



townhall.virginia.gov

Exempt Action Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation(s)	9VAC25-190
Regulation title(s)	Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining
Action title	Amend and Reissue Existing Regulation
Date this document prepared	August 21, 2018

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of The Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining has existed since 1994. This general permit contains effluent limitations, monitoring requirements and special conditions for discharges of process wastewater, which may be commingled with stormwater, as well as stormwater associated with industrial activity, to surface waters. The proposed changes to the regulation are being made to reissue this general permit and in response to Technical Advisory Committee suggestions and staff requests to revise, update and clarify the permit conditions.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

APA: Administrative Process Act
BMP: Best Management Practices
CFR: Code of Federal Regulations
DEQ: Department of Environmental Quality
EPA: (U.S. EPA): United States Environmental Protection Agency
NPDES: National Pollutant Discharge Elimination System
TAC: Technical Advisory Committee
USC: United States Code
VAC: Virginia Administrative Code
VPDES: Virginia Pollutant Discharge Elimination System

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.

The basis for this regulation is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the Board to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and § 62.1-44.15(7) authorizes the Board to adopt rules governing the procedures of the Board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the Board to adopt such regulations as it deems necessary to enforce the general water quality management program, §62.1-44.15(14) authorizes the Board to establish requirements for the treatment of sewage, industrial wastes and other wastes, § 62.1-44.16 specifies the Board's authority to regulate discharges of industrial wastes, § 62.1-44.20 provides that agents of the Board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations, and § 62.1-44.21 authorizes the Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the NPDES permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20, 1991 to authorize the Commonwealth to administer a General VPDES Permit Program.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

This proposed regulatory action is needed in order to amend and reissue the existing VPDES general permit for nonmetallic mineral mining, which expires on June 30, 2019. The goal of the proposed

regulation is to continue to make available the general permit, which establishes standard language for control of these point source discharges through effluent limitations, monitoring requirements and special conditions to ensure protection of the environment and public health, safety and welfare.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of changes" section below.

Proposed changes to the general permit regulation include:

- Removing monitoring for total petroleum hydrocarbons for outfalls that contain process wastewater from vehicle or equipment degreasing activities based on low levels in reported data,
- Adding a requirement to include with the registration statement safety data sheet information and dosing rate for treatment chemicals added to wastewater or stormwater and that could be discharged,
- Adding a new provision that restricts permit coverage for the use of cationic flocculants unless approved by the department based on a demonstration of no aquatic toxicity,
- Removing the special condition addressing special water quality standards in the Chickahominy watershed based on revisions to the applicability of those standards,
- Adding BMP requirements for blasting,
- Adding a list of authorized non-stormwater discharges,
- Merging the comprehensive site compliance evaluation with the routine inspection provisions consistent with our ISW general permit and U.S. EPA's 2015 MSGP, and
- Waiving routine facility inspection requirements for Virginia Environmental Excellence program E3 and E4 facilities.

Other changes clarify and update the general permit.

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

The advantages to the public and the agency of reissuing this permit are that a VPDES general permit will continue to be available to facilities with eligible discharges enabling them to discharge to surface waters in a manner that is protective of those waters without the increased cost and more complicated application process associated with issuing an individual permit. There are no known disadvantages.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal that is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no requirements that exceed applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality that bears any identified disproportionate material impact that would not be experienced by other localities.

There are no localities particularly affected by the proposed regulation as the regulation applies statewide.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

There are two alternatives for compliance with federal and state requirements to permit wastewater point source discharges to surface waters. One is to issue VPDES individual permits to each facility. The other is to reissue the VPDES general permit to cover this category of discharger. A VPDES general permit is the least burdensome and costly alternative to achieve the purpose of the regulation.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response. If there was no NOIRA comment period, delete this section.

