall be measured using an EPA-approved method that can reach a 0.1 mg/l level of detection.~~
- (3) The effluent temperature shall not exceed a maximum 32 °C for discharges to non-tidal coastal and piedmont waters, 31 °C for mountain and upper piedmont waters, 21 °C for put and take trout waters, or 20 °C for natural trout waters. No maximum temperature limit applies to discharges to estuarine waters.

For estuarine waters, non-tidal coastal and piedmont waters, mountain and upper piedmont waters, and put and take trout waters, the effluent shall

9 VAC 25-193-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

not cause an increase in temperature of the receiving stream of more than 3°C above the natural water temperature. For natural trout waters, the temperature of the effluent shall not cause an increase of 1 °C above natural water temperature. The effluent shall not cause the temperature in the receiving stream to change more than 2 °C per hour, except in the case of natural trout waters where the hourly temperature change shall not exceed 0.5 °C.

Natural temperature is defined as that temperature of a body of water (measured as the arithmetic average over one hour) due solely to natural conditions without the influence of any point-source discharge.

- (4) For a facility that was covered by the previous general permit, and reduced monitoring was granted and compliance demonstrated, monitoring frequency shall be 1/quarter. In all other cases, Monitoring monitoring frequency shall be 1/month in the first year of permit coverage. If the first year results demonstrate full compliance with the effluent limitations and the permittee receives authorization from the DEQ regional office, monitoring frequency shall be reduced to 1/quarter ~~for the rest of the permit term.~~ Should the permittee be issued a Warning Letter related to violation of effluent limitations, a Notice of Violation, or be the subject of an active enforcement action, monitoring frequency shall be reverted to 1/month, upon issuance of the letter or notice or initiation of the enforcement action and remain in effect until the permit's expiration date. Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the tenth day of April, July, October, and January.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - STORM EVENT MONITORING

3. During the period beginning on the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge storm water associated with industrial activity which does not combine with other process wastewaters or noncontact cooling water prior to discharge. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location(s): outfall(s) ~~serial~~ number .

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Maximum	Minimum	Frequency	Sample Type
Flow (MG)	NL	NA	1/Year	Estimate ⁽¹⁾

STATE WATER CONTROL BOARD DRAFT REGULATION
 9 VAC 25-193-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
 (VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

Total Petroleum Hydrocarbons ⁽³⁾ (mg/l)	NL	NA	1/Year	Grab ⁽²⁾
Chemical Oxygen Demand (mg/l)	NL	NA	1/Year	Grab⁽²⁾
Total Suspended Solids (mg/l)	NL	NA	1/Year	Grab ⁽²⁾
Total Recoverable Iron (mg/l)	NL	NA	1/Year	Grab⁽²⁾
pH (standard units)	NL	NL	1/Year	Grab ⁽²⁾

NL = No limitation, monitoring required

NA = Not applicable

- (1) Estimate of the total volume of the discharge during the storm event in accordance with the Operation and Maintenance Manual.
- (2) The grab sample shall be taken during the first thirty minutes of the discharge. If during the first thirty minutes it was impracticable, then a grab sample shall be taken during the first hour of discharge, and the permittee shall submit with the Discharge Monitoring Report a description of why a grab sample during the first 30 minutes was impracticable.
- (3) Total Petroleum Hydrocarbons shall be analyzed in accordance with the photometric method specified in Standard Methods, 18th edition, 5520 F using the Wisconsin Department of Natural Resources Modified Diesel Range Organics Method as specified in Wisconsin publication SW-141

9 VAC 25-193-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

(1995), or by EPA SW-846 Method 8015B (1996) for diesel range organics, or by EPA SW-846 Method 8270C (1998). If Method 8270C is used, the lab must report the combination of diesel range organics and polynuclear aromatic hydrocarbons.

4. All storm water samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Specific storm event data shall be reported with the Discharge Monitoring Report in accordance with Part II A.