Commenter	Comment	Agency response
4 commenters	Expressed interest in participating on the TAC.	DEQ accepted these individuals to participate on the TAC.
NA	No other substantive comments were received on the NOIRA.	NA

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal, the impacts of the regulated community and the impacts of the regulation on farm or forest land preservation.

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal, the potential impacts of this regulatory proposal and any impacts of the regulation on farm and

forest land preservation. Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Peter Sherman, P.O. Box 1105, Richmond, Virginia 23218, peter.sherman@deq.virginia.gov, phone (804) 698-4044, fax (804) 698-4032. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation will have no direct impact on the institution of the family or family stability.

Periodic review/small business impact review report of findings

This section may be used to report the results of a periodic review/small business impact review. Otherwise, delete this section.

Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

No public comments were received regarding this regulation that pertained to small business impacts.

DEQ staff believes this regulation is necessary for the protection of public health, safety, and welfare; and is clearly written and easily understandable. DEQ staff believe there is a continued need for the regulation as it allows small businesses with eligible discharges to utilize a general permit to continue discharging wastewater. The general permit provides a less burdensome option for this type of discharge

when compared to other permitting options. No public comments were received regarding this regulation that pertained to small business impacts. DEQ staff attempted to draft this regulation in the least complex manner that allowed for the effective protection of human health and the environment. DEQ staff does not believe this regulation duplicates or conflicts with other regulations or laws that pertain to this type of wastewater discharge.