5. Reports of annual monitoring shall be submitted to the DEQ regional office no later than the tenth day of ~~the month following the anniversary of the coverage of the general permit~~ January of each year.

6. A quarterly visual monitoring shall be performed and recorded in accordance with Part II D.

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

B. Special Conditions

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.
2. Except as expressly authorized by this permit, no product, materials, industrial wastes, or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, or stored so as to permit a discharge of such product, materials, industrial wastes, or other wastes to surface waters.
3. Vehicles and equipment utilized during the industrial activity on a site must be operated and maintained in such a manner as to minimize the potential or actual point source pollution of surface waters. Fuels, lubricants, coolants, and hydraulic fluids, or any other petroleum products, shall not be disposed of by discharging on the ground or into surface waters. Spent fluids shall be disposed of in a manner so as not to enter the surface or ground waters of the state and in accordance with the applicable state and federal disposal regulations. Any spilled fluids shall be cleaned up to the maximum extent practicable and disposed of in a manner so as not to allow their entry into the surface or ground waters of the state.
4. There shall be no product mixing unit washout or truck washing activities conducted outside of the designated washdown and washout areas. All washout water shall be collected for recycle or treated prior to discharge.
5. Any waste concrete and dredged solids from the settling basins shall be managed within a

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

designated area, and any wastewaters including storm water generated from these activities shall be collected for recycle or treated prior to discharge.

6. No sewage discharges to surface waters are permitted under this general permit.
7. For geothermal or other system which discharges noncontact cooling water, the use of any chemical additives, except chlorine, without prior approval is prohibited under this general permit. Prior approval shall be obtained from the DEQ Regional Office before any changes are made to the chemical usage in the geothermal or other system. Requests for approval of chemical use shall be made in writing and shall include the following information:
 - a. The chemical additive to be employed and its purpose;
 - b. The proposed schedule and quantity of chemical usage, and the estimated concentration in the discharge;
 - c. The wastewater treatment or retention (if any) to be provided during the use of the additive; and
 - d. A Material Safety Data Sheet (MSDS) and available aquatic toxicity information for each additive proposed for use.
8. Within ~~six months~~ 180 days after the date of coverage under this general permit, the permittee shall develop an Operations and Maintenance (O&M) Manual for the permitted facility. The O&M Manual shall include procedures and practices for the mitigation of pollutant discharges and for the protection of state waters from the facility's operations. The manual shall address, at a minimum, operations and maintenance practices for the

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

wastewater treatment process units and chemical and material storage areas, solids management and disposal procedures, temporary and long-term facility closure plans, testing requirements and procedures, record keeping and reporting requirements and the duties and roles of responsible officials.

The permittee shall implement the O&M Manual procedures and practices as soon as possible but no later than 12 months after the date of coverage under this general permit.

The manual shall be kept on site at the permitted facility and shall be made available to the Department upon request.

For a facility that was covered by the previous permit, an O&M Manual was required to be developed and implemented for that facility. Within 90 days after the date of coverage under this general permit, the existing O&M Manual shall be reviewed and modified, as appropriate, to conform to the requirements of this permit. The existing O&M Manual shall continue to be implemented until the manual, if required, is revised and implemented.

9. If the ready-mixed concrete plant discharges through a municipal separate storm sewer system to surface waters, the permittee shall, within 30 days of coverage under this general permit, notify the owner of the municipal separate storm sewer system of the existence of the discharge and provide the following information: the name of the facility; a contact person and phone number; nature of the discharge; number of the outfalls; and the location of the discharge. A copy of such notification shall be provided to the Department.

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

10. The permittee shall conduct daily inspections while the facility is in operation, to ensure that all basins and lagoons maintain a minimum freeboard of one foot at all times.

Should the one-foot freeboard not be maintained, the permittee shall immediately notify the DEQ Regional Office, describe the problem and corrective measures taken to correct the problem. Within 5 days of notification, the permittee shall submit a written statement to the Regional Office of explanation and corrective measures taken. The permittee shall maintain an inspection log including at least the date and time of inspection, the printed name and the handwritten signature of the inspector, the freeboard measurement in inches, a notation of observation made, and any corrective measures, if appropriate, taken. The log shall be kept onsite and be made available to the Department upon request.

11. For treatment systems which operate only in a "no discharge" mode, there shall be no discharge of pollutants to surface waters from these systems except in the case of a storm event which is greater than a 25 year-24 hour storm event. The operation of these systems shall not contravene the Water Quality Standards, as adopted and amended by the Board, or any provision of the State Water Control Law.

12. The permittee shall notify the department as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

- (1) One hundred micrograms per liter (100 µg/l);
 - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the Board in accordance with 9 VAC 25-31-220
- F.

- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

- (1) Five hundred micrograms per liter (500 µg/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the Board in accordance with 9 VAC 25-31-220
- F.

13. All settling basins, used for treatment and control of process wastewater and commingled storm water that were constructed on or after February 2, 1998, shall be lined with concrete or any other impermeable materials prior to commencing operation.

~~14. Treated wastewater may be used on site for the purposes of dust suppression. Dust suppression shall be carried out as a best management practice but not a wastewater disposal method. No ponding or surface runoff shall occur as a result of such activity.~~

PART II

STORM WATER MANAGEMENT

A. Recording of Results

For each discharge measurement or sample taken pursuant to the storm event monitoring requirements of this permit, the permittee shall record and report with the Discharge Monitoring Reports (DMRs) the following information, ~~in addition to any applicable reporting requirements of Part III:~~

1. The date and duration (in hours) of the storm event(s) sampled;
2. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled discharge; and
3. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

B. Representative Discharge

When a facility has two or more exclusively storm water outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

drained by the outfall, the permittee reasonably believes discharge substantially identical effluent, the permittee may test the effluent of one of such outfalls and include with the ~~Discharge Monitoring Report DMRs~~ an explanation that the quantitative data also applies to the substantially identical outfalls provided that the permittee includes a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluent. In addition, for each exclusively storm water outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g. low (under 40 percent), medium (40 to 65 percent) or high (above 65 percent)) shall be provided.

C. Sampling Waiver

When a permittee is unable to collect ~~storm water samples for the storm event monitoring requirements required in Part I.A or other applicable sections of this permit within a specified sampling period~~ due to adverse climatic conditions, the permittee ~~must submit with the Discharge Monitoring Report a description of why samples could not be collected, including available documentation of the event~~ shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sample in that period. Adverse weather conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.). ~~Permittees are precluded from exercising this waiver more than once for each outfall during the permit term.~~

The permittee shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The visual examination(s) must be made during daylight hours (e.g., normal working hours), at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December.

1. Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previous measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. If no qualifying storm event resulted in discharge from the facility during a monitoring period, visual monitoring is exempted provided that the permittee document that no qualifying storm event occurred that resulted in storm water discharge during that quarter. Where practicable, the same individual should carry out the collection and examination of

2. Visual examination reports must be maintained onsite with the pollution prevention plan. The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
3. If the facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (i.e., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)) shall be provided in the plan.
4. When the permittee is unable to conduct the visual examination due to adverse climatic conditions, the permittee must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examinations. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

E. Allowable Nonstorm Water Discharges

1. The following nonstorm water discharges are authorized by this permit provided the nonstorm water component of the discharge is in compliance with Part II E 2 below.

- a. Discharges from fire fighting activities;
- b. Fire hydrant flushings;
- c. Potable water including water line flushings;
- d. Uncontaminated air conditioning or compressor condensate;
- e. Irrigation drainage;
- f. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions;
- g. Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- h. Routine external building wash down which does not use detergents;
- i. Uncontaminated ground water or spring water;
- j. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
- k. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

2. Except for flows from fire fighting activities, the Storm Water Pollution Prevention Plan must include:

- a. Identification of each allowable non-storm water source;

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

_____ b. _____ The location where it is likely to be discharged; and

_____ c. _____ Descriptions of appropriate BMPs for each source.

3. _____ If mist blown from cooling towers is included as one of the allowable non-storm water discharges, the facility must specifically evaluate the potential for the discharges to be contaminated by chemicals used in the cooling tower. The permittee must determine that the levels of such chemicals in the discharges will not cause or contribute to a violation of an applicable water quality standard after implementation of the BMPs selected to control such discharges.