This regulation was last evaluated in 2014. Based on the discharge type, it is not apparent that any technological or economic conditions have change significantly enough to affect the drafting of this regulation.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action. If the proposed regulation is intended to replace an emergency regulation, please list separately: (1) all differences between the pre-emergency regulation and this proposed regulation; and 2) only changes made since the publication of the emergency regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
9VAC25-190-10. Definitions.		The definitions of "colocated facilities" and "Industrial activity" include the applicable Standard Industrial Classification (SIC) codes.	Maintained the SIC codes, however, since SICs are no longer maintained by OMB we added the North American Industry Classification System (NAICS) codes that correspond to each SIC code to these two definitions.
9VAC25-190-10. Definitions.		NA	Added a definition of "control measure," since U.S. EPA 2015 MSGP and the VPDES ISW general permit are moving from the term BMP to control measure.
9VAC25-190-10. Definitions.		NA	Added a definition of "minimize," since the term is used in this general permit and is defined in similar VPDES general permits (e.g., industrial stormwater, concrete).
9VAC25-190-10. Definitions.		NA	Added a definition of "NAICS" (North American Industry Classification System), since SIC code is defined and NAICS codes are being added.
9VAC25-190-10. Definitions.		Definitions of "significant spills" and "twenty-five year, 24-hour storm event."	Made non-substantive editorial changes.
9VAC25-190-10. Definitions.		NA	Added a definition of "Virginia Environmental Excellence Program" (VEEP) since a conditional exception based on VEEP participation is being added to the general permit.
9VAC25-190-10. Definitions.		Definition of vehicle or equipment degreasing.	Removed this definition based on removal of TPH monitoring requirement.
9VAC25-190-15. Applicability of incorporated references		This section updates all Title 40 Code of Federal Regulations (CFR) within the document to be those published as of July 1, 2013. This is a recommendation from the DEQ	Changed the date to July 1, 2018, which will be the latest EPA update prior to issuance of the final permit.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
based on the dates that they became effective.		Office of Policy so dates do not need to be added for each CFR reference.	
9VAC25-190-20. Purpose; delegation of authority; effective date of permit.		Purpose to regulate wastewater from nonmetallic mines.	Revised purpose to regulate wastewater and stormwater discharges to surface waters from nonmetallic mines.
9VAC25-190-20. Purpose; delegation of authority; effective date of permit.		Describes applicability of the general permit including SIC codes.	Added NAICS codes that correspond to each SIC code.
9VAC25-190-20. Purpose; delegation of authority; effective date of permit.		Indicates the permit was last effective on July 1, 2014 and expires on June 30, 2019.	Revised the effective and expiration date of the permit to be July 1, 2019 and June 30, 2024, respectively, to reflect reissuance of the permit regulation and the five-year term specified for VPDES permits. These revised dates are also included in 9VAC25-190-20 and 70.
9VAC25-190-50. Authorization to discharge.		Owner must have a DMME permit to obtain authorization under this general permit.	Owner must have and maintain DMME permit during this permit term.
9VAC25-190-50. Authorization to discharge.		Compliance with permit constitutes compliance with the CWA and State Water Control Law.	Added specific sections of CWA, consistent with other state general permits.
9VAC25-190-50. Authorization to discharge.		Continuation of permit coverage requires submittal of complete registration statement before July 1, 2014.	Removed the specific date and provide that a complete registration statement must be submitted at least 60 days prior to permit expiration or as specified by the Board.
9VAC25-190-50. Authorization to discharge.		Alternatives for addressing owner covered under expiring or expired permit who has violated permit.	Made non-substantive edits to remove reference to specific years.
9VAC25-190-60.Registration Statement.		Requirement that new facilities submit registration statement 45 days prior to commencement of the discharge. Requirement that existing facilities covered under an individual permit and seeking general coverage submit a registration statement 210 days prior to expiration of the individual permit, and those under the general permit that became effective July 1, 2009 submit a registration before on or before April 1, 2014.	Changed 45 days to 60 days to be consistent with the industrial stormwater general permit, and allowed for a later date established by the Board. For existing facilities covered by an individual permit and seeking general permit coverage, changed registration submittal from 210 to 240 days prior to expiration of the individual permit. For existing facilities covered under the expiring general permit, removed the specific permit effective date (July 1, 2009) and provide that a complete registration statement must be submitted at least 60 days prior to permit expiration or as specified by the Board.
9VAC25-190-60. Registration Statement.		Late registration statement will be accepted after June 30, 2014, but authorization will not be retroactive. Existing covered facilities that submit a registration after April 1, 2014 but before July 1, 2014 are authorized to discharge.	Removed the June 30, 2014 date and replaced with after the expiration date of this permit. Removed the sentence pertaining to submission of registration after April 1, 2014.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
9VAC25-190-60. Registration Statement.		Include on registration statement a list of chemicals added to water that could be discharged.	Include on registration statement a list of chemicals added to water that could be discharged, including Safety Data Sheets and the maximum proposed dosing rates, to protect against aquatic toxicity..
9VAC25-190-60. Registration Statement.		If a facility will discharge to an MS4 it must notify the MS4 owner within 30 days of coverage and copy DEQ.	Require notification of the MS4 at the time of registration and include the notification with the registration statement.
9VAC25-190-60. Registration Statement.		Registration statement must include monitoring data to determine compliance with Chickahominy special water quality standards.	Removed the data requirement, since the Chickahominy special standard is being removed from the general permit since it has been revised and is only applicable to treatment of organic nutrient discharges.