F. _____ Releases of Hazardous Substances or Oil in Excess of Reportable Quantities

_____ The discharge of hazardous substances or oil in the storm water discharge(s) from this facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110 (1998), 40 CFR 117 (1998) or 40 CFR 302 (1998) occurs during a 24 hour period, the permittee is required to notify the Department in accordance with the requirements of Part III G as soon as he or she has knowledge of the discharge. Where a release enters a municipal separate storm sewer system (MS4), the permittee shall also notify the owner of the MS4. In addition, the storm water pollution prevention plan required by this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110 (1998), 40 CFR 117 (1998) and 40 CFR 302 (1998) or § 62.1-44.34:19 of the Code of Virginia.

D.G. Storm Water Pollution Prevention Plans

A storm water pollution prevention plan ~~shall is required to~~ be developed for ~~each the~~ facility covered by this permit. ~~Storm water pollution prevention plans~~ The plan shall be prepared in accordance with good engineering practices, ~~and The plan~~ shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. ~~Facilities~~ Permittees must implement the provisions of the storm water pollution prevention plan ~~required under this part~~ as a condition of this permit.

The storm water pollution prevention plan requirements of this permit may be fulfilled by incorporating by reference other plans or documents such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plan developed for the facility under Section 311 of the Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of Part II G 4. If an erosion and sediment control plan is being incorporated by reference, it shall have been approved by the locality in which the activity is to occur or by another appropriate plan approving authority authorized under the Virginia Erosion and Sediment Control Regulation 4 VAC 50-30-10 et seq. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit.

E: 1. Deadlines for Plan Preparation and Compliance

- ~~1.a.~~ For a storm water discharge associated with industrial activity that is existing on or before the effective date of this permit, the storm water pollution prevention plan:
- a. ~~shall be prepared within 180 days after the date of coverage under this permit; and~~
- b. ~~shall provide for implementation and compliance with the terms of the plan within 365 days after the date of coverage under this permit.~~
- shall be prepared and implemented as expeditiously as practicable, but not later than 270 days from the date of coverage under this permit. For a facility that was covered by the previous permit, a storm water pollution prevention plan was required to be developed and implemented for that facility. Within 120 days after the date of coverage under this permit, the existing storm water pollution prevention plan shall be reviewed and modified, as appropriate, to conform to the requirements of this permit. The existing storm water pollution prevention plans shall continue to be implemented until a new plan, if required, is developed and implemented.
- ~~2.b.~~ The plan for any facility where industrial activity commences ~~on or~~ after the ~~effective~~ date of coverage under this permit, and except as provided elsewhere in this permit, shall be prepared, implemented and provide for compliance with the terms of the plan and this permit on or before the date of submission of a Registration Statement to be covered under this permit.
- ~~3.c.~~ ~~Upon a showing of good cause, the Board may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity that submits a Registration Statement in accordance with the~~

~~registration requirements. In cases where construction is necessary to implement measures required by the plan, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than 3 years from the date of coverage under this permit. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate nonstructural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.~~

F: 2. Signature and Plan Review

- ~~1.a.~~ The plan shall be signed in accordance with Part III K (~~signatory requirements~~), and be retained on-site at the facility covered by this permit in accordance with Part III B (~~retention of records~~) of this permit. ~~When there are no on-site buildings or offices in which to store the plan, it shall be kept at the nearest company office.~~
- ~~2.b.~~ The permittee shall make ~~plans~~ the storm water pollution prevention plan, annual site compliance inspection report, or other information available to the Department upon request.
- ~~3.c.~~ The ~~Board Director, or his designee,~~ may notify the permittee in writing at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within ~~30~~ 60 days of such notification from the ~~Board Director,~~ or as otherwise provided by the ~~Board Director,~~ the permittee shall make the required changes to the plan and

shall submit to the Department a written certification that the requested changes
have been made.

~~G.~~ 3. Keeping Plans Current

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the State or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II ~~H.2 G.4 b (description of potential pollutant sources)~~ of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

~~H.~~ 4. Contents of Plan

The plan shall include, at a minimum, the following items:

- ~~1.~~ a. Pollution Prevention Team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.
- ~~2.~~ b. Description of Potential Pollutant Sources. Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

~~a.~~ (1) Drainage.

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part II H.2.e G 4 b (3) (~~spills and leaks~~) of this permit have occurred, and the locations of the following activities, as applicable: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, bag house or other dust control device, recycle/sedimentation pond, clarifier or other device used for the treatment of process wastewater, and the areas that drain to the treatment device. locations used for the ~~treatment~~, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls; and

(2) ~~For~~ for each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial

activity. Factors to consider include the toxicity of the chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

- ~~b.~~ (2) Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of coverage under this general permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of coverage under this general permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.
- ~~c.~~ (3) Spills and Leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the date of coverage under this general permit. Such list shall be updated as appropriate during the term of the permit.
- ~~d.~~ (4) Sampling Data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.
- ~~e.~~ (5) Risk Identification and Summary of Potential Pollutant Sources. A narrative

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

description of the potential pollutant sources from the following activities:

loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g. biochemical oxygen demand, etc.) of concern shall be identified.

3. c. Measures and Controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:
- a. (1) ~~Good Housekeeping. Good housekeeping requires the maintenance of areas which may contribute pollutants to storm water discharges in a clean, orderly manner. Good housekeeping requires the clean and orderly maintenance of areas that may contribute pollutants to storm water discharges. Particular attention should be paid to areas where raw materials are stockpiled, material handling areas, storage areas, liquid storage tanks, material handling areas, and loading/unloading areas. The plan shall describe procedures performed to minimize the discharge of: spilled cement, aggregate (including sand and gravel), fly ash, settled dust, or other significant material in storm water from paved portions of the site that are exposed to storm water. Regular sweeping or other equivalent measures to minimize the presence of these materials shall be employed. The frequency of sweeping or equivalent measures shall be specified~~

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

in the plan based upon a consideration of the amount of industrial activity occurring in the area and the frequency of precipitation, but it shall be a minimum of once a week if cement, aggregate, kiln dust, fly ash or settled dust are being handled/processed. Where practicable, efforts must be made to prevent the exposure of fine granular solids (cement, fly ash, etc.) to storm water by storing these materials in enclosed silos/hoppers, buildings or under other covering.

- b. (2) Preventive Maintenance. A preventive maintenance program shall involve: timely inspection and maintenance of storm water management devices (e.g. cleaning oil/water separators, catch basins); ~~as well as~~ inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters; and ~~ensuring~~ appropriate maintenance of such equipment and systems.
- c. (3) Spill Prevention and Response Procedures. Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.
- d. (4) Routine Facility Inspections. ~~In addition to or as part of the comprehensive site compliance evaluation required under Part H.H.4 of this permit, qualified facility~~ Facility personnel who are familiar with the industrial activity, the BMPs and the storm water pollution prevention plan shall be identified to inspect designated

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

~~equipment and areas of the facility, at appropriate intervals specified in the plan.~~

~~Inspections shall be conducted while the facility is in operation and include, but are not limited to, the following areas exposed to storm water: material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, and truck wash down/equipment cleaning areas. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but it shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained with the pollution prevention plan.~~

- e. (5) Employee Training. Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.
- f. (6) Recordkeeping and Internal Reporting Procedures. A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the plan ~~required under this part~~. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.
- g. (7) Sediment and Erosion Control. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil

erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

~~h.~~ (8) Management of Runoff. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (~~see Part H.H.2 (description of potential pollutant sources) of this permit~~) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, ~~and~~ wet detention/retention devices; or other equivalent measures.