9VAC25-190-60. Registration Statement.	C.18	NA	Added a requirement that applicants other than sole proprietors must submit their State Corporation Commission entity identification number. This ensures the correct entity is permitted and the permittee is authorized to conduct business in the state.
9VAC25-190-60. Registration Statement.		Registration statement may be delivered to the department by either postal or electronic mail.	Changed "may" to "shall" to clarify that submittal is mandatory.
9VAC25-190-70. General Permit.		Owners covered under the general permit must comply with the general permit and be subject to all the requirements of 9VAC25-31.	Changed 9VAC25-31 to 9VAC25-31-190, which is all of the general permit regulation.
9VAC25-190-70. General Permit.		The authorized discharge must be in accordance with the permit coverage page, Part I, Part II and Part III of the general permit.	Added that the discharge must also be in accordance with the information submitted with the registration statement. This ensures the authorization is further conditioned on such information.
9VAC25-190-70. General Permit.		Monitoring is required for TPH for process water outfalls from vehicle or equipment degreasing for diesel range organics.	Removing TPH monitoring for process water outfalls from vehicle or equipment degreasing. Data levels predominantly below detection. Removed associated footnote 3.
9VAC25-190-70. General Permit.		Part I.A.1, footnote 1 specifies quarterly DMR submittals dates.	For clarity, added language describing the quarterly periods.
9VAC25-190-70. General Permit.		I.A.2 specifies stormwater only monitoring.	Moved the TSS evaluation instructions from special conditions (IB) to footnote 3. Added I.A.2.b, which relocates visual monitoring requirement (with associated documentation) from routine inspection section, except the reference to substitute sampling was not included in I.A.2.b (permit does not provide for substitute sampling). For clarity, added language describing the quarterly periods
9VAC25-190-70. General Permit.		I.B specifies special conditions. Condition 3 specifies that no chemicals shall be added to the discharge other than those listed on the owner's approved registration statement.	Allowed for additional chemicals to be discharged if prior approval is granted by the board. Specifies that the use of cationic chemical is ineligible for coverage unless such use is approved by the board based on a demonstration that the application or use will not result in aquatic toxicity.
9VAC25-190-70. General Permit.		I.B specifies special conditions. Condition 5 requires notification of the department for discharges of specified toxics.	Minor non-substantive edits for readability/ clarity.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
9VAC25-190-70. General Permit.		I.B materials handling storage.	Replaced existing text with language from GM14-2003 VPDES guidance document (boilerplate).
9VAC25-190-70. General Permit.		I.B.8 addresses dust suppression.	Added language clarifying that dust suppression shall not occur during a storm that results in an actual discharge.
9VAC25-190-70. General Permit.		I.B.10 addresses prohibitions.	Clarified existing prohibitions by breaking distinct restrictions out as sub-items (list).
9VAC25-190-70. General Permit.		I.B 12 addresses action threshold for stormwater only TSS levels.	Specified that if a facility exceeds the action threshold the permittee must conduct an inspection within 5 days of becoming aware of the exceedance, and correct any deficiency with 60 days of identification. Moved this from special conditions (I B) to I A 2 a footnote 3.
9VAC25-190-70. General Permit.		I.B.14 requires certain discharges to meet special water quality standards in 9VAC25-260-310 m.	Deleted requirement to meet special Chickahominy water quality standard since the standard has been revised to only apply to wastewater treatment facilities treating an organic nutrient source.
9VAC25-190-70. General Permit.	I.B.16	NA	Added a new provision that requires the use of BMPs to ensure that contaminants do not enter surface waters as a result of blasting. One regional office identified a concern with ammonia associated with explosives.
9VAC25-190-70. General Permit.		I.B.19 Notice of termination. In item b(4)(b) the closure information requirement refers to an O&M Manual, but this general permit does not require an O&M Manual.	Removed reference to the O&M Manual.
9VAC25-190-70. General Permit.		I.B.19.d requires submittal of termination to the department.	Revised to require submittal to the DEQ regional office serving the location of the discharge.
9VAC25-190-70. General Permit.		II. Stormwater Management, B addresses representative discharges (i.e., allows for the monitoring of one stormwater discharge that is representative of others).	Revised to address representative outfalls, consider the size of the drainage areas, frequency of discharges, document representative outfalls in the SWPPP, clarify that representative outfall monitoring applies to benchmark and quarterly visual monitoring, and specify the information that must be included in the SWPPP. Reworded slightly to be similar to the VPDES Industrial Stormwater General Permit.
9VAC25-190-70. General Permit.		II.C Stormwater sampling waivers allowed when there is no measureable storm event during sampling period.	Narrowed this so it is only applicable to quarterly visual stormwater monitoring. The Department maintains that annual stormwater monitoring does not need a waiver based on the lack of a storm event over a one-year period.
9VAC25-190-70. General Permit.		II.E Existing facilities must update and implement revisions to their SWPPP within 90 days of the board granting permit coverage.	Changed 90 days to 60 days to be consistent with other SWPPP revision/ update provisions in this and other related general permits.
9VAC25-190-70. General Permit.		II.F Permittees must make SWPPP, annual site compliance inspection or other information available to the department upon request.	Changed annual site compliance inspection to routine (i.e., quarterly) inspection documentation, since annual site compliance inspection is being merged into the routine inspection consistent with U.S. EPA's MSGP.
9VAC25-190-70. General Permit.		II.G Maintaining updated SWPPP. Requires SWPPP update within 30 days of determining need to update.	Removed annual compliance evaluation as a reason to update SWPPP since annual evaluation is being merged into routine inspection. Changes 30 days to 60 days to