~~4.~~ d. Comprehensive Site Compliance Evaluation. Qualified facility personnel who are familiar with the industrial activity, the BMPs and the storm water pollution prevention plan shall conduct site compliance evaluations at appropriate intervals specified in the plan, but; in no case less than once a year. Such evaluations shall ~~provide~~ include the following:

~~a.~~ (1) Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

b. (2) Based on the results of the ~~inspection evaluation~~, the description of potential pollutant sources identified in the plan in accordance with Part II ~~H.2 G 4 b~~ (~~description of potential pollutant sources~~) of this permit and pollution prevention measures and controls identified in the plan in accordance with Part II ~~H.3 G 4 c~~ (~~measures and controls~~) of this permit shall be revised as appropriate within ~~14 days~~ 2 weeks of such ~~inspection evaluation~~ and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than ~~90 days~~ 12 weeks after the ~~inspection evaluation~~.

c. (3) A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part II ~~H.4.b G 4 d~~ of this permit shall be made and retained as part of the storm water pollution prevention plan as required in Part III B. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III K (~~signatory requirements~~) of this permit and retained as required in Part III. B.

(4) Where compliance evaluation schedules overlap with inspections required under

Part II G 4 c (4), the compliance evaluation may be conducted in place of one
such inspection.

- ~~5. Consistency with other plans. Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under '311 of the Clean Water Act, Best Management Practices (BMP) Programs otherwise required by a VPDES permit for the facility or any other plans required by the Board's regulations as long as such requirement is incorporated into the storm water pollution prevention plan.~~

PART III

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least 3 years from the date of the sample, measurement, report or request for coverage. 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 Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the Department's Regional Office.
2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

forms provided, approved or specified by the Department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

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 use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be;
and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present
discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts III I 1

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the Department's Regional Office by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - (1) After promulgation of standards of performance under ' 306 of Clean Water Act which are applicable to such source; or
 - (2) After proposal of standards of performance in accordance with ' 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with ' 306 within 120 days of their proposal;
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

- c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements

1. Registration Statements. All registration statements shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer 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 million (in second-quarter 1980 dollars), if provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager~~

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

- can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part III K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a. The authorization is made in writing by a person described in Part III K 1;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c. The written authorization is submitted to the Department.
3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts III K 1 or 2 shall make the following certification:

"I certify under penalty of law 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."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under §307(a) of

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under §405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

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 invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State 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 or under authority preserved by §510 of the Clean Water Act.

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

Except as provided in permit conditions on "bypassing" (Part III U), and "upset" (Part III V)

nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. 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 §§62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials

S. Duty to Mitigate

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

T. Need to Halt or Reduce Activity not a Defense

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.

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and U 3.

2. Notice

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.

(VPDES) PERMIT REGULATION FOR READY-MIXED CONCRETE PLANTS

- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III I.
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part III U 2.
 - b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part III U 3 a.

V. Upset

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative

action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part III I; and
 - d. The permittee complied with any remedial measures required under Part III S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or ~~an authorized representative~~ his designee, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

- c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

~~9 VAC 25-193-80 [Repealed] Evaluation of Chapter and Petitions for Reconsideration or Revision~~

~~A. Within three years after October 1, 1998, the department shall perform an analysis on this chapter and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the chapter, (ii) alternatives which would achieve the stated purpose of this chapter in a less burdensome and less intrusive manner, (iii) an assessment of the effectiveness of this chapter, (iv) the results of a review of current state and federal statutory and regulatory requirements, including identification and justification of requirements of this chapter which are more stringent than federal requirements, and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities. Upon review of the department's analysis, the board shall confirm the need to (i) continue this chapter without amendment, (ii) repeal this chapter or (iii) amend this chapter. If the board's decision is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.~~

~~B. The board shall receive, consider and respond to petitions by any interested person at any time
with respect to reconsideration or revision of this chapter.~~