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			improve consistency regarding making changes to SWPPP.
9VAC25-190-70. General Permit.		II.H Site map must identify the locations of stormwater conveyances, the direction of flow, and the types of pollutants present in stormwater discharges associated with industrial activity.	Removed the limitation to discharges associated with industrial activity "with the potential for containing significant amounts of pollutants." To improve clarity and make consistent with ISW general permit.
9VAC25-190-70. General Permit.		II.H.3 BMPs must be implemented to prevent or control pollutants discharged.	Changed "BMPs" to "control measures" for consistency with ISW general permit and U.S. EPA MSGP general permit.
9VAC25-190-70. General Permit.		II.H.3.a Good housekeeping requires the clean and orderly maintenance of areas that may contribute pollutants to stormwater discharges.	Added "the permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants in stormwater. The permittee shall sweep or vacuum paved surfaces of the site that are exposed to stormwater at regular intervals or use other equivalent measures, to minimize the potential discharge of these materials in stormwater. Indicate in the SWPPP the frequency of sweeping, vacuuming, or other equivalent measures." This language is for consistency with the ISW general permit and U.S. EPA MSGP.
9VAC25-190-70. General Permit.		II.H.3.d Routine facility inspections are required at least quarterly.	Added "such inspections must include all areas where industrial materials or activities are exposed to stormwater as identified in Part II H 2 b (inventory exposed materials)" as part of merging annual compliance inspection. Moved quarterly visual inspection and documentation to limits and monitoring section to group like requirements.
9VAC25-190-70. General Permit.		II.H.3.d.4 requires tracking or follow-up procedures to ensure appropriate actions taken in response to inspections.	Clarified that such actions must include updating pollution sources, updating pollution prevention measures and controls, and updating the SWPPP as appropriate based on information developed during the inspections.
9VAC25-190-70. General Permit.	II.H.3.d.(5)	NA	Added "the requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status." This is consistent with the ISW general permit. The VEEP program requires a fully implemented EMS, pollution prevention program, and demonstrated environmental compliance.
9VAC25-190-70. General Permit.		II.H.3 Stormwater controls. Requires periodic dates in SWPPP for training.	Added that employee training shall be conducted at least annually at active mining and temporarily inactive sites, consistent with ISW GP and staff input. Training must be documented in SWPPP.
9VAC25-190-70. General Permit.	II.I	NA	Added a list of authorized non-stormwater discharges consistent with the ISW general permit.
9VAC25-190-70. General Permit.		II.H.4 Comprehensive site compliance evaluation required requires an annual compliance evaluation.	Deleted consistent with ISW general permit and U.S. EPA MSGP. Portions not already addressed under routine inspections have been added to that section.
9VAC25-190-70. General Permit.		III. Standard Conditions includes conditions applicable to all VPDES permits.	Non-substantive edits to make permit language consistent with general permit regulations and process and promote consistency across general permits.

Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The reissuance of the VPDES general permit accomplishes the objectives of applicable law and minimizes the costs to a small business owner and simplifies the application process. Without the general permit, a small business owner would be required to obtain an individual permit, which would increase the complexity of a permit application and permit costs.